EAGLE MOUNTAIN
CITY COUNCIL MEETING MINUTES

January 18, 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: Councilmembers Donna Burnham, Colby Curtis, Carolyn Love, and Brett Wright.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Mayor Tom Westmoreland and Councilmember Jared Gray.

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

CITY STAFF PRESENT ELECTRONICALLY: Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Kimberly Ruesch, Finance Director; Mack Straw, Public Utilities Manager; Jeff Weber, Fleet and Facilities/Operations Director; Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; Michele Graves, Library Director; and Chas Glenn, Administrative Assistant.

Mayor Westmoreland called the meeting to order at 4:11 p.m.

Mayor Westmoreland requested item 19.A. be entertained prior to the scheduled order due to his inability to conduct the meeting as he was ill. He requested the Council approve the appointment of Councilmember Carolyn Love as Mayor Pro Tempore to fill the current vacancy as she is the next in rotation of Councilmembers available during the day to perform mayoral duties in his absence.

MOTION: ***Councilmember Wright moved to adjourn work session and convene policy session to consider item 19.A. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

19. MOTION

19.A. MOTION – Appointment of a City Councilmember as Mayor Pro Tempore.

MOTION: ***Councilmember Wright moved to elect Carolyn Love as Mayor Pro Tempore 2022 pursuant to Utah Code 10-3b-302(2)(ii)(a). Councilmember Curtis seconded the motion.***

Councilmember Wright requested clarification regarding the process for appointing or electing a Mayor Pro Tempore as he had not received an answer to his request for explanation via email prior to the meeting. He requested for the emails to be entered into the record. *See attached.*

Discussion ensued regarding Utah Code 10-3b-302(2): "(a) If the mayor is absent or unable or refuses to act, the council may elect a member of the council as mayor pro tempore," and Eagle Mountain City R-09-1998 Acting Administrative Rules and Regulations for the Conduct of Meetings of the Town Council Section A(4), "Mayor ProTem: In the event of the absence or the disability of the Mayor, the Mayor shall appoint another Council member to serve as the Mayor until the Mayor returns. In such event, the Mayor ProTem shall have all the powers to perform the functions and duties assigned to the Mayor," clarifying that the Mayor has the authority to select an appointee for Mayor Pro Tempore to be approved or denied at the discretion of the Council.

In light of the discussion, Councilmember Wright withdrew his motion.

MOTION: ***Councilmember Burnham moved to approve the appointment of Carolyn Love as Mayor Pro Tempore for 2022. 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.***

MOTION: ***Councilmember Burnham moved to adjourn policy session and reconvene work session at 4:39 p.m. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Carolyn Love, and Brett Wright. Councilmember Gray abstained due to technical difficulties.***

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Water

- Parts have been ordered and shop fabrications are being done for the skid to repair Well #1.
- Well #5 has been x-rayed and the City is meeting tomorrow with an engineering firm to determine the appropriate repairs.
- Tank 5 repair is underway.

Wastewater

- The new auger in the headworks has been installed and is operational.
- The Lone Tree lift station pump #2 has been rebuilt and the City is receiving bids for repairs to a suction pipe on pump #1.

Parks

- Pony Express Park Dog Park Area: the fencing installation will be finished this weekend and a media release is forthcoming.

Engineering

- Pony Express Boulevard: Power boxes are expected to be moved by mid-February.
- Bobby Wren Boulevard Traffic Light: Expected completion by the end of February.
- Eagle Mountain Boulevard: The bid award for engineering design is in process with an expected completion of the project by the end of November 2022.
- The Central Water Project Booster Pump is being designed with project completion contemplated for early summer 2022.
- The White Hills Well upgrades are being designed with a planned completion of the project scheduled for early summer 2022.

The body discussed road improvement projects, plans, prioritization, qualifications and funding options.

1.B. PRESENTATION – Glass Recycling Dumpster Mural Concept

Assistant to the City Administrator Evan Berrett presented the item. Eagle Mountain City has started working with Momentum Recycling to provide glass recycling services in the City per the request of the City Council, starting with a single dumpster location. Momentum Recycling offers an alternative business model wherein a City can purchase a refurbished dumpster and have that dumpster painted with a mural. He presented potential conceptual art and requested feedback from the Council regarding a proposed design by local artist Bill Louis depicting Eagle Mountain recreation and wildlife. The first-year cost would be $7,383. After the first year, the annual cost for a single dumpster, with monthly collection services, would be $3,600.

Councilmembers expressed approval of the proposed design and requested for the dumpster to be placed in a central location to maximize visibility and use by Eagle Mountain residents and for the dumpster to be clearly labeled as a glass recycling drop-off.

Mr. Berrett explained that the proposed location at the SilverLake Amphitheater was based upon accessibility and convenience to promote recycling service usage by residents. Staff will move forward with the purchase and painting of the dumpster and the location can be determined at a future date.

1.C. PRESENTATION – 2021 Growth Update

Assistant City Administrator/Community Development Director Steve Mumford presented the item. The City issued 1,585 new residential housing permits in 2021, a 19% increase from 2020 when 1,337 permits were issued and a 334% increase from 2014 when 365 permits were issued; 327 or 21% of the permits were for multifamily units and 1258 or 79% were for detached single-family homes. Housing type distribution in the City through December 2021 was compromised of 16% multifamily and 84% single-family housing. The estimated current population for the City is approximately 51,000 to 53,000 based upon census data and housing growth. The City issued 38 commercial permits in 2021 including cell towers, business expansions and renovations, and community clubhouses and pools. Staff is in the process of compiling the vested unit rights for developers throughout the City and the information will be presented to the Council.

Councilmember Curtis requested that utility sign-ups include statistical questions regarding where the residents are moving from to Eagle Mountain.

Mr. Jerome stated that the Utah Realtors have some of that data available and that additional questions could be added to utility applications to gather more information.

2. AGENDA REVIEW

CONSENT AGENDA

9. BID AWARDS

9.A. BID AWARD – Eagle Mountain Boulevard Widening Design – CRS Engineers

City Engineer Chris Trusty presented the item. In an effort to widen Eagle Mountain Boulevard from two lanes to five lanes from the roundabout at Pony Express Parkway to Dessert Willow Drive during the 2022 construction year, City staff issued a request for proposals for design services. The City received seven proposals from qualified consulting firms. A review team was created among City staff to review the proposals. The highest-ranking proposal was CRS Engineering and as such, City staff recommends awarding the design bid to this consultant. Ranking criteria included the ability to complete the project within the desired timeframe. Firms that include design-build as part of the proposal received a higher ranking. The top three were further rated based upon pricing.

