



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

January 16, 2024 , 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Rich Wood, and Brett Wright.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Cliff Strachan, Director of Legislative Affairs; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; Natalie Winterton, Grants Coordinator/Management Analyst; Terrence Dela Pena, Finance/Management Analyst; Brandon Larsen, Planning Director; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jody Bates, Chief Deputy Recorder; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Brad Hickman, Public Works Director; Linda Waters, Risk Manager; Bailey Ensign; Digital Communications Specialist; and Eric McDowell, Chief Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Jeff Weber, Fleet and Facilities/Operations Director; Michele Graves, Library Director; Chas Glenn, Administrative Assistant; Laura LaRue, Executive Assistant; and Elizabeth Fewkes, Recording Secretary.

Mayor Westmoreland called the meeting to order at 4:05 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

Public Works

- Staff has been working with Cartograph – Open GOV asset management software. Data gathering is close to being complete and a training event for staff on the software will be held the week of February 12, 2024. Once the training event is completed staff will utilize the software for three months to identify issues and make corrections. It is anticipated that the first phase including Wastewater, Water, Transportation, and Signals will go live in May of 2024.

Public Utilities

- The Well 3 motor has been installed and is operational.
- Staff will be conducting the reading process for billing this week.
- Maintenance is underway for Well 2.

Public Services

- Smith Ranch Park – The restroom should be delivered in the next couple of weeks. Big T Recreation will install the pavilions at the park at the end of the month. Spohn Ranch

Skateparks will continue construction on the skatepark this week. Due to the snow received, this project's progress has been delayed.

- Black and McDonald are continuing work on Pony Express Parkway. They have completed Phase 1 of the project from Oquirrh Ranch to Old Airport Road. Staff is scheduling to energize the completed first phase. They will continue to move south to Eagle Mountain Boulevard. Due to the snow received, this project's progress has been delayed.
- The Streets Department installed no parking signs along Aviator Avenue. Staff have been working with Cedar Valley High School on this issue and both parties agreed this is an appropriate action for the safety of the students.
- City staff has been busy with snow removal. In the last nine days, crews have plowed 5,804 miles (about twice the width of the United States) and used 1,450 tons of salt. Staff are still working on clearing minor roads such as cul-de-sacs and courts.

Engineering

- The City is moving forward with the design of Well 8 and upgrades to Well 5.
- Well 7 was opened to about 500 feet when it experienced another collapse. To help prevent this in the future, the driller is reaming out the hole to allow for a 30-inch surface down to casing to 120 feet and then a 28-inch casing down to 500 feet to help prevent future collapses.
- The contractor has been working with City staff on the completion of the Headworks Building project and is ready to disconnect the old headworks.
- The City continues discussion about property acquisition for the new 4-million-gallon (MG) tank site in the city center while the contractor has begun excavation on the 4 MG Firefly tank.
- City staff expect to have purchase agreements ready for at least two properties along Old Airport Road at the next City Council meeting.
- The remaining appraisals for the Old Airport Road should be completed by the first week of February.

Community Development

- As of January 15th, the City has issued 48 new single-family residential permits. In 2023, the City issued 38 permits in January.
- A commercial permit was issued for the Pre-Loved Thrift Store.
- The OpenGov implementation is going well for both the Building and Planning Departments. Delays are related to the Geographic Information System (GIS) mapping system.

Mr. Jerome explained the City's plan to coordinate with Lobbyist David Stewart to respond to bills under consideration during the State legislative session.

Discussion ensued regarding the following:

- Snow removal priority areas, how residents can report areas not plowed, and challenges with plowing cul-de-sacs;
- Communications and joint meetings with other cities and communication to residents concerning regional and State-level issues; and
- The unique aspects of Eagle Mountain due to rapid growth, consideration of vested unit counts, and the need for infrastructure investment from the State to facilitate additional growth.

1.A. DISCUSSION – Gardner Farms at 6501 N. Eagle Mountain Blvd.

Senior Planner David Stroud presented the concept plan for Gardner Farms. The subject property is along the west side of Eagle Mountain Boulevard and contains 160 acres. The applicant proposes Employment Center/Campus (42.21 acres), Neighborhood Residential Three (54.27 acres), Neighborhood Residential Two (54.58 acres), and Regional Commercial (10.02 acres) land uses developed over ten phases. To the south, west, and north is Utah County land, and to the east, across Eagle Mountain Boulevard, is unencumbered agriculture property in the City with a future land use of Employment Center/Campus or Regional Commercial.

