



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

June 18, 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, Jared Gray, Rich Wood, and Brett Wright.

CITY STAFF PRESENT: Steve Mumford, Interim City Manager; Fionnuala Kofoed, Assistant City Manager/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; Terrence Dela Pena, Finance/Management Analyst; Brandon Larsen, Planning Director; Robert Hobbs, Senior Planner; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager/Parks and Recreation Manager; Jeff Weber, Fleet and Facilities/Operations Director; Brad Hickman, Public Works Director; Eric McDowell, Chief Deputy Sheriff; B.J. Eccles, Sergeant; Emmu Salo, Administrative Intern; and Elle Compton, Administrative Intern.

CITY STAFF PRESENT ELECTRONICALLY: Chas Glenn, Administrative Assistant; Michele Graves, Library Director; and Embret Fossum, Unified Fire Authority Battalion Chief.

Mayor Westmoreland called the meeting to order at 4:01 p.m.

1. CITY MANAGER INFORMATION ITEMS

1.A. DISCUSSION – Growth & Mobility Vision Study Draft RFP

Economic Development Director Evan Berrett introduced the Growth and Mobility Vision Study. He explained that Mountainland Association of Governments (MAG) has provided an opportunity for Eagle Mountain and Saratoga Springs to use Technical Assistance Grant (TAG) funding to evaluate current growth trends and future growth plans of both cities. This project aims to identify misalignments and coordinate a shared vision for the West Utah County area. MAG has drafted a Request for Proposals (RFP) for consultant services to aid in completing this project. The draft has been reviewed with City staff, and MAG is seeking feedback from the City Councils of Eagle Mountain and Saratoga Springs before publishing it. Mr. Berrett noted that the scope of the project was initially broad, covering various topics. However, after several meetings between Eagle Mountain, Saratoga Springs, and MAG, the scope was narrowed to focus on the most impactful areas. The primary focus is on connectivity between the cities, ensuring alignment in transportation plans, zoning, trail networks, and transit plans. This alignment will help present a unified vision to relevant entities.

Community Planning Manager Dan Wayne explained that the project initially had a broad scope, which was later narrowed to focus on integrating various local and regional plans due to a lack of alignment. He emphasized the importance of ensuring that plans from all involved parties, such as the Utah Transit Authority (UTA) and Utah Department of Transportation (UDOT), are consistent and collaborative. The three main tasks for the study are to develop a current trend scenario based on

projected development and investments in the West Utah County area, compare and contrast plans with current trends to identify misalignments between the planned visions and goals and the current trend scenario, and collaborate with interagency partners to address misalignment to prioritize and develop an action plan to adjust respective plans and align them with one another.

Discussion ensued regarding the following:

- Inclusion of Lehi in the Growth and Mobility Vision Study due to ongoing regional discussions to align road plans;
- Three options for involving Lehi: continue with the current scope, add a consultation task, or make Lehi a co-project manager;
- Confirmation of budget availability for expanding the project to include Lehi;
- Concerns about ceding land use authority; it was clarified that individual municipalities retain decision-making power when conflicting uses abut with neighboring cities;
- Emphasis on regional cooperation and the need for consistent plans across neighboring cities for effective regional planning and support in MAG votes;
- Debate on full Council participation versus representatives in joint sessions, with a preference for full Council involvement to ensure proper representation;
- Suggestion to notice meetings to allow broader Council participation;
- Clarification that the consultant's role is to support City staff and present progress at key project phases; and
- Consensus to move forward with adjustments to the RFP and to include additional cities when beneficial.

2. AGENDA REVIEW

9. BOND RELEASES

9.E. Scenic Mountain Phase C, Plat 1 – Out of Warranty

9.F. Scenic Mountain Phase C, Plat 2 – Out of Warranty

City Engineer Chris Trusty explained that the city has been working with the original developer and engineer to resolve issues with a private lift station; however, it is inappropriate to withhold bond releases if all public improvements are complete.

11. RESOLUTIONS

11.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Authorizing Staff to Waive Building Permit Fees in New Park Subdivision.

Discussion clarified that the resolution is specifically for homes already experiencing settling problems, but it could be amended in the future to address additional cases if needed.

