



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

January 17, 2023, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Todd Black, Wildlife Biologist/Environmental Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Chris Trusty, City Engineer; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Kimberly Ruesch, Finance Director; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Embret Fossum, Unified Fire Authority Battalion Chief; Eric McDowell, Chief Deputy Sheriff; and Natalie Winterton, Grants Coordinator/Management Analyst.

CITY STAFF PRESENT ELECTRONICALLY: David Stroud, Senior Planner; Elizabeth Fewkes, Recording Secretary, and Chas Glenn, Administrative Assistant.

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

1. CITY ADMINISTRATOR INFORMATION ITEMS

Administrative items were reviewed following item 1A.

City Administrator Paul Jerome provided an update on efforts to shut off the water and repair the waterline break on Pony Express Parkway.

Communications

- The request for proposals (RFP) for a Comprehensive City Marketing Plan was published today. Staff intends to have more information to share with Council within the next 60 days.
- The proposed amendment pertaining to EMMC 12.30.000 Standards and Practices is planned to come before Council in February.
- The City's Wildlife and Conservation web page has been updated to include more information about local wildlife and efforts to enhance conservation in the City.

Engineering

- City staff is in the process of generating a bid package by the February 21st City Council meeting for the Eagle Mountain Boulevard roundabout removal, traffic signal, and the Major Street traffic signal.
- City staff is working with the consultants hired to complete the signal design for traffic signals for intersections at Stonebridge Lane and Ranches Parkway and Woodhaven Boulevard and Pony Express Parkway. In addition to these two signals, the lengthening of the left turn lane from eastbound Pony Express Parkway to northbound Ranches Parkway will be included in the bid package. Staff anticipates soliciting bids in February for construction this spring.
- City staff is soliciting design proposals for the free right turn lane from northbound Ranches Parkway to eastbound Wride Memorial Highway and a connecting roadway from the Lone Tree subdivision to Old Airport Road.
- City staff is in the process of preparing bid documents for a tertiary treatment design to allow the City's wastewater effluent to be treated to type 1. This will reduce many of the City's requirements for oversight and reporting required for effluent as well as allowing effluent to be used for irrigation if desired.
- City staff is working with the consultant to complete the design of the south half of Mid Valley Road from Sheps Ridge Road to Pony Express Parkway. This will facilitate the completion of the north end of Cory Wride Park and will improve traffic flow at Frontier Middle School. The solicitation of bids should be ready in time for the March 7th City Council meeting.
- Rhino is on site and has done the initial prep work to test pump the White Hills well. They will develop the well this week and then begin the actual test pumping. This will allow the City to determine if there is sufficient capacity in the well to replace the existing pump and motor system with an upgraded package.

Parks, Recreation, Events, and Cemetery

- Walden Park Observatory: Staff will propose to the Council options for this project and discussion with all the other entities involved, cost-saving measures, and options for additional grant funding.
- Smith Ranch Community Park: Staff has reviewed the plans and is working to finalize engineering costs for the project. Staff have evaluated and understand the park will cost more than the original budget and are looking for ways to value engineer the project and get the bidding documents closer to the budget. The park will be posted in an RFP by the end of the week. Also, it is anticipated that the bid award will be given to the City Council in the second meeting in February.
- Pony Express Medians Project: Staff will finish the landscape medians south of Mid Valley Road on Pony Express Parkway utilizing the landscape plan for the existing medians to the north on the same section of road to match the design. It is anticipated this project will be posted as an RFP before the end of January.

Facilities, Fleet, and Emergency Management

- The Community Development Building mezzanine has been ordered and should be delivered and installed on February 16th.
- An RFP for the Well houses HVAC upgrades is out for bid and will be on the February 7th Council agenda as a bid award.

- The Teen CERT program is in place, classes started today, and eight students are attending.
- Upgrades to the sewer building are going to be starting soon. The Facilities Department is going to be the general and is working on getting bids from contractors.
- The Sheriff's and Recorder's office remodels are in the design phase.
- The City is working on getting bids for a concrete pad for a 6,000-gallon diesel fuel reserve tank for generators.

Community Development

- The Wride Memorial Highway Wildlife Crossing equipment will be installed beginning in the next couple of weeks.
- All employees in the department participated in many trainings last week for our new Accela software. The City is looking forward to allowing digital submittals for business licenses, building permits, and planning applications. The software will be implemented in phases.
- Staff will present amendments for minor Municipal Code corrections and clarifications to the Planning Commission next week including streetlights, accessory structures, and minor architectural standards.
- As of last Friday, 27 new residential building permits have been issued in January for 15 homes and 12 townhome units.