Applicant representative Seth Townsend gave a presentation of the concept plan for the medical campus project and surrounding commercial, educational, residential uses and other areas around the project.

Discussion ensued and the City Council provided feedback regarding the following:

- Plans for major roadway access to the location and traffic concerns;
- The Council's desire for the developer to build the commercial uses before residential;
- Councilmember advocacy for hospital and educational uses as stipulated in the General Plan to be built in this area rather than housing;
- Medical users requesting to be located near residential to provide homes for staff, related services, and assisted living facilities;
- The lack of public transit availability necessary to support high-density housing; and
- The abundance of housing available and vested in Eagle Mountain to support a medical campus.

1.B. DISCUSSION – Eagle Mountain Zoning Map

Deputy City Administrator/Community Development Director Steve Mumford presented the item. A research and GIS mapping project has been in process by City staff to update the City's Zoning Map, with the goal of producing a user-friendly, online map. Due to the nearly 100 unique zoning districts in the City, the zoning map was set up with the general zoning categories.

Mr. Mumford explained the features, layers, and information provided on the map. The City has neighborhood parks, churches, and some schools located within residential zones. This is not uncommon and is allowed. There are also some master development plans that designate parks and open spaces specifically as a separate zone. Roadways are considered part of the zoning of the property in which they are located. A code amendment is being drafted to add historical zones into the Municipal Code, so there are standards in place for each of the zones listed on the map, whether they are part of an active master development plan (MDP)/master development agreement (MDA), an expired one, or simply a historical zone that is no longer in the Municipal Code.

Staff are continuing research of properties or zones that may have some uncertainty surrounding them, like Cedar Pass Ranch. This may require the item to return at a future meeting with a revised map. This is not an official rezone, as no property is being rezoned currently. The map is simply being created and updated to accurately reflect the current zoning on the properties. The City has chosen, for clarity and transparency, to have this map be adopted by the Commission and Council as the official City Zoning Map.

Discussion ensued regarding the following:

- Changing the colors or the shades of green of the Open Space and Agricultural zones to make them more distinctive;
- Staff's continuing efforts to gather information for areas with zoning disputes and confusion over the existing and appropriate zoning; and
- Considerations and entitlements for historical zoning.

The Council directed staff to continue work on the map and to present an update on the status of the project at a future meeting.

2. AGENDA REVIEW

10. AGREEMENTS

10.A. Settlement Agreement and Mutual General Release of Claims - Brightview Landscaping

City Attorney Marcus Draper explained that the City had become dissatisfied with Brightview Landscaping services. This agreement settles the dispute over the amount owed to Brightview for services rendered and releases the City to contract landscaping services with another company.

11. BOND RELEASES

Assistant City Administrator/City Recorder Fionnuala Kofoed explained that the City maintains 10% of the subdivision construction costs when a bond goes into warranty and the funds are released to the developer with the approval of the out of warranty bond release.

Councilmember Wood requested the punch list to review the criteria for a subdivision for the approval of an out of warranty bond release.

Councilmember Clark requested to have the punch list included in the packet materials with the bond releases on the agenda.

13. MOTIONS

13.B. MOTION – Acceptance of the 2023 Eagle Mountain City Fiscal Year Audit

Due to Mr. Stewart's availability it was necessary to review the presentation and hold the discussion of this item at this time.

Ron Stewart with Gilbert and Stewart Certified Public Accountants presented the 2023 Eagle Mountain City Fiscal Year Audit. He explained the audit process and the significant audit findings and recommendations.

General Compliance - Budgetary Compliance

- Finding: Utah State law prohibits the City from incurring expenditures in excess of those budgeted. The City had expenditures in excess of appropriations as follows:
 - Other Funds (by Fund) General Fund – Planning & Zoning \$16,058, and
 - General Fund – Community Development \$737,399.

- Finding: Utah State law prohibits the City from incurring expenditures in excess of those budgeted. The City had expenditures in excess of appropriations as follows:
 - Other Funds (by Fund) General Fund – Public Safety \$287,321,
 - General Fund – Community Development \$744,879,
 - General Fund – Debt Service \$27,000,
 - Parks Impact Fee \$81,151,
 - Debt Service – SAA 2014 \$106,306, and
 - Transportation Impact Fee \$479,166.
- Recommendation: The City budget expenditures appropriately.

