



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

April 18, 2023, 2:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

2:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Jared Gray, and Brett Wright. Councilmembers Curtis and Love arrived at 4:12 p.m.

CITY STAFF PRESENT: Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Angela Valenzuela, Human Resource Manager; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Chris Trusty, City Engineer; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities/Operations Director; Brad Hickman, Parks and Recreation Director; Eric McDowell, Chief Deputy Sheriff; Bailey Ensign, Digital Communications Specialist; and Natalie Winterton, Grants Coordinator/Management Analyst.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Chas Glenn, Administrative Assistant; Elizabeth Fewkes, Recording Secretary; Mack Straw, Public Utilities Manager; and Michele Graves, Library Director.

Mayor Westmoreland called the meeting to order at 2:21 p.m.

The work session discussion of items was not sequential.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. UPDATE – City Administrator Items

Engineering

- Silver Creek Way – Oldcastle has completed the design for the precast box culvert section for the crossing. The Council will consider a reimbursement agreement with Flagship for the costs associated with the Tickville culvert; Flagship will bear the costs for the roadway section itself. It is anticipated that the roadway will be completed by July 2023.
- Eagle Mountain Boulevard – City staff are trying to time the restriping project for optimum weather conditions and hope to have a window next week that will allow for the work to occur.
- Well #8 – The top portion of the well has had issues with collapsing. After considering several options, it is likely that the well will need to have a surface casing installed to prevent additional collapses. Staff have been working with Grimshaw to obtain a change order to present to the Council.

Public Utilities

- Well #1 is operational as of today, and Well #5 repair will start this week. Weather delayed the completion of Well #1 and beginning of repairs for Well #5. The City has preordered a new pump due to a potential wait time of up to 12 weeks.
- Lone Tree Lift Station – Repairs should extend the life of the station until it can be connected in the future to a gravity-fed line.

Parks, Recreation, Events, and Cemetery

- Staff coordinated with Tree Utah and Cedar Valley High School to help with a tree planting project around their tennis courts on Monday, April 18, 2023.

Communications

- Standards and Practices will be presented to the City Council during the May 2nd work session. Approval will follow at the May 16th meeting.

Facilities, Fleet, and Emergency Management

- The well house HVAC upgrades have been completed.
- Upgrades to the Sewer building are moving forward.

Streets and Storm Water

- With the recent warm weather, the Streets Department has completed the grading for all the City's dirt roads.
- Tickville Wash and Oak Springs Wash continue to flow at low to moderate rates. The West Canyon Wash and Pole Canyon Wash are still dry. All washes are monitored daily, and staff will continue to do so during spring run-off.

Community Development

- In April, the City issued 37 building permits for single-family homes and no multifamily permits.
- Other permits issued included a church in Overland, a stake center addition, and a Roxberry.
- Upcoming projects for the Council: Applebee's site plan, Lone Tree F3 Preliminary Plat, Parkway Fields Phase C, Project Tripletail rezone (RTI Overlay), Porter's Crossing Town Center MDP and MDA Amendment, Rush Creek Rezone, and a variety of Municipal Code amendments.

Comcast representatives were unable to attend this meeting but plan on be attendance at the next meeting to address issues with the installation of above grade boxes. Mr. Jerome has requested installations to cease until issues can be resolved.

1.B. PRESENTATION – Comprehensive Marketing Plan Staff Report

Digital Communications Specialist Bailey Ensign and Grants Coordinator/Management Analyst Natalie Winterton presented the Comprehensive Marketing Plan Staff Report.

Staff and the City Council considered the methodology, focus, purposes, and benefits of rebranding and concerns with rebranding frequency and costs.

2. AGENDA REVIEW

10. AGREEMENTS

10.B. Employee Benefits Agreements – MotivHealth, New Benefits, and MetLife
MotivHealth Proposal New Benefits Agreement MetLife Accident & Critical
Illness Insurance Agreement

Councilmember Wright complimented staff for the reduction in premium costs as a testament of how the system has been utilized.