1.A. PRESENTATION – Eagle Mountain Chamber of Commerce State of the Chamber

This item was discussed after the review of item 10.A.

Eagle Mountain Chamber of Commerce President Melissa Clark presented the State of the Chamber, the Chamber's mission, growth opportunities, and statistics and advancements regarding the following items:

- Growth through membership and sign and marketing opportunities;
- Education events and efforts;
- Advocacy with State leadership and outstanding business awards;
- Resources provided to local businesses and partnerships with other entities;
- Service in the community; and
- ShopFest Utah 2022.

1.B. DISCUSSION – Parking Code Amendments

Grants Coordinator/Management Analyst Natalie Winterton presented proposed amendments to parking standards.

The Council discussed and provided feedback regarding:

- Clarifying the parking prohibition on ten feet on either side of a mailbox between 8:00 a.m. and 5:00 p.m. on days that mail is delivered;
- Allowing residents to park partially into their own park strip, in cases where safety is not an issue and landscaping will not be damaged;

- Possibly having parking prohibition be based on the distance from the sidewalk or on the neighbor's property;
- Permitting vehicles to remain parked for longer than 48 consecutive hours in consideration of weekends;
- Safety hazard mitigation and liability protection for snowplow drivers to facilitate snow removal;
- Residents using vans as personal rather than recreational vehicles and visibility issues with vans parking on streets;
- Measuring from the sidewalk or road rather than half of the driveway due to variances in the size of driveways;
- The definition of commercial vehicles and front yard;
- Reducing the 200-foot distance for parking agricultural vehicles, recreational vehicles, or empty trailers from street corners while retaining clear visibility and safety;
- Support of removing the prohibiting of parking vehicles with commercial signage to support local businesses; and
- The notification process for repeat offenders and clarifying when a vehicle could be towed for flagrant violations.

2. AGENDA REVIEW

10. AUDIT

10.A. Acceptance of the 2022 Fiscal Year Audit – Ron Stewart

This item was presented at the start of the work session.

Ron Stewart with Gilbert and Stewart CPAs presented the item and explained the audit process.

Findings of the 2022 Fiscal Year Audit:

- Financial Statements: can be relied upon as accurate;
- Internal Controls: the controls are adequate and working as designed and implemented;
- Compliance with State Law: expenditures were exceeded in several funds and departments and the General Fund revenues exceeded the allowable balance limit.
- Spending of Federal Funds in Excess of \$750,000: the funds were properly allocated to the sewer treatment plant.

Mr. Stewart recommended that the City amend the budget as needed to capture expenditures and to allocate funds from the General Fund to future projects to avoid balance excess. Items marked as subsequent events will be evaluated in the 2023 Fiscal Year Audit.

13.A. Preliminary Plat Lone Tree

Eagle Mountain Fire Marshal Dan DeVoogd said his review of the preliminary plat inadvertently excluded the ten existing homes on Walnut Drive. The addition of 22 homes would exceed the allowed 30 homes off a dead-end street in Municipal Code. The turn radius is sufficient for most emergency vehicles but might be an issue for the ladder truck if vehicles were parked along both

sides of the street. Standards require the review of a cul-de-sac exceeding 700 feet in length; however, due to the full-width residential road and turnaround, he is unconcerned with the road length. Eagle Mountain Municipal Code is more restrictive than fire code regarding cul-de-sac length. The new development would resolve issues with the noncompliance of Walnut Drive due to the lack of a cul-de-sac at the end of the street. The grade of the road is below the maximum allowed slope of 12%. He does not foresee any issues with this phase of the development.

Senior Planner David Stroud explained that the roads in the plan meet the previous 53-foot standard as the application was received prior to the recent amendment to road widths.

City Engineer Chris Trusty said his review of the project calculated the average slope of the lots but excluded evaluation of the adequacy of the building envelope for each lot.

Applicant representative Brian Haskell said he is in support of applying the wildlife corridor but desires to discuss and understand the requirements and limitations of land uses with staff before applying an easement on the unbuildable, drainage area of lots 313 and 314. They submitted a new slope study with the application and will submit a stabilization plan for the portion of the road that has a greater than 30% slope. A turnaround is being provided for the lots in his development. The future road area is being preserved for connectivity and will be constructed when the design is finalized and development begins on the adjacent property. They provided an example of how the lots could be developed in harmony with the topography of the land and in accordance with City standards.