9.B. BID AWARD – 3D Manhole Scanning & Virtualization Project – RH Borden

Public Utilities Manager Mack Straw presented the item. This project initiates the scanning of all manholes in the Eagle Mountain collection system. The first phase will include 1,100 manholes. The trunk lines will be the main focus of this project. This will include all manholes to the metering station for TSSD, White Hills, and part of City center. This data will inform the City of any degradation to the integrity of the concrete walls, pipe size, manhole size, flow elevation, invert elevation, and the overall depth. The data will be housed in a cloud-based system for a year, giving staff the time to import the information into the GIS system. This data will also be captured in a way to be viewed in a VR system. Staff recommends that the City Council award a bid to RH Borden in the amount of $99,550 for the 3D Manhole Scanning and Virtualization Project. RH Borden specializes in the service and as an in-state company is able to offer a more competitive price. The City has approximately 3,300 manholes and the intention is to scan a section of the manholes each year if funding is available.

11. CHANGE ORDERS

11.A. Wastewater Headworks Grit Classifier Change Order #1 – Hydro International

Mr. Trusty presented the item. The City Council approved the equipment for the new wastewater headworks building at the December 7, 2021 meeting. During the meeting, staff noted that the City had been expecting a price increase on the equipment. The increase in cost is $18,001.20. The City is also asking to add a tray with a cost of $7,890 which had not been included in the original approval. The City will still pay the upfront costs of $5,800 with the remaining price increase being included in the cost to be paid by the contractor with the installation of the equipment.

13. PRELIMINARY PLATS & SITE PLANS

13.A. PRELIMINARY PLAT – Skyline Ridge Phase 2, Plat 6 Amended Plat

Councilmember Curtis requested information regarding the frontage widths of the new units.

Mr. Mumford verified that the narrowest frontages on the new units were between 65 to 68 feet.

Senior Planner Tayler Jensen noted that the narrowest frontage on the cul-de-sac is approximately 35 feet.

13.B. PRELIMINARY PLAT – Antelope Meadows Amended Plat

Councilmember Curtis expressed concern with the number of units requested and whether allowing the amendment would be beneficial for the City.

Mr. Jensen explained that the development has an approved preliminary plat that excludes an expiration; nevertheless, the project does not have vested rights for additional units. The proposed units meet the current R2 Zone development standards except for a frontage width of 80 feet. The minimum frontage width proposed is 69 feet. However, the additional units increase the average lot size in the overall project. The request is to divide the undeveloped church lot into ten residential lots.

Mayor Pro Tempore Love stated she was willing to consider the reduced frontage of four of the proposed lots due to their depth.

Councilmember Gray concurred with Councilmember Curtis' concerns; nevertheless, he would prefer to allow the church site to be developed as homes rather than left vacant.

Mr. Mumford noted that the frontages of the lots immediately adjacent on the north and south of the new lots were increased with the removal of the church.

Councilmember Curtis withdrew his opposition as the widening of the frontages of some lots and the increased average lot size were improvements to the project in compensation for granting additional lots.

14. EAGLE RIDGE

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Map and Rezoning Certain Lands known as Eagle Ridge.

14.B. MOTION – Eagle Ridge Preliminary Plat

Items 14.A. and 14.B. were presented and discussed concurrently.

Mr. Jensen presented the item. Parcel 58:044:0011 was annexed into Eagle Mountain on November 17, 2020, as agriculturally zoned property with a future land use designation of Agriculture/Rural Density One. The applicant is proposing a General Plan amendment to designate the property Agriculture/Rural Density Two, a rezone to the RD1 Zone, and a 17-unit preliminary plat. The proposed preliminary plat fails to meet connectivity standards, as it exceeds maximum block lengths and is a cul-de-sac which does not connect to any other property or road. However, per EMMC 16.30.090(4) the Planning Commission may waive this requirement as the plat creates no new nodes and can be considered landlocked. The surrounding properties have no remaining development rights and there is not another access into Arrival to create a loop road. The Fire Marshal has reviewed this proposal, and with the inclusion of a fire department-approved turnaround radius in the cul-de-sac, they have no concerns with the block length in this location.

The Planning Commission held a public hearing on the proposed Eagle Ridge General Plan amendment, rezone, and preliminary plat on December 14, 2021. No public comments were received and the Planning Commission voted 4-0, with one Commissioner absent, to recommend approval of the General Plan amendment, rezone, and preliminary plat as presented with no conditions.

Applicant representative Kim Rindlisbacher stated that they had originally desired between 20 to 22 lots but later while working with staff, they determined that 17 lots would be more suitable.

Councilmember Curtis expressed concern that the number and size of lots being requested would be insufficient to accommodate the required redundant drainage fields for septic tanks due to topographical issues with accommodating septic tanks in the neighboring development.

Discussion ensued regarding methods to prevent vesting the lot number should the plat need to be adjusted to accommodate septic system requirements and verifying that any adjusted lots would still be required to meet lot size minimums.

Mr. Jensen confirmed that the developer holds no further development rights to the north, west, or south which prevents the developer from installing a secondary roadway access.

Mr. Mumford clarified that modification of the lots to accommodate septic drainage fields would still be required to meet the frontage width standards for the approved zoning and the approval of combining lots, if necessary, could be a staff-level approval.

15. EAGLE QUEST

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Map, Approving a Master Development Plan, and Rezoning Certain Lands known as Eagle Quest.

15.B. MOTION – Eagle Quest Preliminary Plat

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

Mr. Jensen presented the item. The Eagle Mountain Planning Commission reviewed a concept plan for Eagle Quest on July 27, 2021, at which time the applicant presented two concepts, Concept 1 included 486 units and dedicated the full width of arterial and collector roads to the city, Concept 2 included 426 units and did not dedicate full widths of arterial and collector rights-of-way to the City. The applicant is proposing an amendment to the General Plan Map moving "Old Airport Road" to the east property line of their parcel, the current Future Land Use Map and the Transportation Master Plan map show "Old Airport Road" as a major arterial which cuts diagonally through the northeast corner of the development. The City has received correspondence from the property owner to the north of Eagle Quest claiming the change would unduly burden their development; they provided three exhibits demonstrating the current and their preferred alignment, the impact of the proposed realignment, and an alternative alignment that they had considered but now discourage.