10.D. Recreation Area Use Agreement – Utah County Youth Soccer Inc. Orem League
#20 Youth Soccer Agreement 2023

Parks and Recreation Director Brad Hickman said the cost is comparable to programs in other cities. The plan is a compromise to allow residents to sign up for only the spring or fall season while still covering the cost of full uniforms, which are not provided in other cities.

10.E. Tickville Culvert Reimbursement Agreement – Flagship Homes Culvert
Reimbursement Agreement – Flagship Homes Tickville Wash Bid & Budget

Councilmember Gray expressed concern with the competitiveness of accepting a single bid project from an outside entity. He feels the City may find a better price from another company, and he questioned whether the City should be obligated to pay the reimbursement costs.

City Engineer Chris Trusty said he feels the amount of the bid is within expectations for the project. The Council could require Flagship to solicit multiple bids. In previous discussions with Council, Flagship had indicated they felt they had met the connectivity requirements for the project. Should the City elect to collect competitive bids, the bid process would take one month and could jeopardize the ability to have the project completed prior to the beginning of the school year.

Councilmembers Burnham and Wright recognized the validity of Councilmember Gray's concerns. However, they are hesitant to delay the project and the resulting impact on residents, especially considering Mr. Trusty's belief that the bid total is within his expectations.

City Attorney Marcus Draper explained that if Flagship is contracting the work, they are not bound by City requirements to solicit multiple bids unless stipulated as a part of the contract.

Mr. Trusty suggested having Innovative Contracting and Engineering (ICE), a company that has provided construction cost research for the City previously, evaluate the bid to determine if it is a fair price. He said he had communicated with Kameron Spencer with Flagship Homes and learned that they had considered multiple bids. Flagship is willing to share the information from the other

bids if desired. Mr. Trusty explained that the terms of the agreement protect against Flagship Homes from financially benefiting from the work.

11. BID AWARDS

11.A. Carnival Operations – Brown's Amusements Inc.

Councilmember Love expressed hesitancy to approve a five-year contract in which the City only received one bid.

Parks and Recreation Director Brad Hickman said that Brown's Amusements Inc. has run the carnival for the past five years and has been respectful, clean, and run a good operation. The pricing is structured on a tier schedule based upon volume. As the City has been satisfied with their services, he recommended awarding the bid.

11.C. Mid Valley Road Widening Project – Newman Construction

Discussion verified that funds for this project would not impede the guaranteed funding from Mountainland Association of Government for Old Airport Road.

11.D. Pony Express Paving Project – Geneva Rock

Councilmember Wright expressed concern regarding the timing of the improvements given the future road wear that will be caused by the construction of future phases of the Meta project.

Streets and Storm Drain Manager Zac Hilton explained that this portion of the road will be the primary access for the new charter school opening in September, the Scarlett Ridge subdivision, and a future Flagship development. The rehabilitation project includes removing and replacing the top half of the six-inch mat and adding fiber to strengthen the road. Without rehabilitation, further wear would require full replacement. The City is in negotiations for a reimbursement agreement for improvements exceeding the City's responsibility.

11.E. Ranches Parkway and Campus Drive Improvements Design – Civil Science

Councilmember Burnham requested an explanation regarding Civil Science's larger number of hours for the project, compared to the other bids. She asked if the City will be charged for the full amount regardless of the actual number of hours to complete the project.

Mr. Trusty verified that the City will be charged for the hours worked and not the full estimated number should the project be completed faster than anticipated. All of the bids included not-to-exceed costs. He has worked with Focus, the lowest bid company, on subdivision projects but not on a Utah Department of Transportation (UDOT) or City project. He has worked with the other three companies without incident on City projects. Focus appears to have the expertise necessary for the project. However, he would recommend reaching out to references should the Council elect to award Focus the bid.

Discussion ensued regarding whether to remove the item from the consent agenda or to award the bid to Focus instead of Civil Science.