General Compliance – Fund Balance

- Finding: Utah State law prohibits the City from having an unrestricted general fund balance that exceeds 35% of the current year total revenues of the general fund. The City was over the allowed limit by \$2,435,228.
- Finding: Utah State law prohibits the City from having an unrestricted general fund balance that exceeds 35% of the current year total revenues of the general fund. The City was over the allowed limit by \$608,098.
- Recommendation: The City take the necessary steps to reduce unrestricted fund balance to be in accordance with Utah State law.

Councilmember Wood commented regarding a discussion of truth in taxation at a future meeting.

14. PRELIMINARY PLATS & SITE PLANS

14.A. TEMPORARY SITE PLAN – Quailhill Stake at 7995 N. Silver Lake Parkway

Discussion ensued regarding the lack of other church facilities the patrons could use, the desire to be fair and equitable to all religious denominations, and the anticipated time frame of 24 months for additional churches to be built.

14.D. SITE PLAN – Marketplace at Eagle Mountain Town Center Medical at 4317 N. Pony Express Parkway

Councilmember Wright expressed concern with the plan to build a retention basin in the roundabout due to complications should the City need to use the easement to widen the roundabout.

City Engineer Chris Trusty stated that as the area near the roundabout is built out, he does not anticipate the City will need to make use of the easement.

The City Council supported vacating the easement to the developer to prevent potential conflict.

Mr. Draper confirmed that the public process would need to be followed to vacate the easement and amend the recorded plat.

15. RESOLUTIONS

15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Eagle Mountain City Brand and Marketing Playbook

Councilmember Wood requested that the item be removed from the consent agenda and placed as a regularly scheduled item.

15.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Repealing Resolution No. 09-9 Acting Administrative Rules and Regulation for the Conduct of Meetings of the Town Council

Mr. Draper verified that repealing the resolution would revert to State statutes governing administrative rules and regulations for the conduct of meetings and town councils should item 18.A. not pass.

Ms. Kofoed explained that additional rules of order and procedure were adopted by ordinance in 2006 and 2010.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the work session at 6:22 p.m.

7:00 P.M. POLICY SESSION

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Rich Wood, and Brett Wright.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Jared Gray.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Deputy City Administrator/Community Development Director; Fionnuala Kofoed, Assistant City Administrator/City Recorder; Cliff Strachan, Director of Legislative Affairs; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Tyler Maffitt, Communications Manager; Natalie Winterton, Grants Coordinator/Management Analyst; Terrence Dela Pena, Finance/Management Analyst; Brandon Larsen, Planning Director; David Stroud, Senior Planner; Steven Lehmitz, Planner; Jody Bates, Chief Deputy Recorder; Chris Trusty, City Engineer; and Brad Hickman, Public Works Director.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; and Elizabeth Fewkes, Recording Secretary.

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:07 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Wright led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Join Eagle Mountain City on January 17th as the City hosts a representative from the Utah Division of Wildlife Resources to discuss habitat management. Come ask questions and learn more about how major wildlife initiatives are funded in Utah. This event begins at 7:00 p.m. in the Council Chambers at Eagle Mountain City Hall.
- Eagle Mountain City is once again offering a Christmas Tree drop-off at the rodeo grounds now until Jan. 27th. Place live Christmas tree at 4447 Major Street and the City will dispose of it.
- Residents who do not use social media to stay in touch with the City are encouraged to sign up for the City's text notification system. Weekly, the City sends updates on news, important information, and sign-ups for recreational sports. Learn more at eaglemountaincity.com.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:08 p.m.

Marian Burningham submitted an email regarding the desire to resolve the disputes over the zoning of Cedar Pass Ranch and concerns that residential zoning of the subdivision could financially harm the residents.

Mayor Westmoreland closed public comment at 7:11 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Clark

Councilmember Clark thanked the meeting participants and the new appointees for their willingness to serve and for their, and their families' sacrifice. At the Utah Economic Outlook and Public Policy Summit, Governor Cox spoke about the Utah First Homes Program to foster home ownership. She noted the ability of homeownership to change generations of people's lives. She's excited to see what happens with the First Homes program and the Legislative session.

Councilmember Burnham

Councilmember Burnham encouraged residents to follow the State Legislators during the session. The progress on individual bills can be found on the State's website. Caucus Night is scheduled for March 5, 2024, for both the Republicans and Democrats.

Councilmember Wood

Councilmember Wood expressed appreciation to the people in attendance, those serving on City boards and committees, and past public servants.