An additional 46,174 square feet of improved open space is required should the project be approved as requested. The proposal includes rezones to the OS-I, RD1, R1, R2, and R3. The RD1 Zone does not comply with the Neighborhood Residential One General Plan designation; however, the zone is appropriate as a transition from a development with larger lots to the east. A row of RD2 lots should be added between the R1 and RD1 lots to comply with transitioning standards. The RD1 and RD2 lots would require a General Plan amendment to Agricultural/ Rural Density Two. At least one area for community mailboxes should be included in the first phase of development.

Discussion ensued clarifying that the Council's direction to the applicant, during the previous review, was contingent upon the impact to the property owner to the north, the concerns expressed by the Planning Commission of the applicant-proposed alignment, and the recommendation of approval of the applicant's requested realignment of Old Airport Road by the Planning Commission was based on the assumption that the City Council had been open to and in favor of the proposal.

Mr. Trusty stated his preference for the General Plan alignment as it creates wider radiuses on the curves to facilitate higher speeds on one of the City's major arterials.

Discussion ensued regarding intersection spacing requirements and access to the northeast portion of the Eagle Quest development and Hoofbeats to Healing should the General Plan alignment for Old Airport Road be required.

16. TRIUMPH

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Map, Approving a Master Development Plan, and Rezoning Certain Lands known as Triumph.

16.B. MOTION – Triumph Preliminary Plat

Planning Manager Robert Hobbs presented the item. The property comprises approximately 161.99 acres of land addressed as 2400 N. Lake Road. It is currently zoned Agriculture/Rural Density and is located within an Agricultural/Rural Density 2 designation per the City's adopted General Plan Future Land Use Map. The applicant proposes a Foothill Residential General Plan designation and Foothill Residential zoning to the land to facilitate a 235-lot development with 233 single-family detached residential dwellings of one-third to one-acre sized lots. Parcel C has been amended to provide access to an existing home that faces east.

Applicant representative Scot Hazard explained that the one-acre parcels, lots 259, 260, 261, 262, 263, and 264, were resized to half-acre lots to accommodate the existing, east-facing property resulting in a reduction in average lot size. The existing homeowner requested for Mr. Hazard to purchase the house. Mr. Hazard intends to purchase the home and provide access by adding a cul-de-sac on the north end of the property. He is willing to make additional adjustments to meet the minimum lot size average requirements. The project is surrounded on three sides by major roadways that he is unable to front and load homes on and that require a dedication of 11 acres of land for infrastructure.

Councilmember Curtis requested a discussion regarding the City obtaining the orphaned segment of land between Ault Farms and Triumph which is needed for the extension of Old Airport, prior to the rezoning of the land.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Pro Tempore Love adjourned the meeting at 6:28 p.m.

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

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; Tayler Jensen, Senior Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Embret Fossum, UFA Battalion Chief; Eric McDowell, Chief Deputy Sheriff; and Evan Berrett, Assistant to the City Administrator.

CITY STAFF PRESENT ELECTRONICALLY: Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Kimberly Ruesch, Finance Director; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; and Tyler Maffitt, Communications Manager.

4. CALL TO ORDER

Mayor Pro Tempore Love called the meeting to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Burnham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Camp Williams will be conducting live-fire artillery training today through January 20th. Eagle Mountain residents should be aware they may hear explosions between the hours of 8:00 a.m. and 6:00 p.m. while the drills are being conducted.
- Eagle Mountain City will soon be providing information on its City website about water rates, sewer rates, and stormwater rates. Be sure to visit Eagle Mountain City on social media tomorrow morning for links and details.
- Residents are encouraged to check out the new Rumor Stop feature of our City website. This is a great way for residents to get answers to some of those persistent questions about Eagle Mountain. Submit rumors you have heard and receive a timely response. You can find Rumor Stop by visiting eaglemountaincity.com/rumor

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 7:12 p.m. As there were no comments, she closed public comment.

8. CITY COUNCIL/MAYOR'S ITEMS

<u>Councilmember Curtis</u>
Councilmember Curtis thanked the meeting participants.

<u>Councilmember Burnham</u>
Councilmember Burnham expressed appreciation for those in attendance either in-person or virtually.

Mayor Pro Tempore Love

Mayor Pro Tempore Love noted the difficult circumstances due to the pandemic and encouraged residents to check on their neighbors and to help each other through difficult times.

Councilmember Wright

Councilmember Wright said Be Ready Eagle Mountain postponed a training that will now be provided virtually on their Facebook page. He recognized that the Youth Council, Councilmembers, and staff would be attending the State legislative session the following day.

Councilmember Gray

Councilmember Gray expressed condolences to the Mayor and hopes that he will feel better soon. He appreciates the accommodations to be able to participate remotely.

The Council determined to resume the awarding of City challenge coins to residents monthly once the coins are available due to production delays. Councilmember Burnham volunteered to prepare coin presentation calendar assignments for the Councilmembers.

CONSENT AGENDA

9. BID AWARDS

   9.A. BID AWARD – Eagle Mountain Boulevard Widening Design – CRS Engineers

   9.B. BID AWARD – 3D Manhole Scanning & Virtualization Project – RH Borden

10. BOND RELEASES

    10.A. Sage Park Phase A, Plat 5 – Into Warranty

    10.B. Skyline Ridge Phase 2, Plat 4 – Into Warranty

    10.C. Sage Park Phase A, Plat 3 – Out of Warranty

11. CHANGE ORDERS

    11.A. Wastewater Headworks Grit Classifier Change Order #1 – Hydro International

12. MINUTES

    12.A. December 7, 2021 – Regular City Council Meeting

    12.B. January 4, 2022 – Regular City Council Meeting

13. PRELIMINARY PLATS & SITE PLANS

    13.A. PRELIMINARY PLAT – Skyline Ridge Phase 2, Plat 6 Amended Plat

13.B. PRELIMINARY PLAT – Antelope Meadows Amended Plat

13.C. SITE PLAN – Eagle Point Townhomes Pool and Clubhouse

13.D. SITE PLAN – Fire Station 251

MOTION: ***Councilmember Curtis 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

14. EAGLE RIDGE

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Map and Rezoning Certain Lands known as Eagle Ridge.

Items 14.A. and 14.B were presented and discussed concurrently.

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

Discussion ensued regarding concerns with the lots having sufficient area for the redundant septic drainage fields and whether the areas with higher, unbuildable grades would be unsuitable for a drainage field.