Mr. Trusty noted that the City provides the applicants with the criteria used to award bids and should the Council desire to deviate from that methodology the process should be changed accordingly. The current process weighs experience at 30%, functional approach at 40%, technical approach at 20% and cost at 10% of the total score. Civil Science ranked the highest in experience and functional approach.

Councilmember Wright expressed concern with the cost only being 10% of the weighted score.

Applicant representative Jay Meacham with Civil Science said they are an approved UDOT consultant. In the preparation of the proposal, they spoke with UDOT representatives. As a result, they anticipate the impacts on Wride Memorial Highway will be extensive and require a merge lane extending to Mount Airy Drive. The hour tabulation factors in coordination with UDOT and the retaining walls and barriers requiring UDOT processes.

Discussion ensued about the impact and importance of the project and the City's bid evaluation process.

Councilmember Love stated that even though Old Airport Road improvements should reduce traffic at this intersection, she feels the high-t intersection will still be merited.

11.F. Recorder's and Sheriff's Office Remodel – Wasatch West Contracting

12. CHANGE ORDERS

12.B. Old Airport Road Design Change Order #4 – Civil Science

Councilmember Love requested the upsizing of the culvert be included to prevent repeat flooding in the City due to runoff, as had been discussed during their budgeting meetings.

15. RESOLUTIONS

15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Sewer System Management Plan.

Public Utilities Manager Mack Straw explained that the management plan is required.

15.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Quest 3 East Master Development Agreement.

Councilmember Wright cited Section 4.2., “Unit Density. Developer shall be entitled to develop the Project in accordance with the densities and lot locations as depicted on the Master Plan. Developer may not transfer density within the Project, and Developer shall not be allowed to transfer density or lots due to a school, church or other non-residential use,” and asked for the

section to be removed from the agreement to prevent the perception that the applicant is vested with the number of lots represented in the diagram to clarify that the vesting is for the zoning not a unit count and the plan must still adhere to standards for the applicable zone.

Mr. Draper explained that the distinction would have been best addressed at the master development plan (MDP) stage of the approval process. The Eagle Quest 3 MDP vests zoning and has the layout for the lot sizes and roads. Section 4.2 in the master development agreement could be amended to state, “Entitled to develop the product in accordance with the master development plan,” and remove “with the densities and lot locations.” The applicant would need to agree to the change.

Councilmember Wright stated he was in favor of Mr. Draper’s recommendations and Councilmembers Burnham and Gray confirmed they were amenable to the change.

Assistant City Administrator/Community Development Director Steve Mumford said he spoke with an applicant representative, and they would like to better understand the reason for the amended language before agreeing to the change and can be present during the policy session.

After discussion verified that the application is not being granted densities and changes to the approved plan would result in additional reviews, Councilmember Wright withdrew his concerns and was amenable to the adoption of the MDA to be approved on the consent agenda as presented.

15.E. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the 2022 Municipal Wastewater Planning Program Annual Report.

Councilmember Wright noted the issues raised in the report and suggested reviewing and adjusting rates and initiating a study for wastewater impact fees. He would like to plan for infrastructure replacement rather than a reactive approach.

Discussion supported evaluating options to increase productivity to prepare for, schedule, and allocate funding for infrastructure repairs and replacement caused by weathering and age.

Ms. Ruesch stated the Enterprise Fund Reserve has no maximum. The City has had conversations but has not established processes to address such needs.

Councilmember Gray recommended creating a Reserve Enterprise Fund.

16. ORDINANCES/PUBLIC HEARINGS

16.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Section 17.60.160 Zone Transitions.

Senior Planner David Stroud presented the item. EMMC contains a list of various zones which indicates compatible buffer zones may be located near a particular zone. The proposed Municipal Code amendment permits the City Council to make rare exceptions to the list of buffer zones. The

City Council is to consider the advantages or disadvantages regarding changes to the buffer code standards. The City Council is not required to approve exceptions when requested, and will still have the ability to weigh the pros and cons of each zoning proposal and determine whether the exception would provide a benefit to the overall City as proposed, in addition to weighing it against the other standard rezone criteria. The City could allow an OS-I Zone to be used as the transition; however, the perimeters of using the zone as a buffer are not clearly defined in the standards.