Councilmember Wright

Councilmember Wright stated that he appreciates staff's quick response to assist a resident with graffiti removal, the high-quality service provided by Brandon Larsen in addressing a setback issue, and the efforts of other employees. He recognized Zac Hilton and the snow removal crew for their excellent work.

Councilmember Gray

Councilmember Gray said he is glad that people are staying involved in the zoning process and appreciates being able to attend remotely.

Mayor Westmoreland

Mayor Westmoreland echoed appreciation to the Streets Department. Residents have expressed appreciation for the swift efforts to clear roads resulting in superior traveling conditions in the City during and after snowstorms.

He recognized former Councilmembers Colby Curtis and Carolyn Love and former Commissioners Matthew Everett and Jeremy Bergener for their service and presented plaques to those in attendance.

9. APPOINTMENTS

9.A. Planning Commission

MOTION: *Councilmember Wood moved to appoint Rod Hess to the Planning Commission for a three-year term through December 2026. Councilmember Burnham seconded the motion.*

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

9.B. Senior Citizens Advisory Council

MOTION: *Councilmember Wright moved to appoint Karan Heffelfinger to the Senior Citizens Advisory Council for a four-year term through December 2027. Councilmember Clark seconded the motion.*

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

9.C. Library Board

MOTION: *Councilmember Clark moved to appoint Adelle Curtis to the Library Board for a two-year term through December 2025. Councilmember Wood seconded the motion.*

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

CONSENT AGENDA

10. AGREEMENTS

10.A. Settlement Agreement and Mutual General Release of Claims – Brightview Landscaping

11. BOND RELEASES

11.A. Eagle Point Plat D – Into Warranty

11.B. Silverlake Plat 32 – Into Warranty

11.C. Eagle Point Phase G Plat 2 – Out of Warranty

11.D. Spring Run Phase D Plat 4 – Out of Warranty

11.E. Silver Lake 30 – Out of Warranty

11.F. Silverlake Plat 29 – Out of Warranty

11.G. Simpson Hollow Phase 1 – Out of Warranty

11.H. Simpson Hollow Phase 2 – Out of Warranty

11.I. Simpson Hollow Phase 3 – Out of Warranty

11.J. Simpson Hollow Phase 4 – Out of Warranty

11.K. Simpson Hollow Phase 6 – Out of Warranty

11.L. Skyline Ridge Phase 2 Plat 6 – Out of Warranty

12. MINUTES

12.A. December 5, 2023 Minutes – Regular City Council Meeting

12.B. January 2, 2024 Minutes – Regular City Council Meeting

13. MOTIONS

13.A. MOTION – Reimbursement of Application Fees for Sage Valley Plan Amendment

13.B. MOTION – Acceptance of the 2023 Eagle Mountain City Fiscal Year Audit

14. PRELIMINARY PLATS & SITE PLANS

14.A. TEMPORARY SITE PLAN – Quailhill Stake at 7995 N. Silver Lake Parkway

14.B. SITE PLAN – Alpine School District Middle School at 1190 E Belle St. & 9050 N.

14.C. SITE PLAN – Lakeview Church Meetinghouse at 9634 N. Duggan Drive

14.D. SITE PLAN – Marketplace at Eagle Mountain Town Center Medical at 4317 N. Pony Express Parkway

15. RESOLUTIONS

15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Eagle Mountain City Brand and Marketing Playbook

15.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Repealing Resolution No. 09-9 Acting Administrative Rules and Regulation for the Conduct of Meetings of the Town Council

MOTION: *Councilmember Wood moved to approve the consent agenda removing item 15.A. and placing it as a scheduled item and instructing staff to bring item 14.B. back to the City Council to discuss vacation of the easement. Councilmember Wright seconded the motion.*

Those Voting Yes

☒ Donna Burnham
☒ Melissa Clark
☒ Jared Gray
☒ Rich Wood
☒ Brett Wright

Those Voting No

☐ Donna Burnham
☐ Melissa Clark
☐ Jared Gray
☐ Rich Wood
☐ Brett Wright

Those Abstaining

☐ Donna Burnham
☐ Melissa Clark
☐ Jared Gray
☐ Rich Wood
☐ Brett Wright

Those Absent

☐ Donna Burnham
☐ Melissa Clark
☐ Jared Gray
☐ Rich Wood
☐ Brett Wright

The motion passed with a unanimous vote.

SCHEDULED ITEMS

15. RESOLUTIONS

15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Eagle Mountain City Brand and Marketing Playbook

Councilmember Wood requested the addition of historical elements such as the Pony Express Trail and the petroglyphs, recreational activities, and traditional events like Pony Express Days carnival and rodeo to the playbook and that the marketing plan include community events.