City Engineer Chris Trusty explained that the size of the drainage fields is dependent on the percolation rates of the area. Until those tests are conducted, the City would be unable to know the amount of area required.

Mr. Jensen explained that Utah County Health Department approval of the drainage fields is required.

Applicant representative Kim Rindlisbacher explained they wanted to get the City approval of the rezone before working with the health department. Prior to the final plat, they will ensure the area is sufficient for the drainage requirements. They enlarged the cul-de-sac area to increase the available turn radius and received approval from the Fire Department. Arrangements for an additional City water tank are in place if needed.

Mayor Pro Tempore Love opened the public hearing at 7:27 p.m.

The City received an email from Tanya Anderson against the proposal listing concerns with the project due to the cul-de-sac length, precipitation runoff retention, the lack of open space, omission of mailbox locations, limited access, and additional housing increasing traffic congestion.

Mayor Pro Tempore Love closed the public hearing at 7:28 p.m.

Mayor Pro Tempore Love explained that given the configuration of the project, it is appropriate to waive the connectivity requirements and grant an exemption to cul-de-sac lengths. She confirmed with staff that the RD1 Zone does not have open space requirements.

Mr. Trusty said the plan is to install bench drains along the western side of the project, both sides of the road will have drainage swells, and the project will be required to provide retention for the subdivision for an 80 percental storm event. Staff has worked with their engineer to address drainage and the subdivisions will discharge into a detention pond that has not had any issues.

Mr. Jensen said that staff will work with the United States Post Office to determine if a community mailbox site and pullout should be required.

MOTION: ***Councilmember Burnham moved to approve the Eagle Ridge General Plan Amendment to Agricultural/Rural Density Two and the rezone to RD1. 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.***

14.B. MOTION – Eagle Ridge Preliminary Plat

MOTION: ***Councilmember Wright moved to approve the preliminary plat for Eagle Ridge with the condition that should the United States Postal Service determine that community mailboxes are necessary, the applicant shall work with staff to provide a cluster mailbox location and pullout. 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.***

15. EAGLE QUEST

15.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Map, Approving a Master Development Plan, and Rezoning Certain Lands known as Eagle Quest.

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

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

Applicant representative Josh Cummings acknowledged that while straightening Old Airport Road benefits their project, they believe it is also a benefit to the City as the alignment would provide connectivity efficiencies for future development, direct traffic away from Lake Mountain Road, increases safety, and optimizes traffic light spacing and intersection angles. They are amenable to the Planning Commission recommendations to adjust the amount of open space provided, add community mailbox locations, adjust the unit types to balance the R1, R2, and R3 zoning, and add a row of RD2 units. They feel their proposal is appropriate as the density is lower than other projects approved for the Neighborhood Residential One land use designation.

Mayor Pro Tempore Love opened the public hearing at 7:48 p.m.

Dave Shippen, one of the owners of the property to the north, stated he submitted emails expressing their concerns with the proposed alignment for Old Airport Road. They request for the City to uphold the General Plan alignment as the proposed alignment would place burden on their property and create difficulties for their development. He stated that their preliminary plans include access to the northwest corner of the Eagle Quest development to address Council concerns discussed during work session.

Mayor Pro Tempore Love closed the public hearing at 7:51 p.m.

Councilmember Wright expressed his preference for the original, General Plan alignment. He cited a portion of the Planning Commission meeting minutes to identify concerns discussed during their meeting to provide context.

Councilmembers Wright, Gray, and Curtis expressed their support for requiring the alignment of Old Airport Road as specified in the General Plan and Transportation Map, especially in light of the impact on the property owner to the north and as the most beneficial to the City overall. Councilmember Burnham concurred especially in light of City Engineer Chris Trusty's comments and concerns with high speed on the road during inclement weather.

Mayor Pro Tempore Love said after considerations discussed in the meeting and her conversations with the property owners outside of the meeting, her greatest concerns are the angles at the intersection at the southern border of the property to the north and the access to the northeast corner of Eagle Quest both of which have been addressed by the northern property owner.

The Council determined to table the item with the following feedback to the applicant:

- Redesign the project with the General Plan alignment of Old Airport Road;
- Support of the Planning Commission recommendations;
- Desired and appropriate density and unit type variety; and
- Possibly allowing the 152-foot right-of-way to be counted as one or two transition steps between the lots on the east and west, depending upon the overall density and potential animal rights conflicts.

Mr. Cummings noted that their property is burdened with an 8% dedication of roads not required for their development and they are providing an additional, unrequired twelve feet of road width to accommodate homes backing onto Aviator Avenue in the Sunset Flats development. He reiterated their safety concerns with the General Plan road alignment and with one of the two required connections to the northeast corner being across Old Airport Road. They are amenable to providing a church site. They would like for the road and power corridor to be able to count as a buffer. He noted that many of the adjacent five-acre lots are unbuildable and that the requirements will result with properties with animal rights being located across from properties without animal rights. It was his opinion that the plans had changed over the years and at this stage, safety should be the main consideration regarding the road alignment.

MOTION: ***Councilmember Curtis moved to table the Eagle Quest Master Development Plan, rezone, and General Plan amendment. 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.***

15.B. MOTION – Eagle Quest Preliminary Plat

MOTION: ***Councilmember Burnham moved to table the preliminary plat for Eagle Quest. 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.***

16. TRIUMPH

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Map, Approving a Master Development Plan, and Rezoning Certain Lands known as Triumph.

Items 16.A. and 16.B. were presented and discussed concurrently.

Planning Manager Robert Hobbs reviewed the item as presented during work session.

Discussion ensued clarifying that the Foothill Residential Zone has a quarter-acre minimum lot size requirement and a half-acre minimum, average lot size requirement and the current proposal meets the minimum lot size; however, the average lot size is .48 acres which is under the half-acre requirement.

Mr. Hobbs explained that the average lot size decreased when the applicant added nine additional lots to accommodate an existing house into the subdivision. The open space for the project is identified as Parcel B. The property is buffered along the west by a 600-foot-wide utility corridor.

Applicant representative Scot Hazard said that due to the small market for animal uses and the potential for conflicts, he does not intend to grant animal rights for the development. If the Council feels strongly about the average lot size, he is willing to make adjustments to bring the development into compliance. He explained that the reduction of the number of lots to accommodate the dedication of the roadways also impacted the average lot size.

Councilmember Wright stated that as the General Plan designates the area for an Agricultural Rural Density Two product, for half-acre and one-acre lots; although he is willing to entertain an amendment to Foothill Residential, the average lot size minimum should be met. He expressed appreciation for Mr. Hazard working with the existing homeowner.