Discussion ensued regarding the slope of the road, plans to cut and fill portions of the road to even the slope, and whether Municipal Code allows for the grade leveling to bring a road into compliance because grade leveling is prohibited to make lots buildable.

Director of Administrative Services/City Recorder Fionnuala Kofoed verified that a condition of approval could include a bond to safeguard the construction of the future road connection.

Councilmember Curtis requested that the item be removed from the consent agenda and placed as a scheduled item for further discussion during policy session.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing the purchase, lease, or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, annotated. Councilmember Love seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

The meeting was adjourned at 6:13 p.m.

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

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

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Todd Black, Wildlife Biologist/Environmental Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Chris Trusty, City Engineer; Marcus Draper, City Attorney; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; Embret Fossum, Unified Fire Authority Battalion Chief; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Mack Straw, Public Utilities Manager; David Stroud, Senior Planner; and Elizabeth Fewkes, Recording Secretary.

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:16 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Westmoreland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain City would like to recognize the life and legacy of Dr. Martin Luther King, Jr. His birthday and subsequent federal holiday were celebrated around the country on January 16th. Eagle Mountain City recognizes his contributions to the advancement of civil rights through non-violence during his lifetime.
- Residents are encouraged to avoid on-street parking through March 15th of this year during snowstorms. This helps City crews clear local roadways of snow and helps prevent accidents during winter storms.
- Eagle Mountain City would like to highlight upgrades to the new Resident Portal. This enhanced service allows residents to submit issues and follow them through to completion from their mobile devices. Try the new Resident Portal today.

- Eagle Mountain residents are encouraged to download the new City App now available on the App Store and Google Play later this month. Use this device to stay in touch with happenings in the City.

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

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:19 p.m.

Tiffany Ulmer inquired regarding the timeframe for City employees to remove a stop sign on Bobby Wren Boulevard and Roost Road that is not needed and causes unnecessary delays to motorists.

Karina Woodbury spoke in favor of preserving the wildlife corridor and asked to have the secondary exit completed before constructing homes in Lone Tree Phase F, Plat 3 because of safety concerns with construction traffic due to an insufficient turn radius on Walnut Drive for large vehicles.

Dave Peterson objected to the City allowing blasting because it can cause damage to existing homes and appreciates the developer agreeing to not use blasting in developing Lone Tree Phase F, Plat 3.

Scot Hazard, the owner of the property to the east of Lone Tree Phase F, Plat 3, said he has worked with the adjacent developer to align the road connection with the approved preliminary plat for Circle 5 Ranch. The connection will add an additional egress for the neighborhood and resolve some of the residents' traffic concerns. He is willing to consider City proposals to bring his project into compliance with updated Municipal Code standards if the changes work for his project and if there is a balance in equity.

City Engineer Chris Trusty explained that the cul-de-sac planned for Lone Tree Phase F, Plat 3 will provide an adequate turn radius for large vehicles.

Streets and Storm Drain Manager Zac Hilton said the stop sign was installed due to a miscommunication and will be removed. However, he is unable to provide a specific timeframe as snow removal, road repairs, and flood response take precedence. In December, 850 tons of salt was put down on roads and 5,932 miles were driven by personnel as a part of snow removal efforts. He will discuss the concerns about trucks backing down Walnut Drive with his staff.

Discussion explained the changes to blasting standards to protect homes.

Mayor Westmoreland closed public comment at 7:40 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Gray

Councilmember Gray thanked the Street Department for their hard work and diligence. He has read residents' emails and recognizes their concerns. He appreciates their involvement and the Council will do its best to address issues.

Councilmember Wright

Councilmember Wright welcomed those in attendance and expressed appreciation to City staff. During the next budget cycle, he desires to address issues with Lake Mountain Road and the connection of Old Airport Road to Lone Tree. He thanked the residents that took the time to write an email, to be involved, and to help the Council become aware of issues.

Councilmember Love

Councilmember Love thanked the residents for reaching out to Council about the bike trails and wildlife corridor in Hidden Hollow. She noted the love people have for the City and their appreciation of the amenities.