Councilmember Clark expressed support for Councilmember Wood's requests.

Communications Manager Tyler Maffit stated that the incorporation of the requests will require the reprinting of the Eagle Mountain City Brand and Marketing Playbook which will cost a few hundred dollars but should not exceed \$1,000. Signage for major streets should be updated with the new logo this month.

Councilmember Wright said he is pleased with the current version of the playbook and supports the incorporation of the changes as the cost to reprint will be negligible.

Mayor Westmoreland noted the value of the project and recommended gathering and sharing testimonials about the new branding with the public.

Councilmember Clark commented on the possibility of including a booth at Pony Express Days and the Farmers Market, to convey the roots, symbolism, and meanings behind the brand elements to residents.

MOTION: *Councilmember Wright moved to approve a resolution of Eagle Mountain, Utah, approving the Eagle Mountain City Brand and Market Playbook and requested that the item be returned at a future meeting once the discussed additions have been incorporated. Councilmember Wood seconded the motion.*

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

16. CITY CENTER COMMERCIAL PHASE A, PLAT 1

16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving a Rezone for City Center Commercial Phase A, Plat 1 from Commercial C-1 to Commercial Community

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

Planner Steven Lehmitz presented the item. City Center Commercial Phase A Plat 1 was recorded in 2017. Lot 2 of that plat has been subdivided a couple of times to create smaller commercial lots that have since been developed. The owners of Lot 1 are seeking to do the same and divide the lot, creating another commercial lot. Along with this application, there is a rezone request to change the newly created lot to a current commercial zone.

The Eagle Mountain Properties Master Development Agreement (MDA) initially zoned this property Commercial C-1 in 1997. It has since been platted and a portion of City Center Commercial Phase A Plat 1 Lot 1 has been developed. The owners of Lot 1 are seeking to subdivide the lot, creating an additional lot for commercial use. The rezone request is for the proposed lot being created, changing it to Commercial Community, one of our current commercial zones. The partial screening wall between the commercial site and the homes would need to be completed.

Mr. Lehmitz explained that the applicant is required to complete the fence between the two properties once the site has been developed and the trail easement needs to be improved and maintained but the applicant is not required to install the trail.

Mayor Westmoreland opened the public hearing at 7:48 p.m. As there were no comments, he closed the hearing.

Councilmember Wood raised concerns with some of the uses permitted in the Commercial Community Zone and inquired if the applicant would be amenable to Commercial Neighborhood zoning.

Discussion ensued regarding the differences between the setbacks and uses in the Commercial Community and Commercial Neighborhood zones, and the ability to restrict uses via a development agreement.

Applicant representative Ben Nielsen said they are agreeable to Commercial Neighborhood zoning or use restrictions.

MOTION: *Councilmember Wood moved to approve an ordinance of Eagle Mountain City, Utah, approving a rezone for City Center Commercial Phase A, Plat 1 from Commercial C-1 to Commercial Neighborhood. Councilmember Wright seconded the motion.*

Mr. Lehmitz noted that Plat 1 also included developed area and inquired if the desire is to change the zoning on the full plat.

AMENDED MOTION: *Councilmember Wood moved to approve an ordinance of Eagle Mountain City, Utah, approving a rezone for City Center Commercial Phase A, Plat 1 from Commercial C-1 to Commercial Neighborhood as presented in the staff report. Councilmember Wright seconded the motion.*

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

16.B. MOTION/PUBLIC HEARING – A Motion Approving the City Center Commercial Phase A, Plat 1, Lot 1 Recorded Plat Amendment

Mayor Westmoreland opened the public hearing at 7:59 p.m. As there were no comments, he closed the hearing.

MOTION: ***Councilmember Wood moved to approve the recorded plat amendment for City Center Commercial Phase A, Plat 1, Lot 1. Councilmember Burnham seconded the motion.***

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ 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 Eagle Mountain Municipal Code Section 17.70.030 Accessory Dwelling Unit Standards

Planning Director Brandon Larsen presented the item. This amendment is proposed to address Utah Code changes as per Senate Bill (SB) 174 (2023) related to circumstances under which a garage may be included in the definition of an internal accessory dwelling unit. As per SB174, Section 10-9a-530, Utah Code Annotated, has been amended to more explicitly allow for an internal accessory dwelling unit (ADU) in a garage of a detached, single-family dwelling (SFD). This amendment is proposed to eliminate uncertainty in the Eagle Mountain Municipal Code (EMMC), particularly Section 17.70.30, as to what portions of an SFD may be used as an ADU. Language that could be interpreted to suggest ADUs are only allowed in the basement or addition of an SFD is proposed to be stricken. Further, this amendment also ensures two enclosed parking spaces for SFDs with an ADU in a garage.