Mayor Pro Tempore Love opened the public hearing at 8:35 p.m.

Marion Bingham, the owner of the existing home in the development, stated he met with Mr. Hazard and reached a compromise for his property.

Mayor Pro Tempore Love closed the public hearing at 8:36 p.m.

MOTION: ***Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, amending the General Plan Map to Foothill Residential, rezoning certain lands known as Triumph to Foothill Residential, and approving the master development plan. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

16.B. MOTION – Triumph Preliminary Plat

MOTION: ***Councilmember Wright moved to approve the preliminary plat for Triumph with the following conditions:***

1. ***The project shall be developed in accordance with the approved preliminary plat of/for the same, including the dedication of requisite City rights-of-way;***
2. ***The project shall comply with any requirement(s) from the Eagle Mountain City Engineer as are, or may be, set forth for the project;***
3. ***The open space development in the project's common lots shall comply with requirements listed in EMMC 16.35.105;***
4. ***The developer's engineer shall correct any spelling, grammar, punctuation, and numbering errors that may be evident on the plat face and/or in the proposed project plat development notes; and***
5. ***The applicant shall work with staff to adjust the project to meet the Foothill Residential minimum and average lot size requirements.***

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.

17. ORDINANCES / PUBLIC HEARINGS

17.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.75 Standards for Special Uses, 17.20 Agriculture Zone, 17.35 Commercial Zone, 17.37 Business Park Zone, 17.40 Industrial Zone, and 17.23 Open Space Zones, Relating to Indoor and Outdoor Shooting Ranges.

Mr. Jensen presented the item. The RTI Overlay currently allows indoor shooting ranges but there is no definition or standards for any type of shooting range in Municipal Code. This ordinance has been drafted to allow for indoor shooting ranges in the City as special uses in appropriate areas. This ordinance also creates an Outdoor Shooting Range Overlay Zone, which the City Council may apply to any property where outdoor shooting ranges are deemed appropriate. Staff presented a draft of this ordinance to the Planning Commission on October 26, 2021, where it was tabled and a number of changes were requested. Staff met with industry experts and drafted changes and held a second public hearing on the proposed change on November 9, 2021, where it received a recommendation of approval. The previous amendment had standards for special use for indoor and outdoor shooting ranges. The outdoor shooting ranges have been removed and added as an overlay zone to protect against shooting ranges on five-acre lots in residential areas. The overlay could be applied in any location in the City deemed appropriate by the Council. Exploding targets are discouraged but allowed at the discretion of the shooting range owner with the owner assuming liability for any resulting damages.

Councilmember Wright expressed appreciation to Mayor Westmoreland for assigning Councilmember Curtis and him the responsibility of reviewing the standards with staff to address the concerns discussed during previous meetings.

Mayor Pro Tempore Love opened the public hearing at 8:44 p.m.

The City received emails from Jordan Freeman, Michael Ruoho, Rick Clayton, Crystal Perry, and Russel Hansen in support of the item.

Mayor Pro Tempore Love closed the public hearing at 8:45 p.m.

Discussion ensued clarifying that the standards, per the definitions, permit commercial, not private, residential ranges in the Agricultural Zone.

MOTION: ***Councilmember Wright moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapters 17.10 Definitions, 17.75 Standards for Special Uses, 17.20 Agriculture Zone, 17.35 Commercial Zone, 17.37 Business Park Zone, 17.40 Industrial Zone, and 17.23 Open Space Zones, relating to indoor and outdoor shooting ranges. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

17.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 Monument Signs.

Mr. Jensen presented the item. The proposed development code amendment is an applicant-proposed Municipal Code amendment to allow for taller monument and combined monument signs. The applicant is proposing changes to the maximum height of monument signs to allow for taller signs while making no changes to the amount of sign copy permitted. The proposed changes include amendments to EMMC 17.80.070(B) to allow a combined monument sign at each drive access onto a street, increase the maximum height for combined monument signs from 10 feet to 20 feet, and remove the requirement for brick, rock, or stone along the vertical edge of combined monument signs. The proposed changes to EMMC 17.80.070(C) would increase the maximum height of individual monument signs from 5 feet to 6 feet and allow design elements on individual monument signs to increase from 6.5 feet to 8 feet.

The Planning Commission voted 4 to 0, with one absentee, to recommend approval of the following changes to 17.80:

1. EMMC 17.80.070(B) shall be amended to allow a combined monument sign at each drive access onto a street;
2. EMMC 17.80.070(C) be amended to increase the maximum height for individual monument signs to six feet;
3. EMMC 17.80.070(C) be amended to allow design elements on individual monument signs up to eight feet; and
4. References to the Airpark Zone shall be removed from EMMC 17.80 and the numbers shall be adjusted accordingly.

Applicant Bill Gaskill stated they wanted to clarify that one sign is allowed per entrance as it is unclear in current standards and to be allowed the same amount of sign copy space as currently permitted but to be able to reorient the size vertically to increase readability. The sign company requested to exclude masonry from signs as the current style trend is now metal. They are open to the material preference of the Council. For reference and comparison, Cedar Valley School has a 20-foot-high sign and the Macey's building will be 35 to 36 feet high. Only permitting one sign per frontage penalizes large shopping centers and tenants located at the rear of the property. They are requesting to place signs at their entrances and not in the public right-of-way. Some tenants have expressed that their interest in developing in Eagle Mountain is contingent upon signage.

Mayor Pro Tempore Love stated that she would consider allowing 20-feet tall signs in close proximity to a building of similar or greater height.

Mayor Pro Tempore Love opened the public hearing at 9:05 p.m. As there were no comments, she closed the hearing.

Councilmember Burnham agreed with Mayor Pro Tempore Love regarding sign and building proportionally and feels that tall signs, that are narrow, are less imposing.

Councilmember Curtis stated his opposition to the Planning Commission recommendation to allow a combined monument sign at each drive access onto a street and is in favor of the current standard of one sign per frontage. He suggested limiting the number of signs to two per frontage. He is in favor of stricter standards than most cities for aesthetical congruence including the masonry sign motif as it is a part of the uniqueness of the City. He prefers to grant exemptions for individual projects rather than amending Municipal Code due to uncertainty about how the requested changes would impact other, smaller projects.