11.D. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the First Amendment to the Governing Documents for Firefly Public Infrastructure Districts One through Ten.

Councilmember Wright requested a discussion to gain clarity on the adjustments to the mill rate for the Firefly Public Infrastructure District (PID) to understand the impact of converting the fixed mill levy

from \$780 per residential unit to a three-mill rate, and how it would affect individual homeowners, considering variations in home values.

Applicant representatives Chase Andrizzi, Sam Hartman, Ben Wilhelm, Randy Larsen, and staff addressed Council questions and concerns as follows:

- Explanation that the request to fix the mill rate at three mills is to maintain uniformity and prevent fluctuations in future bond issuances;
- Clarification that the three-mill rate would mean higher-valued homes would pay more, and lower-valued homes would pay less, maintaining a weighted average of \$780;
- The amendment requests to change the timing of assessment bond payments from the building permit issuance to the point at which the property transfers to the end user;
- If a developer defaults, the lien remains with the property rather than the City; and
- The PID lien on the property would remain senior to other debts, similar to property tax liens.

Following the discussion, the Councilmembers determined to keep the item on the consent agenda for approval.

12. PUBLIC HEARINGS ONLY

12.A. PUBLIC HEARING – Regarding an Interlocal Agreement with the City of Saratoga Springs and the Town of Fairfield, with the written support of Cedar Fort, to begin the creation of a new school district pursuant to the provisions of Utah Code § 53G-3-301.4

Discussion considered the wording in the heading, “to begin the creation of a new school district,” and clarified that the statute's language authorizes the creation of a district and explains the Council's role in starting the process for voter approval.

Councilmember Gray requested that the record reflect and clarify that the City Council is beginning the process, and the voters will decide whether to create a new district.

12.B. PUBLIC HEARING – Pursuant to Utah Code 10-3-818(2)(b)(i), a Public Hearing is Being Conducted to Consider Public Comment on Proposed Compensation Increases for Executive Officers in the Fiscal Year 2024-2025 Budget.

Councilmember Wood asked for more details on the proposed compensation increases for executive officers, expressing concern about the lack of specific wage information and the rationale behind the different percentage increases of 3% and 3.07%.

Finance Director Kimberly Ruesch explained that the difference between the 3% and 3.07% increases is due to a mandatory contribution for tier two employees in the Utah Retirement System. The 0.07% stipend makes up for this contribution. The proposed 3% increase is a standard raise across the board for all employees. Regarding new hires, it was clarified that they would not be eligible for the raise until after their probationary period. If the 3% increase is not awarded, the funds would remain in the overall salary budget for potential use within the department, such as funding increases to fill vacancies.

13. ORDINANCES/PUBLIC HEARINGS

13.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Fifth and Final Amendment to the Fiscal Year 2023-2024 Annual Budget.

Ms. Ruesch presented and answered questions regarding the following changes to the budget since the previous meeting:

- Risk Manager Position: \$75,000 moved from Executive to Recorder's Department with no overall budget impact.
- Energy Tax Reimbursement: \$500,000 placeholder increase for Municipal Energy Tax development agreement to avoid over-appropriation; actual expenditure based on received funds.
- Street Lighting Contributions: \$300,000 adjusted based on developer payments and installation projects.
- Transfer to Capital Projects Fund 47: \$3,504,787 estimated maximum to maintain the 35% placeholder.
- Fireworks Independence Day: \$38,500 added for an event approved on May 6th.
- Downtown Master Plan: \$75,000 allocated for the Downtown Master Plan.
- Year-End Accounting Transactions: \$670,000 recording multi-year commitments as liabilities, not cash outflows, following new accounting standards.
- Timpanogos Special Service District: \$1,137,324 reflecting rate changes and impact on year-end costs.
- Wastewater: \$580,153 year-end accounting transaction for depreciation; no cash outflow.
- Solid Waste Contract: \$134,071 adjustment for contract costs.
- Stormwater: \$208,900 year-end accounting transaction for depreciation; no cash outflow.
- Water: \$1,142,000 one-time 100-acre feet water development fee for Central Utah Water Conservancy District (CUWCD).
- Silverlake Park Funds: \$200,000 reduction to hold funds for future planning and improvements.
- Developer Agreement Golden Eagle Road: \$20,000 for streets.
- Interim Loan Repayment Transfers: \$1,171,109 reimbursing transportation impact fee fund and \$1,050,000 paying off State loans for road widening projects.
- Fleet: \$25,157 budget adjustment for unexpected large repair costs covered by reserves.
- Impact Fees: \$1,450,000 adjusting budgets based on project completions and developer agreements, including a decrease of the transportation impact fee.
- Homeless Shelter Fund Transfer: \$151,349 reimbursing general fund using affordable housing dollars.
- Redevelopment Agency Adjustments: Various adjustments for Parkside Community Development Area, Sweetwater Community Reinvestment Area, and Pole Canyon Community Reinvestment Area, resulting in a net decrease of \$245,460.
- Debt Service Payments: Paying off State loans and special assessment bonds with collected funds, adding \$1,050,000 and \$9,000 respectively.