Councilmember Wood suggested requiring a total of four parking spaces per home to facilitate snow removal and promote safety.

Discussion considered removing “over the garage” from EMMC 17.70.030(D) to prevent misinterpretation that ADUs must be located over the garage as they are permitted within an attached or detached garage, requiring two covered and two uncovered off-street parking spots reducing the number of people that could have ADUs, and enforcement difficulties in changing the number of off-street parking from one spot to two spots as previously approved ADUs will only be required one spot.

Deputy City Administrator/Community Development Director Steve Mumford clarified that Eagle Mountain City prohibits detached ADUs on lots under 8,000 square feet. Utah Code allows restrictions of ADUs on some properties under 6,000 square feet.

Mayor Westmoreland opened the public hearing at 8:11 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Wood moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Section 17.70.030 Accessory Dwelling Unit Standards with the following changes:*

- 1. 17.70.030(D): “Location and Type. Accessory dwelling units may be allowed within or attached to the main single-family residential dwelling, over detached garage, or in a detached accessory structure (cottage home, casita, guest house), where permitted by EMMC 17.25.030;” and*
 - 2. 17.70.030(G) to require off-street parking for two vehicles.*
- Councilmember Wright seconded the motion.*

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

17.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Chapter 16.20.050 Approval Process

Senior Planner David Stroud presented the item. Recent State Code changes require time limits regarding review of certain subdivision preliminary plats. State Code requires a 15-day turnaround for the initial review of single-family, two-family, or townhome preliminary plats. Eagle Mountain policy is more stringent than State Code and requires staff to complete the initial review within 10 days.

Mayor Westmoreland opened the public hearing at 8:16 p.m. As there were no comments, he closed the hearing.

Councilmember Wood commented the possibility of an update to all sections of Municipal Code with land use application information to reflect and reference Utah Code 10-9a-509(1)(b)(ii).

Mr. Draper noted the reference to Section 10-9a in 16.20.050 needs to be amended to indicate “Chapter” 10-9a.

MOTION: *Councilmember Wood moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Chapter 16.20.050 Approval Process amending the language in 16.20.050 in reference to Utah Code to read, "Review time shall comply with the requirements of State Code Chapter 10-9a, as amended." Councilmember Burnham seconded the motion.*

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

- 17.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 17.35.030 Land Use Table and 17.55.120 Tables

Economic Development Director Evan Berrett presented the item. Eagle Mountain City staff finds great value in attracting hotel developers and operators to the City to benefit the local economy. As staff have communicated with hotel developers and operators, two standards are potentially problematic for hotel development in the City. Staff found that height restrictions on hotels would benefit from minor adjustments to enable hotel developers to plan hotel products that would be successful in the City. Particularly, modern hotels generally seek between three to four stories, but four-story hotels can potentially exceed the City's 50-foot limit by five to ten feet. The City's parking requirements have also been found to be excessive. Most cities require only one stall per sleeping unit, whereas Eagle Mountain requires one stall per bed which can greatly increase the parking requirements if many of the units have two queen beds or a similar format.

While staff does not anticipate many, if any, motorhomes to park at hotels. The extra-long spaces are more likely to be used by vehicles with towed trailers, which is the target group staff was requested to try and accommodate. However, trailer sizes can vary widely, and depending on how they are hooked up and what is loaded, maneuverability can vary widely as well. Using a Class A motorhome as a standard promotes long enough spaces and accommodation for vehicles that may have a wide turn radius. The stalls are not required in the Commercial Regional Zone because it is more likely that there would be adequate potential for shared parking from nearby regional businesses with larger parking lots.

Councilmember Clark noted the difficulty in comparing what is appropriate for the City with statistics from other cities due to the uniqueness of Eagle Mountain. She desires to balance attracting the best businesses with attracting which businesses are best for the City.

Councilmember Burnham stated that residents might be more concerned about the appearance of the building than the height of the building. As the City has already permitted four-story buildings, she would prefer allowing additional height to accommodate higher-quality design aesthetics.

Councilmember Wood recommended focusing on shorter product types that fit more with the style of Eagle Mountain. He is against raising height standards.