Councilmember Wright said he is amenable to allowing one sign per entrance; however, he is willing to compromise and limit the number of signs to two per frontage. He clarified that the Planning Commission recommendations intentionally excluded the request to remove the use of stone, rock, or brick material on the base and vertically along at least one side with the intention to retain the requirement.

Councilmember Burnham expressed concern with balancing aesthetics, functionally and visibility. Although she recognizes the desire for continuity, she feels that the existing requirements would be inappropriate and not in harmony with the characteristics of some areas in the City, and she is against legislating preference. She is willing to limit the signs to two per frontage as a compromise.

Mayor Pro Tempore Love said that she thinks that businesses will update the masonry element resulting in signs different than those currently in the City. Thus, she would prefer to allow signs that are in harmony with the building.

Due to Councilmembers Curtis, Wright, and Gray expressing objections to permitting a 20-foot combined monument sign, the Councilmembers discussed other potential sign height increases with consideration of proximity and proportion to the associated commercial building.

Councilmember Gray expressed his preference to retain the existing standards; however, he is amenable to allowing some changes as long as the signs are not permitted in locations that create an impediment to large vehicles. Since similar requests had been denied in the past, his preference is to retain the standards as much as possible, for fairness and consistency.

MOTION: ***Councilmember Burnham moved to approve 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 monument signs with the following conditions:***

1. ***EMMC 17.80.070(B) shall be amended to allow up to two combined monument signs on each frontage;***
2. ***EMMC 17.80.070(C)(1) shall be amended to increase the maximum height for individual monument signs to six feet;***
3. ***EMMC 17.80.070(C)(2) shall be amended to allow design elements on individual monument signs up to eight feet;***
4. ***References to the Airpark zone shall be removed from EMMC 17.80 and the numbers shall be adjusted accordingly;***
5. ***EMMC 17.80.070(B)(3) and EMMC 17.80.070(C)(3) requiring each sign to contain stone, rock, or brick at the base and vertically along at least one side shall be removed; and***
6. ***EMMC 18.80.070(B)(1) shall be amended to permit the maximum height of a combined monument sign of up to 16 feet.***

Mayor Pro Tempore Love seconded the motion. Those voting aye: Donna Burnham and Carolyn Love. Those voting nay: Jared Gray, Colby Curtis, and Brett Wright. The motion failed with a vote of 2:3.

MOTION: ***Councilmember Curtis moved to approve 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 monument signs with the following conditions:***

1. ***EMMC 17.80.070(B) shall be amended to allow up to two combined monument signs on each frontage;***

2. ***EMMC 17.80.070(C)(1) shall be amended to increase the maximum height for individual monument signs to six feet;***
3. ***EMMC 17.80.070(C)(2) shall be amended to allow design elements on individual monument signs up to eight feet; and***
4. ***References to the Airpark zone shall be removed from EMMC 17.80 and the numbers shall be adjusted accordingly.***

Councilmember Wright seconded the motion. Those voting aye: Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. Those voting nay: Donna Burnham. The motion carried with a vote of 4:1.

Councilmember Burnham explained her dissention was due to her desire to compromise on the height of the sign.

17.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 17.48 Regional Technical Industry Overlay Zone.

Mr. Mumford presented the item. The RTI Overlay Zone is intended to promote large-scale development of technological, clean industrial, distribution, and high-tech manufacturing uses. The zone allows properties that have received the overlay to go through a streamlined approval process if they permanently employ over 100 people or include a minimum of 100,000 square feet of building floor area in the first phase of development. The RTI Overlay has been utilized for Facebook, Tyson, and Google and has an automatic repeal date of May 31, 2022. The City received an Award of Merit from the Utah Chapter of the American Planning Association for the overlay. A letter of support from Economic Development Director Aaron Sanborn lists the benefits of the overlay including time savings, uncertainty reduction, and improved perception. The overlay sets Eagle Mountain apart from other cities.

The staff-proposed amendments to Chapter 17.48 include removing the repeal date, adding that the City Council member serving as the Planning Commission liaison shall also serve as the Development Review Committee (DRC) liaison for projects within the RTI Overlay, the application process shall require a final rather than preliminary plat if the party is subdividing the property as part of the project, that allowed uses in EMMC 17.48.040 that may have a significant impact on the City's utilities or infrastructure may be prohibited at the discretion of the City, and removing the permitted building height of five stories or approximately 50 feet to require building height approval based upon the specific use and potential impacts to neighboring properties.

The Planning Commission reviewed the item on December 14, 2021, and recommended approval with modifications with a vote of 3 to 1, with one absentee, with the following changes:

1. EMMC 17.48.020 be modified to add the chair of the Planning Commission to the Development Review Committee for the RTI Overlay projects;
2. EMMC 17.48.020 be modified to include "his/her designee;" and
3. EMMC 17.48.120 be modified to automatically repeal on May 31, 2027, with a required review by the Planning Commission and City Council in 2026 at or near the four-year mark.

Discussion ensued clarifying the current height limitations and the ability for the DRC to approve other heights.

Councilmember Burnham expressed concern with the Planning Commission liaison's ability to attend DRC meetings due to work conflicts as the meetings are generally held from 1:00 p.m. to 3:00 p.m. on workdays. Mr. Mumford explained that if the approval of the project falls outside of the regularly scheduled DRC meeting, a special meeting might be called, and the materials can be made available, and feedback can be provided digitally.

Mr. Mumford explained that if the RTI Overlay Zone were repealed, parcels that the overlay has currently been applied to would revert to the underlying zoning approved for those properties. Existing, approved projects would retain the terms of their individual agreements.

Mayor Pro Tempore Love opened the public hearing at 9:50 p.m. As there were no comments, she closed the hearing.

Councilmember Curtis stated that he feels that the RTI Overlay Zone has achieved its purpose and goals. He expressed concern about residents being excluded from the process. He feels that the overlay should be repealed and that the City should focus on attracting other uses like hospitals or educational centers such as colleges.

Mayor Pro Tempore Love stated the City could focus on attracting various use types as different parts of the City are designated for specific uses.

Councilmember Burnham said that Eagle Mountain needs to continue to attract employment opportunities within the City to ease the burden of infrastructure caused by commuter traffic. She recommended extending the overlay for an additional two years as she feels its purpose and goals have not yet been fully realized.

Discussion ensued regarding preventing additional data centers and other high-water users from developing in the City.

City Administrator Paul Jerome clarified that the standards state that the City and Council may prohibit any use that is undesired or deemed to have a significant impact on utilities or infrastructure.