Councilmember Burnham

Councilmember Burnham expressed gratitude to the citizens that came and made public comments. She hopes that the Council has helped to address concerns. She appreciates the respectful, well-informed emails they received. She refuted a rumor that Eagle Mountain is selling half the bike park land and clarified that a developer has communicated a desire to purchase a 40-acre City parcel.

Councilmember Curtis

Councilmember Curtis echoed the appreciation expressed to residents for their input.

Mayor Westmoreland

Mayor Westmoreland expressed appreciation for the enthusiasm and passion expressed by residents about the trails, outdoor recreation, and wildlife. He remains committed as Mayor to preserving as much open space as possible as he feels those elements are a part of the City's identity. Eagle Mountain is an exception with the amount of open space the City has been able to preserve. The City will work with landowners to find the best solutions while respecting landowner rights.

Mayor Westmoreland recognized Brian Buckner for his service to Eagle Mountain City and presented him with a challenge coin.

9. APPOINTMENT

9.A. Planning Commission

MOTION: *Councilmember Gray moved to appoint Robert Fox to the Planning Commission completing the Alternate Member three-year Term through December 2024. Councilmember Curtis seconded the motion.*

Those Voting Yes

Those Voting No

Those Abstaining

Those Absent

☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis	☐ Colby Curtis
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love	☐ Carolyn Love
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

Director of Administrative Services/City Recorder Fionnuala Kofoed administered the Oath of Office to Robert Fox.

CONSENT AGENDA

10. AUDIT

10.A. Acceptance of the 2022 Fiscal Year Audit – Ron Stewart

11. BOND RELEASES

11.A. New Park at Porter's Crossing – Into Warranty

11.B. Skyline Ridge Phase 2, Plat 6 – Into Warranty

11.C. Cedar Farm – Out of Warranty

12. MINUTES

12.A. January 3, 2023 Minutes – Regular City Council Meeting

13. PRELIMINARY PLATS & SITE PLANS

13.A. PRELIMINARY PLAT – Lone Tree Phase F, Plat 3

14. RESOLUTION

14.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Update to the Eagle Mountain Storm Water Management Program.

Discussion ensued regarding public education and outreach to ask residents to assist with preventing pesticides, fertilizer, sediment, and other pollutants from entering the stormwater and impacting the flora and fauna of Utah Lake, particularly nitrogen and phosphate which contribute to the algae blooms.

MOTION: *Councilmember Curtis moved to approve the consent agenda removing item 13.A. and placing it as a scheduled item. Councilmember Wright seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

13. PRELIMINARY PLATS & SITE PLANS

13.A. PRELIMINARY PLAT – Lone Tree Phase F, Plat 3

Senior Planner David Stroud presented the item. The project has been reviewed by the development review committee and the plat configuration is in conformance with platting and residential zone standards. The proposed F-3 plat is a continuation of the existing Lone Tree plats. F-1 contains 21 lots and F-2 contains 18 lots and the detention basin/open space lot. The subject property was considered with 17 lots at a previous preliminary plat approval but was subsequently removed from approval and subject to approval at a later date. The plan requires an additional 3,920 square feet of open space and eight amenity points or the payment of a fee in lieu of \$18,307.90. Rosewood Drive will connect to the adjacent Circle 5 Ranch project when that area is developed. The City had discussions with the applicant proposing a wildlife conservation easement that was later withdrawn. The applicant has stated he is willing to further consider the wildlife conservation easement. The Eagle Mountain Nature and Wildlife Alliance submitted a diagram of their proposal for the easement design.

The Planning Commission recommended approval of the preliminary plat with the following conditions:

1. Correction of, if any, outstanding redlines;
2. A fee-in-lieu of \$18,307.90; and
3. A plan for the connectivity of Rosewood Drive with the adjacent property shall be in place.

Mr. Stroud summarized the points discussed during work session. The length of time the area would be a cul-de-sac until the connection is made to Circle 5 Ranch will depend on the construction timeframes for both projects. The cul-de-sac standards were the same at the time the application was submitted as they are now. Staff evaluated the preliminary plat with the inclusion of the future connection. If the preliminary plat were to be evaluated and held to the requirements for cul-de-sacs due to the ten existing homes on Walnut Drive, the preliminary plat could only add five additional homes.