Councilmember Wright stated he recognizes the value of design standards and that they should be considered in determining a height standard. Also, he feels that the parking stall requirements should take into account whether the hotel intends to offer extended stay accommodations.

Mr. Berrett clarified that a party had expressed interest in building a hotel in the City but had concerns about the hotel height and parking standards.

Councilmember Gray advocated for establishing and enforcing a set height standard and being consistent and equitable for all use types. Councilmember Wood concurred.

Discussion ensued regarding the following:

- The height and style of hotels the City desires;
- Parking standard requirements and the benefits and issues that arise from permitting extended stay services;
- The need for additional transportation services to support extended-stay hotels;
- The benefits and potential issues with establishing a set height for all uses; and
- Parking and turning radiuses for trailers, motorhomes, and buses.

Mayor Westmoreland opened the public hearing at 9:02 p.m. As there were no comments, he closed the hearing.

Mr. Berrett noted that the City is soliciting bids for and working on the Hotel Feasibility Study and cost-sharing agreements to fund the study. In addition to family members of residents, hotels are anticipated to be utilized by business travelers supporting the ongoing development in the City. Hotels would allow the City to promote recreation and tourism.

Councilmembers Clark and Wood suggested tabling the item and having it return after the Hotel Feasibility study is completed.

Councilmember Wood commented on the possibility of research into short-term rentals.

MOTION: *Councilmember Wood moved to table an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Section 17.35.030 Land Use Table and 17.55.120 Tables until the Hotel Feasibility Study is completed. Councilmember Wright seconded the motion.*

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☐ Donna Burnham	☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a vote of 4:1.

17.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 16.35.130(a) Residential Water Rights Requirements

City Engineer Chris Trusty presented the item. With recently adopted changes to Municipal Code that include reduced landscape requirements for front and side yards, this subsequent amendment is proposed to reduce water required for development to reflect the decreased landscape requirements. The recommended water rights requirements are based on 70% of the total landscaped portion of the lot being planted with sod with the remaining 30% being planted with xeriscape or other drought-tolerant landscaping that conforms to Municipal Code. An adjustment is also being made to the per-acre water requirement for outdoor use to account for watering inefficiencies. The per-acre water requirement will go from 2.5 acre-feet per irrigable acre to 3.2 acre-feet per irrigable acre.

Based on recent evaluations of a random sampling of existing City residents, the indoor requirements will be reduced from 0.53 to 0.34 acre-feet to reflect a more accurate use that the City has seen on the system. Many cities currently require 0.3 acre-feet for indoor use; however, the City staff recommendation is to require slightly more. This will ensure adequate water rights are provided to account for inefficiency in the City's delivery system, as well as help account for losses between water production and point of sale with the landscape irrigation system. These changes will reduce the per lot water required to be dedicated to the City at plat recordation.

Discussion considered multifamily water requirements being 80% lower than other housing types potentially not reflecting water usage of units with the same number of bedrooms as single-family homes. and the ability of developers to sell water shares if they over-purchased water to meet previous standards.

Mayor Westmoreland opened the public hearing at 9:26 p.m. As there were no comments, he closed the hearing.

Councilmember Wood suggested a study on multifamily water usage. Councilmember Gray supported the comment.

MOTION: *Councilmember Wood moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Section 16.35.130(a) Residential Water Rights Requirements and instructed the City Engineer to perform a multifamily water usage study. Councilmember Burnham seconded the motion.*

AMENDED MOTION: *Councilmember Wood moved to approve an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Section 16.35.130(a) Residential Water Rights Requirements allowing staff to clarify on the table Planned Unit Development (PUD) water usage in non-multifamily communities and instructed the City Engineer to perform a multifamily water usage study. Councilmember Burnham seconded the motion.*

Those Voting Yes

☒ Donna Burnham
☒ Melissa Clark
☐ Jared Gray
☒ Rich Wood
☒ Brett Wright

Those Voting No

☐ Donna Burnham
☐ Melissa Clark
☒ Jared Gray
☐ Rich Wood
☐ Brett Wright

Those Abstaining

☐ Donna Burnham
☐ Melissa Clark
☐ Jared Gray
☐ Rich Wood
☐ Brett Wright

Those Absent

☐ Donna Burnham
☐ Melissa Clark
☐ Jared Gray
☐ Rich Wood
☐ Brett Wright

The motion passed with a vote of 4:1.