Ms. Ruesch explained that she was informed about an additional item regarding the acquisition of water rights related to Pole Canyon, approved by the Council in March. The City has received all payments but needs to pay a one-time development fee of \$1,142,000 to the Water Conservancy District. This amount was not previously accounted for in the budget. The revenue has been received, so the funds are available. This fee covers the 100 acre-feet of water taken down this year. She

proposed including this item in the public hearing for the budget amendment, increasing the total budget to \$153,117,077.

13.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2024-2025 Budget and the Certified Tax Rate.

Ms. Ruesch presented details on the certified tax rate, noting that the proposed mill levy of 0.000561 is higher than the current rate due to a decrease in residential property valuations. She explained that the certified tax rate ensures the same tax revenue as the previous year, adjusting for valuation changes. Residential property valuations have decreased, leading to the rate increase, while commercial and industrial valuations remain stable. Lastly, she mentioned an adjustment in the budget for the Kubota Tractor, moving the purchase to the fiscal year 2024-2025 due to timing issues.

Discussion ensued regarding the following:

- Clarification on how the certified tax rate does not equate to increased property taxes but maintains the same dollar volume of taxes collected as the previous year;
- The impact of the decreased median home price on the tax rate;
- Explanation of the mill levy and its calculation, ensuring consistent revenue collection despite valuation changes;
- Suggestion for a town hall meeting to educate residents on property tax structures; and
- Confirmation that a Kubota tractor was the best option based on previous estimates.

Councilmember Wright expressed gratitude to Ms. Ruesch and the budget committee for their hard work in preparing the budget.

13.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Enacting Eagle Mountain Municipal Code Chapter 17.30, Historic Zones.

Senior Planner Robert Hobbs introduced the ordinance enacting Chapter 17.30 Historic Zones in Municipal Code. The purpose of the new chapter is to address zoning issues where historic zones are referenced in development agreements but are not present in current zoning codes. The proposed ordinance aims to establish equivalencies between old and current zoning standards, particularly for residential densities and land use controls. He highlighted the challenges faced when dealing with expired master development agreements (MDAs) and the need for a clear framework to manage these zones. The proposal maintains the allowances in current and previous standards.

Discussion ensued regarding the following:

- Maintaining density entitlements for expired agreements, clarifying that zoning remains even if the agreement expires and would require an amendment to a new zone;
- The legal framework governing zoning changes and the survival of zoning entitlements after the expiration of development agreements, emphasizing the necessity of following proper rezoning procedures to amend standards;
- Reviewing and modifying conditional uses in commercial zones, along with applying current standards to historic zones to avoid non-conformities;
- The need for tools to streamline identifying applicable zoning standards due to issues in providing accurate zoning information from outdated or expired agreements;
- Clarifications on building height limits and their consistency with existing codes, considering the impact of zoning changes resulting in the creation of nonconforming uses and structures;
- Exploring Artificial Intelligence (AI) tools and other technologies capable of comparing old and new zoning standards to improve efficiency; and

- Proposal and Councilmember support to review zoning six months before or after the expiration of MDAs.

Councilmember Wright clarified that he recognizes the need for zoning updates; however, he feels the proposal as drafted necessitates further changes prior to implementation.