The applicant, desiring to construct a Walmart, at the corner of Spring Run Parkway and Wride Memorial Highway, has submitted a proposal to amend EMMC 17.60.160 Zone Transitions to include, “Exceptions to the compatible buffer zones should be rare but may be approved by the City Council in areas where, at the discretion of the Council, the value or benefit to the general public will be significantly higher with an alternative buffer.”

Staff has proposed the following alternative wording, “Exceptions to the compatible buffer zones may be considered at the discretion of the City Council for rezones occurring near major intersections or major roadways, for important economic development opportunities, for projects that will provide a significant value to the general public, and if concerns relating to the project’s compatibility are adequately addressed to reduce or eliminate negative impacts to neighboring properties. Projects are still required to comply with the buffer widths and improvements standards found in EMMC 17.60.170(b) and 17.60.110, and the approval authority may require additional widths or improvements to reduce negative impacts to neighboring properties.”

The Planning Commission recommended 4-1 that the City Council approve the amendment with the condition that the City work with the applicant to revise the amendment to identify ways to make the code narrower and more specific in scope.

Councilmember Burnham stated her support of staff’s recommended wording to clarify the Council can require a buffering width exceeding the buffering standard of 20 feet adjacent to commercial uses and the inclusion of reasons the City might consider an exemption.

Councilmember Wright said although he recognized the need for flexibility, he is conflicted about adjusting the standards. He inquired if EMMC 17.35.020 already gives the Council the purview to consider approving commercial zoning areas in the City independent of buffering.

Mr. Draper noted the necessity of considering Municipal Code standards as a whole and to address transitioning exemptions independent of zoning. Although, the OS-I Zone would meet the requirements, there are negatives to spot zoning small parcels to meet a technical requirement and he thinks approving an exemption would be more appropriate to allow a major commercial enterprise adjacent to a major intersection.

The Council considered the appropriate width of open space to make the OS-I Zone a feasibility zone transition and other options.

Mayor Westmoreland recessed the meeting from 3:59 p.m. to 4:12 p.m.

16.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Future Land Use Map and Rezoning Certain Lands Known as Eagle Mountain Retail.

Discussion ensued regarding concerns with the limited egress and ingress on the concept plan and grading and other engineering challenges and possible solutions.

City Administrator Paul Jerome presented a Utah Department of Transportation concept for future plans for the area for the freeway, freeway accesses, and frontage road.

Councilmember Curtis suggested requiring a master development agreement for the project to address concerns such as site access because once the zone, a legislative action, is completed, the site plan would be governed by administrative approvals and could only be denied should the project fail to meet Municipal Code standards.

Councilmember Gray expressed concern with rezoning the property to Commercial Regional opening the possibility of an inappropriate allowed use in the zone should this project not be approved and developed.

Mr. Draper stated that the City could request a master development agreement; however, requiring an agreement would conflict with recent changes to State laws.

17. POLE CANYON/FIREFLY

17.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Pole Canyon (AKA Firefly) Master Development Plan.

17.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Amended and Restated Pole Canyon Master Development Agreement, Now Known As Firefly.

Items 17.A. and 17.B. were presented and discussed concurrently.

Planning Manager Robert Hobbs presented a request for approval to modify both a Master Development Plan and associated Master Development Agreement pertaining to 2,764.51 acres of land zoned "Residential" in the "Pole Canyon" development area in order to allow re-configuration of a previously approved project layout that included 9,659 residential dwelling units. On January 19, 2010, a Master Development Agreement (MDA) for the Pole Canyon project became effective. The Agreement memorialized annexation of 2,764.51 acres of land and documented the commitments entered into between the City and developer for the Pole Canyon project. Three amendments to the MDA have also been approved since that date. About a year ago, the applicant approached the City with the concept plans for a re-envisioned development. The re-imagined project contemplated revising the existing Master Development Plan and Agreements to substantially improve its design/layout. Per the applicant, the newly imagined development community now called "Firefly" has a purpose driven mission of creating a

community which allows children to maximize their potential while minimizing their use of electronic devices, social media, and gaming. The revision effort has resulted in submittal of an application package Amended and Re-Stated Master Development Plan and Agreement (ARMDA)] that seeks to replace the previously approved entitlements.