18. ORDINANCES

18.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Enacting Eagle Mountain Municipal Code Chapter 2.08, Form of Government and Section 2.15.120 Mayor Pro Tempore and Council Assignments

Councilmember Wood explained that the proposed ordinance, requested by Councilmember Wright and himself, codifies Eagle Mountain City's six-member council form of government and establishes that the powers of municipal government are vested in the City Council, consisting of five Councilmembers and the Mayor. The City Council shall make the decisions for the City with a vote and approval in an open and public meeting. The ordinance further clarifies the executive and staff powers and identifies that, on an annual basis, the City Council shall elect a Mayor Pro Tempore from the body of the elected City Councilmembers and will discuss and make assignments for representation and support for the citizens of the City. They worked with the City Attorney to ensure that the amendment clarified State Code rather than altering or removing authority from anyone.

Discussion ensued regarding the following:

- Additional changes to the language in the amendment;
- Concerns that, "2.08.030. Council Administration. No one member of the city council or the mayor shall make decisions for the city council nor shall any member of the city council, knowingly or otherwise, give the perception to an organization or individual citizen that they represent the full body of the city council without the city council's vote and approval in an open and public meeting," could impede staff and the Mayor from functioning in certain aspects of their roles or be misinterpreted, leading to accusations and possible punitive measures;
- The desire to empower staff to explore all options and solutions without fear of retribution.
- Changing 2.08.060. Adoption of Policies to "No new policies, code, ordinance, or resolution shall be created *and* enacted by mayor or staff without written request and then consent of the majority vote of city council in an open and public meeting;"
- Confusion over the impact of the standards on the procurement code;
- Wording differences between the amendment and State Code;
- Benefits and complications should the Mayor and Council jointly make liaison assignments; and
- Adding the process for nomination and approval of the Mayor Pro Tempore to the proposed standards for clarity.

Mr. Draper stated that the proposed changes to EMMC 2.08.030, while good in principle and practice, are an *addition* to, rather than a clarification of State statute and would constitute a substantive change to the law impacting the Mayor's powers, duties, and functions thus necessitating certain procedural requirements to be followed when voting on the change. When the Mayor speaks, unless he emphatically states that he is speaking for himself, others could assume he is speaking for the City as a whole. He recommended adding a section that the legislative intent is to codify and clarify existing standards rather than to make substantive changes.

Councilmember Clark commented on the desire for a redline version of the amendment to clarify the proposed changes and liaison training for City Councilmembers.

MOTION: *Councilmember Wood moved to table an ordinance of Eagle Mountain City, Utah, Enacting Eagle Mountain Municipal Code Chapter 2.08, Form of Government and Section 2.15.120 Mayor Pro Tempore and Council Assignments to amend and clarify*

wording with the City Attorney and for the item to be on the agenda of the February 6, 2024 City Council meeting. Councilmember Wright seconded the motion.

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

Councilmember Gray left the meeting at 10:44 p.m.

19. LEGISLATIVE ITEMS

19.A. UPDATE – Legislative Priorities List

Director of Legislative Affairs Cliff Strachan said he has identified and is watching 29 bills at the State Legislature that would directly impact the City. He explained aspects of some of the bills of particular interest. He reviewed the progress on the Legislative Priorities List and navigation and prioritization improvements to the document.

20. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Wright

Councilmember Wright asked the Mayor to provide the City Council with the results of the wage study for the purpose of evaluating if staff is being appropriately compensated compared to similarly sized cities to elevate the City above average.

Councilmember Wood

Councilmember Wood supported Councilmember Wright's desire to review and possibly adjust staff salaries to promote employee retention and recruitment.

Councilmember Clark

Councilmember Clark suggested the council consider implementing a scheduled review of the Mayor's salary by committee to make mayoral salary compensation evaluation less political.

Councilmember Burnham

None.

Mayor Westmoreland

None.

21. CITY COUNCIL BOARD LIAISON REPORTS

22. COMMUNICATION ITEMS

22.A. Budget Summary Update

23. ADJOURNMENT

MOTION: *Councilmember Clark moved to adjourn at 11:03 p.m. Councilmember Wright seconded the motion.*

Those Voting Yes	Those Voting No	Those Abstaining	Those Absent
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☐ Jared Gray	☐ Jared Gray	☐ Jared Gray	☒ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright

The motion passed with a unanimous vote.

The meeting was adjourned at 11:03 p.m.

Approved by the City Council on February 6, 2024.


Fionnuala B. Kofoed, MMC
City Recorder