- 13.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 16.35.090 Privacy Fencing, Chapter 17.10 Definitions, and Chapter 17.60 Landscaping Buffering Fencing and Transitioning, and Enacting Chapter 17.64 Retaining Walls.

Mr. Hobbs presented an ordinance amending the code on privacy fencing, definitions, landscape buffering, fencing, and retaining walls. The need for amendments arose from the requirement to clarify the types of materials used for walls in residential, commercial, and industrial areas, ensuring durability and aesthetic consistency.

Discussion ensued regarding the following:

- The types of durable materials allowed for walls in residential, commercial, and industrial areas;
- Proposed standards for hog wire fences in residential perimeter fences, setting a limit at 80% based on structural measurements;
- Recommendation for a consistent, gray-colored wood fence to ensure aesthetic continuity along Ranches Parkway;
- Lack of detailed code on retaining walls, leading to proposed new standards;
- The exclusion of CMU blocks and timbers and possibly amending the standards to allow the materials;
- Importance of using structurally sound materials for retaining walls, with concerns about the failure of boulder walls, and a proposal to include requirements for engineering and structural stability for retaining walls above four feet;
- Maximum height of retaining walls and the need for terracing to enhance safety and aesthetics, along with geotechnical evaluations for the types of rocks used in boulder walls;
- Building permits and inspections for retaining walls over four feet to ensure compliance with safety standards, addressing concerns about layperson projects and the potential for improperly built walls leading to safety hazards;
- The need to reference existing codes for walls and fencing to ensure clarity and consistency in enforcement; and
- Providing cost-effective solutions for homeowners while ensuring safety and compliance with building standards.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Wood moved to adjourn to a closed session for the purpose of discussing reasonably imminent litigation; the character, professional competence, or physical or mental health of an individual; and/or the purchase, lease, or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Gray seconded the motion.*

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

The motion passed with a unanimous vote.

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

7:00 P.M. POLICY SESSION

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

CITY STAFF PRESENT: Steve Mumford, Interim City Manager; Fionnuala Kofoed, Assistant City Manager/City Recorder; Cliff Strachan, Director of Legislative Affairs; Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Kimberly Ruesch, Finance Director; Terrence Dela Pena, Finance/Management Analyst; Brandon Larsen, Planning Director; Robert Hobbs, Senior Planner; Elizabeth Fewkes, Recording Secretary; 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; Eric McDowell, Chief Deputy Sheriff, and Emmu Salo, Administrative Intern.

CITY STAFF PRESENT ELECTRONICALLY: Mack Straw, Public Utilities Manager; and Embret Fossum, Unified Fire Authority Battalion Chief.

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:11 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Burnham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:13 p.m.

Kaeley White thanked staff for their responsiveness to her concerns and highlighted issues with a neighborhood trail, emphasizing safety hazards due to tall weeds, fire risks, and confusion over land ownership, requesting either increased maintenance by the City or transfer of the land to homeowner's associations (HOAs) for better management.

Shannon Anderson proposed the establishment of small food boxes in the community, similar to free little libraries, to help residents in need, and asked for guidance on how to implement this initiative.

Jeff Ruth stressed the need for better weed management on trails to prevent fire hazards, urging immediate action to improve safety and aesthetics.

Mayor Westmoreland closed public comment at 7:25 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Clark

Councilmember Clark expressed gratitude to all attendees. She thanked educators, school board members, and parents for their contributions to schools. She expressed appreciation to the State Legislature and the Director of Legislative Affairs and emphasized the importance of representative government and making a positive difference in others' lives.

Councilmember Burnham

Councilmember Burnham encouraged community members to reach out with concerns and emphasized her willingness to meet and discuss issues, particularly regarding the school district decision, highlighting the importance of Councilmembers hearing from the community.

Councilmember Wood

Councilmember Wood voiced appreciation for the community's input, praised first responders for their recent assistance, and expressed readiness to discuss the school district split, urging residents to share their views.

Councilmember Wright

Councilmember Wright thanked the attendees, expressed patriotic pride, and acknowledged the efforts of the Streets and Public Works Department for the repairs to Ranches Parkway.