A vested Development Agreement contract is in force on the 2,567.86-acre residential property which allows up to 9,659 dwellings. It is now proposed that residences be placed within one of 13 neighborhood planning areas. Overall residential unit count per acre in Firefly is noted as 3.47 du/a.

The applicant also proposes 154.40 acres of commercial land and 494.84 acres of industrial ground.

The new Master Plan for Firefly contemplates the movement of 1,639 homes from the west side of SR-73 over to the east side. The Applicant believes this shift will provide a better, and well thought out disbursement of residential density.

Housing within the Project will be a mixture of detached housing, twin-homes, townhomes, condominiums, apartments, shared drive housing and units combined with, or in, some commercial buildings.

The Applicant is asking for some setback relief (e.g., 5' sides with the cluster and standard homes with less than 80' of street frontage).

Per the proposed, amended Agreement the Applicant intends to provide 420+ acres of improved open space (mix of parks, trails and open land) within the Project.

The Applicant intends to use rights-of-way widths/profiles as illustrated in the original MDA.

On January 24, 2023, the Planning Commission voted to forward a favorable recommendation of the proposed Master Development Plan and Amended and Re-Stated Master Development Agreement to the City Council, along with the following recommendations:

1. That none of the Applicant's requested exemptions from required City setback residential standards be approved. That is, the setbacks, frontages [of residential lots], and road widths [proposed for use in Firefly] shall conform to City code.
2. That Exhibit E [City processing of subsequent Firefly applications] not be a part of the ARMDA.
3. The Council cause that any conflict(s) between City code and the proposed ARMDA require the City's code to prevail.

Councilmember Burnham noted that the applicant has reduced the total number of units to account for schools and churches.

18. ORDINANCES

- 18.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Sweetwater Industrial Park Community Reinvestment Area #3 Project Area Plan as the Official Community Reinvestment Project Area Plan for the Project Area and Directing that Notice of the Adoption be Given as Required by Statute.

Economic Development Director Evan Berrett said that he is working on language for the agreement to protect against the approval of the reinvestment area being transferred to a different project by including metrics and terms that could only be tied to a datacenter development.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the work session at 6:09 p.m.

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

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

CITY STAFF PRESENT: Evan Berrett, Economic Development Director; Marcus Draper, City Attorney; Kimberly Ruesch, Finance Director; Tyler Maffitt, Communications Manager; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; Steven Lehmitz, Planner; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Chris Trusty, City Engineer; Brad Hickman, Parks and Recreation Director; Eric McDowell, Chief Deputy Sheriff; Bailey Ensign, Digital Communications Specialist; and Natalie Winterton, Grants Coordinator/Management Analyst.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Cliff Strachan, Director of Legislative Affairs; Angela Valenzuela, Human Resource Manager; Chas Glenn, Administrative Assistant; Elizabeth Fewkes, Recording Secretary; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; and Michele Graves, Library Director.

4. CALL TO ORDER

Mayor Westmoreland called the policy session to order at 7:26 p.m.

5. PLEDGE OF ALLEGIANCE

Resident Shelly Milne led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Eagle Mountain City will be offering spring dumpsters beginning Thursday, April 20 through Sunday, April 23. Residents are encouraged to dispose of items in the dumpsters. Residents with items that cannot be dumped will be provided with a pass to the Intermountain Regional Landfill in Fairfield.