Councilmember Wright stated he feels the overlay has mostly fulfilled its purpose; however, it may still have more left to accomplish. He inquired what type of companies have expressed interest in the overlay. He feels that 100 employees may be too few and concurs with concerns regarding the public process while recognizing creating an expedited process attracts companies. He would be amenable to either repealing the standards or amending them to better attract desired uses. He is not in favor of retaining the existing standards without addressing the public input concerns.

Councilmember Gray stated he is uncertain regarding the goal and purpose of the overlay. Depending upon what the City hopes to accomplish with the overlay, he would support having the standards repealed or extended for two years to accommodate a desired, interested business. He feels the limited public input and the streamlined process put the City at risk.

Mr. Sanborn said the overlay zone was created to bring in companies that provide a lot of jobs and highly-capitalized projects. The overlay has been successful with large corporations selecting Eagle Mountain. He thinks the overlay still offers great benefit in allowing the overlay to continue to aid the City in attracting users. It has opened doors for economic development. Consumer goods, manufacturing, aerospace, medical technology, and others have all expressed interest due to the speed to market provided with the overlay. The overlay can work in tandem with interests in recruiting medical and educational uses.

Mayor Pro Tempore Love suggested assigning two Councilmembers to work with staff to address concerns with the overlay to be presented and discussed at a future meeting.

Discussion ensued regarding concerns with the broad allowances in the standards and the public process, repealing or extending the automatic repeal date, setting a date to review the standards should the chapter be retained, and identifying the City's economic goals and adjusting the overlay to promote those goals.

Mr. Jerome said that due to entities with water rights that have not approached the City regarding agreements, it may be beneficial to extend the repeal date.

Councilmember Burnham noted that some businesses have held DRC meetings regarding potential projects for the City and have expressed interest in the overlay.

Mr. Mumford said that one project, in particular, has been in discussions with the City for several years and they are awaiting the outcome of the review of the RTI Overlay prior to investing additional funds to move forward due to fear the overlay will be repealed during the middle of their application. Another entity has requested a rezone for the application of the RTI Overlay Zone.

MOTION: ***Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.48 Regional Technical Industry Overlay Zone with the following changes:***

1. ***EMMC 17.48.020 be modified to add the chair of the Planning Commission to the Development Review Committee for the RTI Overlay projects;***
2. ***EMMC 17.48.020 be modified to include "his/her designee;" and***
3. ***EMMC 17.48.120 be modified to automatically repeal on November 30, 2023, with a required review by the Planning Commission and City Council at or near May 31, 2023.***

Mayor Pro Tempore Love seconded the motion. Those voting aye: Donna Burnham. Those voting nay: Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. The motion failed with a vote of 1:4.

MOTION: ***Councilmember Wright moved to table an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 17.48 Regional Technical Industry Overlay Zone to a future meeting. Councilmember Curtis seconded the motion. Those voting aye: Jared Gray, Colby Curtis, Carolyn Love, and Brett Wright. Those voting nay: Donna Burnham. The motion carried with a vote of 4:1.***

The Council determined for Councilmembers Burnham and Wright to work with the Planning Commission and staff on amendments to the standards.

18. RESOLUTIONS

18.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah Amending the Consolidated Fee Schedule for Water, Sewer, Storm Water, and Solid Waste Rates Analysis – DISCUSSION ITEM ONLY.

Councilmember Gray requested to be excused from the meeting at 10:32 p.m.

Assistant to the City Administrator Evan Berrett presented the water rate analysis. The proposed resolution amends the Eagle Mountain Consolidated Fee Schedule for water, wastewater (sewer), stormwater, and solid waste rates. Analysis of the funds has found that base rate increases are required to maintain the integrity of all the funds except for solid waste. He presented the results of the analysis and recommended changes to rates and the pattern of rate increases to the Council. The rates will be presented for approval, by the City Council, at a future meeting. *The full report is available in the packet materials for the meeting on the City website.*

The Council discussed and provided feedback on the water rate portion of the presentation with recommendations regarding ensuring that residential, commercial, and industrial user rates are proportional to water usage percentages as industrial rates currently subsidize other users, the impact of the fund balance reserve on bonding, State mandates requiring the City to promote water conservation, promoting conservation for industrial and commercial users, the increase of water use during the summer months to support landscaping, the intention for a three percent annual rate increase for a few years with a rate review every three to five years, the ability for residents to decrease water usage and landscaping to save money, and communicating the changes to the residents prior to implementation.

Mr. Berrett presented the sewer, stormwater, and solid waste rate analysis.

Discussion ensued regarding a universal rate resulting in the north area subsidizing other portions of the City, the potential for rates to increase for the north service area due to changes with the Timpanogos Special Service District wastewater collection, and the complications with charging sewer rates based upon metering rather than equivalent residential units (ERU)s.

Mr. Jerome explained that the use of the sewer system by residents is similar regardless of home location and for that reason, the system is treated as a single system rather than divided into service areas. Also, the south service area system is newer than the north and eventually, the overall funds will require repairs and replacements for the northern system.

19. MOTION

19.A. MOTION – Appointment of a City Councilmember as Mayor Pro Tempore.

This item was discussed prior to the work session.

20. CITY COUNCIL/MAYOR'S BUSINESS

21. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Wright
Councilmember Wright said the Parks and Recreation Advisory Board has a vacancy. They have requested to have the appointment prior to their next meeting. The Mayor is also considering a second set of Youth Council Advisors.

Councilmember Burnham
Councilmember Burnham stated that the Senior Citizen Advisory Council has requested assistance with internet issues at the Senior Center.

Councilmember Curtis
None.

Mayor Pro Tempore Love
None.

22. COMMUNICATION ITEMS

22.A. Upcoming Agenda Items

23. ADJOURNMENT

MOTION: ***Councilmember Curtis moved to adjourn at the meeting at 11:52 p.m. Councilmember Wright seconded the motion. Those voting aye: Donna Burnham, Colby Curtis, Carolyn Love, and Brett Wright. The motion passed with a unanimous vote.***

The meeting was adjourned at 11:52 p.m.

Approved by the City Council on February 1, 2022.

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

CORPORATE SEAL EAGLE MOUNTAIN EST. 1996 STATE OF UTAH

Subject: FW: Formal request to add an item to the agenda

From: Brett Wright <BWright@emcity.org>
Sent: Wednesday, January 12, 2022 10:29 PM
To: Mayor <Mayor@Emcity.org>
Cc: Fionnuala Kofoed <fkofoed@Emcity.org>; Colby Curtis <CCurtis@Emcity.org>; council <council@emcity.org>
Subject: Re: Formal request to add an item to the agenda

Mayor,

Thank you for your response to my request to put an item on the agenda. I'm grateful for the opportunity to learn. I'm ready, willing an anxious to understand my duties and responsibilities.