Councilmember Gray

Councilmember Gray commended the success of Pony Express Days, urged community safety during fireworks events while encouraging residents to attend the City's event, recognized the importance of helping the less fortunate, and highlighted his collaboration with State and City leaders on legislative clarity regarding the potential school district division, inviting community participation at the farmer's market on Saturday where Councilmembers will be available to answer questions.

CONSENT AGENDA

9. BOND RELEASES

- 9.A. Harmony Phase A, Plat 10 – Into Warranty
- 9.B. Eagle Point Townhomes Plat D – Out of Warranty
- 9.C. Eagle Point Townhomes Plat E – Out of Warranty
- 9.D. Market Place at Eagle Mountain Town Center – Out of Warranty
- 9.E. Scenic Mountain Phase C, Plat 1 – Out of Warranty
- 9.F. Scenic Mountain Phase C, Plat 2 – Out of Warranty

10. MINUTES

- 10.A. May 29, 2024 Meeting Minutes – Special Joint Session
- 10.B. June 4, 2024 Meeting Minutes – Regular City Council

11. RESOLUTIONS

- 11.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Pony Express Memorial Cemetery Rules and Regulations.
- 11.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Authorizing Staff to Waive Building Permit Fees in New Park Subdivision.
- 11.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Purchase Agreement with Perry Land Investments, LLC for the Acquisition of a Right-of-Way along Old Airport Road.
- 11.D. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the First Amendment to the Governing Documents for Firefly Public Infrastructure Districts One through Ten.

MOTION: *Councilmember Wright moved to approve the consent agenda. Councilmember Wood seconded the motion.*

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

The motion passed with a unanimous vote.

SCHEDULED ITEMS

12. PUBLIC HEARINGS ONLY

- 12.A. PUBLIC HEARING – Regarding an Interlocal Agreement with the City of Saratoga Springs and the Town of Fairfield, with the written support of Cedar Fort, to begin the creation of a new school district pursuant to the provisions of Utah Code § 53G-3-301.4

Director of Legislative Affairs Cliff Strachan presented the item and explained that the purpose of the public hearing is to gather community feedback on the proposal. If residents are unable to attend a public hearing, they can submit their comments to council@emcity.org. Additional information is available at eaglemountaincity.com/education. He reviewed the timeline and financial and enrollment projections for the new districts should the interlocal agreement be approved.

The Alpine School District (ASD) MGT Consulting Study:

- Evaluated population and size, educational needs, community insight, financial implications, logistical challenges, educational quality, and long-term vision for education.
- Considered multiple scenarios include one option to maintain the existing district, two options to explore a two-way split, and three options to explore a three-way split.
- Findings: students are receiving a quality education, voters want a voice on reconfiguration, and the ASD Board needs to choose between a two-district and one-district option.

LRB Public Finance Report: “We are of the opinion that the new school district is a viable alternative to the existing school district. The benefit obtained in forming a new school district is more localized control and a district that may be more unified in meeting the needs of students in this high-growth area where voters' interests in supporting new facilities may be more aligned with one another.”

Interlocal Agreement Recital: “The Parties have determined that it would be in the public interest to cooperate to provide for the improvement and more efficient administration of the public education system for grades K-12 in the incorporated limits of each entity.”

ASD is considering staying as a single district or dividing into a two-way split. Eagle Mountain and neighboring cities are considering creating a new western district, with voter decisions limited to the four western cities.

If approved by voters:

- A new school district is created.
- ASD will continue operating all schools until 2027.
- New school board elected in 2025.
- New school board takes office and works on transition.
- New school district welcomes students on July 1, 2027.

Marcus Draper explained that current legislation might extend the public comment period for the school district proposal to July 31, potentially extending it by 26 days. He clarified that the public comment period begins on July 1 under the proposed legislation, regardless of when the feasibility study report was received. He also mentioned that if the new bill, HB 3003, passes, it will simplify the ballot by removing one of the school district options, thereby reducing potential confusion for voters. Lastly, he confirmed that only the voters in the municipalities comprising the new school district, such as Cedar Fort, Fairfield, Eagle Mountain, and Saratoga Springs, would vote on it, and there is no legal obligation to include voters from other cities.

Mayor Westmoreland opened the public hearing at 7:47 p.m.

The following residents spoke in favor of the interlocal agreement and placing it on the ballot: Adelle Curtis, Jennifer Checketts, Lisa Panik, Hillary Clark, and Jeff Ruth.