Councilmember Curtis expressed concern with the proposal exceeding the maximum number of allowed homes, the cul-de-sac exceeding 400 feet in length, and the increase from 17 to 22 lots from the previous proposal after the City allowed some of the lots from this plat to be relocated within the project due to topographical challenges. Although a future connection is planned, there is a chance the street will remain a cul-de-sac if the neighboring property is never developed.

Mr. Stroud noted a correction needed in the staff report that the earlier request was for 18 lots, not 17.

Councilmember Gray stated that he desires to verify that the lots have a large enough building envelope to be developed in accordance with City requirements before approving the preliminary plat and concurred with concerns that the project failed to meet several Municipal Code requirements. He requested for the roads to meet the new width standards to increase safety.

Councilmember Wright stated although the plan has aspects he dislikes that he would like to see remedied, he does not feel that this is a bad preliminary plat. He supports the applicant in working with staff to add the wildlife corridor easement to the application.

Assistant City Administrator/Community Development Director Steve Mumford explained that Municipal Code allows for exemptions to block length standards due to topography, natural features, existing adjacent development, and limited access roadways.

Applicant representative Brian Haskell explained that the through road will be a stubbed, dead-end until it is connected to the adjacent development. A bench drain has been designed on the west end of the lots and other stormwater overflow issues have been resolved. He reviewed the history of the project and concerns with blasting and grading. The new design takes into account rock, slopes, and the safety of residents. They could develop five lots on a cul-de-sac but it would cut off connectivity to the vested Circle 5 Ranch preliminary plat. The homes will be custom designed to work with the topography. They intend to cut and crush the rock and use it within the development. They designed a plan with the number of homes that reasonably fit on the property and that meets zoning. He beseeched cooperation from the Council due to the time and expense they have invested to compose a plan to provide connectivity to another project. He recognizes the importance of preserving land for wildlife and is open to incorporating the wildlife corridor as preferable to paying the fee-in-lieu. He welcomes meeting with staff to clarify the wildlife corridor overlay as they want to be clear on the requirements before finalizing an agreement.

Discussion ensued regarding the following:

- Whether the lots are buildable and comply with City standards;
- Street length maximums and if the project qualifies for exemptions;
- The approved road width on the preliminary plat for Circle 5 Ranch meets the previous 53-foot standard;
- State law regarding vested rights is based upon the time the application is complete rather than when the application is reviewed by the City Council;
- Clarification that the new standards would apply should the preliminary plat be denied by the Council and the applicant's legal recourses;
- Whether to approve the application with conditions or to require concerns to be addressed before approval; and
- Fencing requirements for the wildlife corridor overlay.

Councilmember Wright suggested asking the applicant to delay the development of two of the lots until the road connection is completed.

Mr. Haskell indicated that he would be amenable to delaying the development of two lots if a maximum time limit were a part of the agreement.

Mr. Stroud stated that block lengths that exceed 30 units are required to have a second fire apparatus access road and asked if the fire marshal's approval of the project addressed that concern for the Council.

City Attorney Marcus Draper stated that the wording in Municipal Code grants discretion for exemptions to unit maximums and block lengths to be granted if the Council is so inclined.

MOTION: *Councilmember Burnham moved to approve the preliminary plat for Lone Tree Phase F, Plat 3 with the following conditions:*
1. *The fee in lieu shall be replaced with the wildlife corridor easement; and*
2. *Correction of any outstanding redlines.*
Councilmember Love seconded the motion.

Discussion clarified that the terms of the wildlife corridor easement would be a staff-level rather than Council approval and the easement would include the land that had been previously removed from the proposal.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
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☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☐ <i>Brett Wright</i>	☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion failed with a vote of 2 to 3.

Councilmember Burnham expressed concern with placing a condition on the applicant that is dependent upon another developer and as such is in favor of allowing a time limit for the delay of the completion of the two additional lots.

MOTION: *Councilmember Wright moved to table the preliminary plat for Lone Tree Phase F, Plat 3 to a future meeting to allow the applicant and staff to finalize the wildlife easement or dedication terms and remove two lots from the plat for three to four years. Councilmember Burnham seconded the motion.*

Discussion ensued regarding whether to require certain lots to be removed and the terms to require for the delay of the development of two lots.

Mr. Haskell requested to have the ability to either remove, delay, or combine lots to bring the plan under the 30-lot maximum.