My intent in bringing forward the nomination and election of the mayor pro-tempore is to ensure that the council is proactive in identifying the individual who might be called upon if the you are absent, unable or refuse to act in your duties and functions as mayor.

My review of municipal code regarding the process of the selection of the mayor pro-tempore did not yield results. I then sought guidance from state code. It yielded the following:

10-3b-302. Mayor in six-member council form of government -- Mayor pro tempore.

2)
(a) If the mayor is absent or unable or refuses to act, the council may elect a member of the council as mayor pro tempore, to:
(i) preside at a council meeting; and
(ii) perform, during the mayor's absence, disability, or refusal to act, the duties and functions of mayor.
(b) The municipal clerk or recorder shall enter in the minutes of the council meeting the election of a council member as mayor pro tempore under Subsection (2)(a)

Given what I found in state code and having receive this email from you Mayor I am respectfully requesting that you seek and provide a legal opinion by our city attorney to the following questions.

1. Has the process outlined in the state code referenced above been modified by ordinance, resolution or some other means by EMC? If so, can you please provide me with the documentation for review?
2. Is this an appointment by you Mayor as referenced in this email or an election process initiated by council as stated in state code?
3. Who has the legal authority to make this decision? Is it you Mayor by virtue of a 23 year precedent as implied in this email or is it the council as stipulated in state code?

One additional item I wish to address is the perception that a request by two council members to include an item on an agenda as outlined in EMMC 2.15.030 is meant as an offense to you Mayor, staff or council. This is not and will be my intent.

I repectfully disagree with the assertion that you need to first refuse to put an item on the agenda before EMMC 2.15.030 can be utilized by council. I want to be very clear that my intent is not to create offense but rather to use this legislative tool to accelerate and move forward legislative priorities that I believe have the potential for success. Mayor, you can and should expect that I will be making these requests regularly when I'm able to get another member to second the request in order to accomplish those things that are of highest priority. I believe this tool is one of the best tools available to me as a legislator to create expeditious outcomes.

Never the less I will make a more concerted effort to ask for your cooperation in bringing these priorities to the agenda first.

Warmest Regards,

Brett Wright

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EAGLE
MOUNTAIN

Brett Wright
City Councilmember

BWright@emcity.org

www.eaglemountaincity.com

From: Mayor <Mayor@Emcity.org>
Sent: Wednesday, January 12, 2022 3:51:09 PM
To: Brett Wright <BWright@emcity.org>
Cc: Fionnuala Kofoed <fkofoed@Emcity.org>; Colby Curtis <CCurtis@Emcity.org>; council <council@emcity.org>
Subject: Re: Formal request to add an item to the agenda

All,

I appreciated seeing the request for a mayor pro temp because I've regularly followed a rotation for making appointments to this position.

Saying that, this email raises an opportunity for a teaching moment. I am responding to all to include everyone from the original email.

I have not seen a prior inquiry on this from council, so I'd be interested to learn more about the intent of those making the request for an agenda item. For council members to make a formal agenda request, the mayor would typically first have to refuse consideration of that item. Seeing as this is already on the agenda, a formal request by council for a vote on a mayor pro temp is unnecessary.

If she's interested in the position, and everyone is in agreement, my intention is to appoint Carolyn as mayor pro temp. She has not had an opportunity to serve in the role, she's reasonably available for signatures and meetings, and I think she's fully capable of handling the position.

I'm communicating this so everyone is on the same page as to my thinking, but I also wanted to point out that Eagle Mountain has a 23-year precedent for the mayor to select a mayor pro-temp. If everyone is interested in making changes to that process, let's address that separately from the appointment so we can have a more clear, amicable, and comprehensive discussion.

Mayor Westmoreland
Eagle Mountain City

EAGLE
MOUNTAIN

Tom Westmoreland
Mayor

Mayor@Emcity.org
801-789-6603
www.eaglemountaincity.com

On Jan 12, 2022, at 8:28 AM, Brett Wright <BWright@emcity.org> wrote:

Excellent! We will be prepared to make a nomination and election. Thanks for being on top of it Finn!

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<emclogo_c022e825-b5cd-4659-a8ce-0bb955785e94.png>

Brett Wright
City Councilmember

BWright@emcity.org

www.eaglemountaincity.com

From: Fionnuala Kofoed <fkofoed@Emcity.org>
Sent: Wednesday, January 12, 2022 8:26:53 AM
To: Colby Curtis <CCurtis@Emcity.org>; Brett Wright <BWright@emcity.org>
Cc: Mayor <Mayor@Emcity.org>; council <council@emcity.org>
Subject: RE: Formal request to add an item to the agenda

Good morning! I already had that on there as a placeholder.

Thanks,

Finn

<emclogo_c022e825-b5cd-4659-a8ce-0bb955785e94.png>

Fionnuala B Kofoed
Director of Administrative Services/City Recorder MMC

fkofoed@Emcity.org
801-789-6610
www.eaglemountaincity.com

From: Colby Curtis <CCurtis@Emcity.org>
Sent: Wednesday, January 12, 2022 7:53 AM
To: Brett Wright <BWright@emcity.org>
Cc: Mayor <Mayor@Emcity.org>; Fionnuala Kofoed <fkofoed@Emcity.org>; council <council@emcity.org>
Subject: Re: Formal request to add an item to the agenda

Mayor, I verify I have agreed to serve as second.

Warm Regards,
Colby Curtis
Eagle Mountain City Council
Sent via mobile

<image001.png>

Colby Curtis
City Council Member

CCurtis@Emcity.org
801-789-6600
www.eaglemountaincity.com

On Jan 12, 2022, at 7:50 AM, Brett Wright <BWright@emcity.org> wrote:

Mayor,

This is a formal request per section 2.15.030 of the EMMC to add an agenda item to the next available city council meeting agenda. The item we are requesting to be included is the nomination and election of a mayor pro-tempore to serve for the 2022 calendar year.

Councilmember Curtis has agreed to serve as the second councilmember on this request and I will ask him to verify such in writing.

Please and thank you.

Brett Wright

Eagle Mountain City Council

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<image001.png>

Brett Wright
City Councilmember

BWright@emcity.org

www.eaglemountaincity.com