The following residents voiced concerns about forming a new school district: Patrick Fossat and Jeffrey Hawks.

Councilmembers commented on the importance of residents researching the views of potential future board members to ensure the actions of a new district will align with their desires, the implementation of a new school district, and the generous timeframe to determine and devise a plan for a new district to avoid past challenges with school district splits.

The Mayor recognized Alpine School Board Member Julie King and invited her to provide information about the interlocal agreement.

Julie King clarified that her comments were her personal opinions, and she was not speaking on behalf of the Alpine School District Board of Education. With six years of board experience and in-depth budget knowledge, she believes the proposed changes will be financially sustainable, though challenging. Significant changes will be difficult, particularly for certain areas, but should not majorly impact children's education. Success in school is highly influenced by involved parents and quality

teachers, both of which are strong in the community and will remain unchanged. The future school board will outline specific plans, hire key administrators, and address logistical issues such as securing district offices and services. Economies of scale, like centralizing print services, should be maintained to save costs. Ensuring the protection of current employee benefits, particularly retirement benefits, is essential. Collaboration and problem-solving will be crucial to ensure that students benefit from the changes.

Councilmember Wright emphasized the financial implications of the proposed changes, noting the projected 435% increase in taxable value for the district over the next ten years, which he sees as a net positive. He acknowledged concerns from ASD employees, particularly those like his wife who are tier one employees, and he expressed his personal concerns for his grandsons' education. He suggested that while the financial aspects are daunting, the future prospects for the district, especially given the growth in Eagle Mountain, Saratoga Springs, and the surrounding areas, are highly positive. He indicated that while he understands the financial trepidation, he believes in the district's potential for success.

Mayor Westmoreland added that everyone he has spoken to anticipates that the new district will provide an excellent education program. He noted that there is a collective ambition for the new district to achieve high standards and deliver top-quality education to the children in the area.

Councilmember Gray invited community members to reach out to him with their questions and concerns and expressed his willingness to discuss the issue further with anyone needing more information.

Mayor Westmoreland closed the public hearing at 8:16 p.m.

- 12.B. PUBLIC HEARING – Pursuant to Utah Code 10-3-818(2)(b)(i), a Public Hearing is Being Conducted to Consider Public Comment on Proposed Compensation Increases for Executive Officers in the Fiscal Year 2024-2025 Budget.

Mayor Westmoreland opened the public hearing at 8:17 p.m. As there were no comments, he closed the hearing.

13. ORDINANCES/PUBLIC HEARINGS

- 13.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Fifth and Final Amendment to the Fiscal Year 2023-2024 Annual Budget.

Mayor Westmoreland opened the public hearing at 8:18 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, adopting the Fifth and Final Amendment to the Fiscal Year 2023-2024 Annual Budget adding a one-time development fee of \$1,142,000 to be paid to the Water Conservancy District bringing the new budget total to \$153,117,077. Councilmember Wright seconded the motion.*

Donna Burnham	Yes
Melissa Clark	Yes
Jared Gray	Yes
Rich Wood	Yes

Brett Wright Yes

The motion passed with a unanimous vote.

- 13.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2024-2025 Budget and the Certified Tax Rate.

Mayor Westmoreland opened the public hearing at 8:20 p.m. As there were no comments, he closed the hearing.

MOTION: *Councilmember Wood moved to approve an ordinance of Eagle Mountain City, Utah, adopting the Fiscal Year 2024-2025 Budget and the Certified Tax Rate. Councilmember Clark seconded the motion.*

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

The motion passed with a unanimous vote.

- 13.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Enacting Eagle Mountain Municipal Code Chapter 17.30, Historic Zones.

Mayor Westmoreland opened the public hearing at 8:21 p.m. As there were no comments, he closed the hearing.

Councilmember Wood recommended changing the name of the chapter to prevent it from being confused with historical preservation.

Councilmember Gray stated that he feels the amendment needs additional work and suggested tabling the item. He further asked to have a committee examine the concerns raised by the Council and then to bring the item back at a future meeting.

The Council determined to table the item to allow staff time to receive additional Councilmember feedback to clarify areas of concern identified in the work session discussion, specifically expired MDA entitlements and zoning.