SUBSTITUTE MOTION: *Councilmember Wright moved to table the preliminary plat for Lone Tree Phase F, Plat 3 to a future meeting to allow the applicant to work with staff to draft the language for the wildlife corridor easement and the details surrounding the requirements of the easement on lot 313 and 314 and considering adjusting the plan to accommodate the 30-lot maximum on dead-end streets.*

Councilmember Burnham seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
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☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

SCHEDULED ITEMS

15. AGREEMENT

15.A. AGREEMENT – Public Water Supply Agreement Between Eagle Mountain City, Utah and Oquirrh Wood Ranch, LLC.

City Administrator Paul Jerome presented the item and explained that the developer of the Firefly project has requested to purchase additional water from the City. When he inquired about purchasing additional Central Water Project water through the Central Utah Water Conservancy District (CUWCD) not in relation to this proposal, the City would have had to abide by terms he was uncomfortable with asking the City Council to entertain due to the associated risks. Cities are now required to issue a formal request to be considered for eligibility for the limited remaining shares. Applicant Nate Shipp is requesting to enter into an agreement with the City for an additional 3,000-acre feet of water to be obtained through an agreement between the City and the CUWCD. Mr. Shipp would purchase 330-acre feet per year for nine years beginning in 2024. An additional, 1000-acre feet from the City's existing contract would be included for a total of 4,000-acre feet. The agreement would be contingent upon approval by the CUWCD.

Councilmembers Love and Wright stated that they have concerns with the draft agreement and desire for issues to be resolved prior to finalizing the agreement.

Councilmember Burnham said she would rather table the agreement and resolve concerns rather than deny the application.

Councilmember Curtis said he is ready to move forward with a vote.

Applicant Nate Shipp stated that due to time constraints and the limited amount of water rights available, he needs a decision tonight to know whether this agreement will move forward or if he

needs to negotiate directly with CUWCD. The donation of their well to the CWP to allow the CUWCD to move water in and out of Cedar Valley was a part of their previous negotiations directly with CUWCD. At the request of City staff, they did not move forward with that agreement as the City desires to retain control over all wells within Eagle Mountain. Today was the deadline to submit water requests to the District. If a decision cannot be reached tonight, he needs to resume negotiations with the CUWCD that include the donation of the well. He recognized that his agreement with the City is contingent upon them securing water rights through the District and noted that he submitted the application to the City in November 2022 to allow time for negotiations.

Discussion ensued regarding:

- The Council's hesitancy to make changes to the agreement during the meeting considering the number of concerns they have with the contract;
- The need to understand the terms desired by the CUWCD,
- The approval process with CUWCD;
- Applicant concerns with the City allocating the water to another party;
- The City's need for a partner to feel comfortable with reaching an agreement with the CUWCD;
- Holding a special meeting to review the Council requested changes sooner than the February 14, 2023, regularly scheduled meeting; and
- Providing Mr. Shipp with the desired changes to the agreement before they meet again.

MOTION: *Councilmember Burnham moved to table a Public Water Supply Agreement between Eagle Mountain City, Utah and Oquirrh Wood Ranch, LLC to a special session to be held on Jan 24, 2023. Councilmember Gray seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☐ <i>Colby Curtis</i>	☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a vote of 4 to 1.

16. CITY COUNCIL/MAYOR'S BUSINESS

17. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Gray

Councilmember Gray requested for his new liaison assignments to be emailed to him.

Councilmember Wright

Councilmember Wright said he will accompany the Youth Council to the capital which was scheduled prior to assignment changes.

Councilmember Love

Councilmember Love said the Parks and Recreation Advisory Board desires to report their findings regarding the soccer program study to the Council and to receive feedback about the City's desired level of involvement in sports programs.

Councilmember Burnham

Councilmember Burnham stated she is impressed by the Youth Council and its desire to serve.

Councilmember Curtis

None.

18. COMMUNICATION ITEMS

18.A. Financial Report

18.B. Upcoming Agenda Items

19. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn at 10:37 p.m. Councilmember Curtis seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>	☐ <i>Donna Burnham</i>
☒ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>	☐ <i>Colby Curtis</i>
☒ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>	☐ <i>Jared Gray</i>
☒ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>	☐ <i>Carolyn Love</i>
☒ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>	☐ <i>Brett Wright</i>

The motion passed with a unanimous vote.

The meeting was adjourned at 10:37 p.m.

Approved by the City Council on February 7, 2023.


Fiona B. Kofoed, MMC
City Recorder