- Sandbag resources are being provided through Eagle Mountain City until flooding risks subside in the community. Interested residents can retrieve as many as 30 sandbags per household at City Hall or the Community Development building. Sand is available at White Hills Park, the Rodeo Grounds, North Ranch Park and Silverlake Park.
- Homeowners are encouraged to wait before watering their lawns for the year. Help the City achieve its water conservation goals while better managing our water utility systems. Wait to water until temperatures are consistently warmer.
- Residents who don't 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 7:30 p.m.

Jim Smith expressed appreciation to Zac Hilton and the Streets Department for their quick response to weather impacts on roads.

Bruno Hunziker inquired regarding the status of the money the City lost due to fraud and requested mitigation of traffic delays caused by additional traffic lights.

The City Administrator stated that City representatives will be meeting with the insurance company regarding negotiations of an unsatisfactory offer associated with the recent fraud loss. The FBI investigation is ongoing. An outside forensic team determined the breach was not in the City's system. Regarding transportation, staff will be meeting with Mountainland Association of Governments and the City lobbyist is working to get funds allocated to transportation needs.

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

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Love

Councilmember Love welcomed the public and thanked them for their insights. She recognized City employees for flood prevention and the first responders for emergency response to the accident in Pole Canyon.

Councilmember Wright

Councilmember Wright thanked the residents for attending and being involved in the process of government. The Pact Act passed by Congress provides additional benefits to veterans who were exposed to certain toxins during their service. American Legion #111 Post Commander Jeff Ruth is available to assist veterans with filling out the associated paperwork. The Legion plan to install a banner with the suicide prevention phone number at a local baseball field.

Councilmember Gray

Councilmember Gray echoed appreciation to the meeting participants and Streets Department. He thanked the Volunteers in Police Service for their service in controlling the runoff and keeping the

citizens safe. He recognized Utah House of Representative Stephanie Gricius and Eagle Mountain Chamber of Commerce President Melissa Clark in attendance at the meeting.

Councilmember Burnham

Councilmember Burnham thanked Representative Gricius for working with the City Administrator to protect Eagle Mountain from being targeted by a State Department with restrictions only subject to Eagle Mountain City. The City needs Youth Council Advisors. She appreciates the residents attending the meeting and said that the Council hears and listens to their concerns and cares.

Councilmember Curtis

Councilmember Curtis thanked those in attendance.

Mayor Westmoreland

Mayor Westmoreland recognized Utah House of Representative Stephanie Gricius, Eagle Mountain Chamber of Commerce President Melissa Clark, and the citizens present and expressed appreciation for their meeting participation.

9. APPOINTMENT

9.A. Director of Legislative Affairs

- 1. Clifford Strachan

MOTION: *Councilmember Wright moved to appoint Clifford Strachan as the Director of Legislative Affairs. Councilmember Gray seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
<input checked="" type="checkbox"/> <i>Donna Burnham</i>	<input type="checkbox"/> <i>Donna Burnham</i>	<input type="checkbox"/> <i>Donna Burnham</i>	<input type="checkbox"/> <i>Donna Burnham</i>
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<input checked="" type="checkbox"/> <i>Jared Gray</i>	<input type="checkbox"/> <i>Jared Gray</i>	<input type="checkbox"/> <i>Jared Gray</i>	<input type="checkbox"/> <i>Jared Gray</i>
<input type="checkbox"/> <i>Carolyn Love</i>	<input type="checkbox"/> <i>Carolyn Love</i>	<input checked="" type="checkbox"/> <i>Carolyn Love</i>	<input type="checkbox"/> <i>Carolyn Love</i>
<input checked="" type="checkbox"/> <i>Brett Wright</i>	<input type="checkbox"/> <i>Brett Wright</i>	<input type="checkbox"/> <i>Brett Wright</i>	<input type="checkbox"/> <i>Brett Wright</i>

The motion passed with a vote of 4:0.