MOTION: *Councilmember Gray moved to table an ordinance of Eagle Mountain City, Utah, enacting Eagle Mountain Municipal Code Chapter 17.30, Historic Zones. Councilmember Wood seconded the motion.*

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

The motion passed with a unanimous vote.

- 13.D. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending Eagle Mountain Municipal Code Section 16.35.090 Privacy Fencing, Chapter 17.10 Definitions, and Chapter 17.60 Landscaping Buffering Fencing and Transitioning, and Enacting Chapter 17.64 Retaining Walls.

Councilmember Wood supported clarifying requirements to assist with promoting the stability and safety of retaining walls for the benefit of residents.

Councilmember Burnham concurred and recommended tabling the item to allow staff to make the changes discussed during work session.

Mayor Westmoreland opened the public hearing at 8:29 p.m.

The Council and staff reviewed some of the specific changes desired by the City Council.

MOTION: ***Councilmember Wood moved to table an ordinance of Eagle Mountain City, Utah, amending Eagle Mountain Municipal Code Section 16.35.090 Privacy Fencing, Chapter 17.10 Definitions, and Chapter 17.60 Landscaping Buffering Fencing and Transitioning, and enacting Chapter 17.64 Retaining Walls to the next meeting pending the changes as instructed to staff. Councilmember Wright seconded the motion.***

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

The motion passed with a unanimous vote.

14. ORDINANCES

- 14.A. ORDINANCE - An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 10.10 Parking, Regarding Commercial Vehicle Parking Code Enforcement.

Mr. Draper explained that the changes aim to address issues related to food trucks, food carts, and commercial vehicles. Under the current code, food trucks and food carts are classified as commercial vehicles, restricting their parking on residential lots and limiting street parking to 24 hours. The amendment would separate food trucks and food carts from other commercial vehicles, allowing them to be parked on residential lots if they are at least 10 feet from the sidewalk and subject to regular street parking rules. Additionally, the amendment proposes reducing the allowable street parking time for commercial vehicles from 24 hours to one hour, unless actively loading or unloading, in which case up to eight hours within 24 hours is permitted. These changes are intended to improve code enforcement and address community concerns regarding parking.

Councilmember Wood clarified that the restrictions apply to commercial vehicles exceeding a rated capacity of two and one-half tons and will not impact regular-sized vehicles with commercial branding and logos.

Discussion clarified that the purpose of requiring vehicles to be at least 10 feet from the sidewalk is to prevent obstructions. The Council determined to change the distance requirement to two feet to accomplish the intent while recognizing some lots might not have space sufficient to meet a 10-foot requirement.

MOTION: *Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 10.10 Parking, Regarding Commercial Vehicle Parking Code Enforcement changing the distance requirement in 10.10.100(A)(6) from at least 10 feet from the sidewalk to at least two feet from the sidewalk. Councilmember Wood seconded the motion.*

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

The motion passed with a unanimous vote.

Councilmember Wright inquired if the change from ten to two feet from the sidewalk also applied to agricultural vehicles.

Mr. Draper noted a numbering error in 10.10.100(A) and requested for the correction to be included in the motion.

AMENDED MOTION: *Councilmember Gray moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapter 10.10 Parking, Regarding Commercial Vehicle Parking Code Enforcement with the following amendments:*

- 1. Change the distance requirement in 10.10.100(A)(6) from at least 10 feet from the sidewalk to at least 2 feet from the sidewalk;*
- 2. Change the distance requirement in 10.10.100(A)(4) to within 2 feet of a sidewalk; and*
- 3. Correct the numbering of subsection 10.10.100(A) to remove the additional number 4 and renumber the subsections 1 to 6 accordingly.*

Councilmember Wood seconded the motion.

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

The motion passed with a unanimous vote.

15. LEGISLATIVE ITEMS

15.A. UPDATE – Legislative Priorities List

Mr. Strachan updated the Council on the progress and status of items on the legislative priorities list.

15.B. DISCUSSION – Moderate Income Housing Plan Strategy Discussion: Mortgage Assistance Program

Mr. Strachan presented the item, focusing on Strategy 2 of the Moderate Income Housing Plan, which aims to implement a mortgage assistance program for public employees within the municipality. He reviewed the down payment assistance programs, highlighting features such as income limits, forgivable loans or grants, owner occupancy requirements, and a focus on first-time homebuyers. These programs target public entity employees and include additional support elements. He provided

examples of the features of municipal and employee housing assistance programs used in other Utah cities and explained defining elements in the down payment assistance program, such as maximum amounts, employment length requirements, and handling of forgivable loans. The median household income (AMI) in Eagle Mountain City is approximately \$92,000 for a family of four, and the majority of the housing in the City is only affordable to households making over \$100,000 a year.

The Council provided the following feedback:

- The importance of crafting a program that enables public employees, teachers, veterans, and first responders to live in the community regardless of whether they are first-time home buyers, and possibly expanding the program to other residents;
- The need for down payment assistance and employee housing programs to encourage community investment and retain employees;
- Concerns about the effectiveness of small grants and the need for substantial assistance to make a meaningful impact;
- Using affordable housing dollars and exploring partnerships with mortgage professionals to maximize the program's benefits;
- Allowing the program to apply to resale homes or contracting to repair and upgrade homes;
- Whether to implement forgivable loans based on years of service or have the assistance tied to the property until it is sold, and allocation amounts per individual;
- The potential to include interest rate buy-downs and other financial strategies to lower housing costs;
- Additional funding sources to support and expand the program to those making 120% AMI;
- Forming a steering committee including mortgage professionals, real estate experts, and representatives from housing authorities to guide the program's development; and
- The importance of creating a comprehensive plan that could be adjusted as needed to meet State requirements, community needs, and market conditions.

The Council directed staff to refine the program details, implement the Council's feedback, prepare a draft for further review, and expressed urgency in developing the program to meet State deadlines and secure priority funding status.

16. CITY COUNCIL/MAYOR'S BUSINESS

In response to a question by Councilmember Wright, Ms. Reusch explained that to qualify for a formal internal audit function, the City would need to either hire an independent auditor who operates separately from the Finance Department and executives, or contract with an external auditor. The internal audits could cover various aspects, such as compliance with adopted codes and policies, rather than just financial matters. While certain levels of internal auditing can be conducted within the Finance Department, meeting the formal qualification requires an independent auditor as a staff member or an external contractor. The City has attempted to contact several auditing firms for this purpose but has not received responses from four different companies, likely due to a nationwide staffing shortage in the accounting field. An independent, external audit is conducted annually.

17. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Wright

Councilmember Wright reported that he was invited to participate in the Utah Department of Transportation (UDOT) Advisory Committee starting on June 24th, focusing on transportation issues. He expressed enthusiasm for the opportunity and encouraged input from fellow Councilmembers.

Councilmember Gray

Councilmember Gray highlighted the success of the Youth Council's dance after the rodeo, noting significant attendance and enthusiasm. He mentioned the possibility of another event on July 5th and expressed support for the Youth Council's initiatives.

Councilmember Burnham

Councilmember Burnham announced her participation in the affordable housing advisory group, noting it is still open for more members. The Arts Alliance has an upcoming writing conference and is interested in using the stage for Shop Fest and organizing a book walk for the Smith Ranch Park grand opening.

Councilmember Clark

Councilmember Clark requested additional information about the timeline and implementation of Community Development Block Grant (CDBG) funds for the seniors' program. She also shared excitement about the City's progress and potential future developments, emphasizing the importance of forward movement.

18. COMMUNICATION ITEMS

18.A. Fiscal Year 2024 Fraud Risk Assessment

18.B. Upcoming Agenda Items

Councilmember Wright expressed concern about an upcoming agenda item titled "Residential Zone Bonus Density, Entitlements, and Ordinance," noting that the title caused him anxiety given previous efforts to remove such entitlements from the Municipal Code. He requested an offline discussion to understand the purpose and details of the proposed ordinance.

19. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn at 9:38 p.m. Councilmember Burnham seconded the motion.*

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

The motion passed with a unanimous vote.

The meeting was adjourned at 9:38 p.m.

Approved by the City Council on July 2, 2024.


Gina Olsen, CMC

Deputy City Recorder