9.B. Library Advisory Board

- 1. Amber Worthen – Three-year Term through December 2025

MOTION: *Councilmember Love moved to appoint Amber Worthen to the Library Advisory Board for a three-year term through December 2025. Councilmember Gray seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
<input checked="" type="checkbox"/> <i>Donna Burnham</i>	<input type="checkbox"/> <i>Donna Burnham</i>	<input type="checkbox"/> <i>Donna Burnham</i>	<input type="checkbox"/> <i>Donna Burnham</i>

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| <input checked="" type="checkbox"/> <i>Colby Curtis</i> | <input type="checkbox"/> <i>Colby Curtis</i> | <input type="checkbox"/> <i>Colby Curtis</i> | <input type="checkbox"/> <i>Colby Curtis</i> |
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| <input checked="" type="checkbox"/> <i>Carolyn Love</i> | <input type="checkbox"/> <i>Carolyn Love</i> | <input type="checkbox"/> <i>Carolyn Love</i> | <input type="checkbox"/> <i>Carolyn Love</i> |
| <input checked="" type="checkbox"/> <i>Brett Wright</i> | <input type="checkbox"/> <i>Brett Wright</i> | <input type="checkbox"/> <i>Brett Wright</i> | <input type="checkbox"/> <i>Brett Wright</i> |

The motion passed with a unanimous vote.

CONSENT AGENDA

10. AGREEMENTS

- 10.A. Amendment to the Approved Ladder Sign Locations Map – Eagle Mountain Chamber of Commerce Proposed Ladder Sign Locations
- 10.B. Employee Benefits Agreements – MotivHealth, New Benefits, and MetLife MotivHealth Proposal New Benefits Agreement MetLife Accident & Critical Illness Insurance Agreement
- 10.C. Recreation Area Use Agreement – Eagle Mountain Baseball Association, Inc. Eagle Mountain Baseball Agreement 2023
- 10.D. Recreation Area Use Agreement – Utah County Youth Soccer Inc. Orem League #20 Youth Soccer Agreement 2023
- 10.E. Tickville Culvert Reimbursement Agreement – Flagship Homes Culvert Reimbursement Agreement – Flagship Homes Tickville Wash Bid & Budget

11. BID AWARDS

- 11.A. Carnival Operations – Brown's Amusements Inc.
- 11.B. Cedar Pass Waterline Project – BD Bush Excavation
- 11.C. Mid Valley Road Widening Project – Newman Construction
- 11.D. Pony Express Paving Project – Geneva Rock
- 11.E. Ranches Parkway and Campus Drive Improvements Design – Civil Science
- 11.F. Recorder's and Sheriff's Office Remodel – Wasatch West Contracting
- 11.G. Smith Ranch Community Park Project – General Contractor – S&L Inc.
- 11.H. Smith Ranch Community Park Project – Playgrounds, Ninja Course, Amenities – Big T Recreation

- 12. CHANGE ORDERS
 - 12.A. Wastewater Treatment Plant Headworks Facility Change Order #2 – VanCon, Inc.
 - 12.B. Old Airport Road Design Change Order #4 – Civil Science
- 13. MINUTES
 - 13.A. March 21, 2023 Minutes – Regular City Council Meeting
- 14. PRELIMINARY PLATS & SITE PLANS
 - 14.A. Site Plan – Taco Bell
- 15. RESOLUTIONS
 - 15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Sewer System Management Plan.
 - 15.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Adopting the Eagle Quest 3 East Master Development Agreement.
 - 15.C. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Interlocal Cooperation Agreement with Utah County for Everbridge Mass Notification Services.
 - 15.D. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving an Amendment to the Interlocal Cooperation Agreement with Utah County for the Pony Express Parkway Widening, Phase 3 Project.
 - 15.E. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the 2022 Municipal Wastewater Planning Program Annual Report.

MOTION: *Councilmember Wright moved to approve the consent agenda modifying item 10.E. to require staff to contract with third-party consultant, Innovative Contracting and Engineering, to review the bid to verify it falls in line with industry standards. Councilmember Gray 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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The motion passed with a unanimous vote.

SCHEDULED ITEMS

16. ORDINANCES/PUBLIC HEARINGS

- 16.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands Known As TripleTail.

This item has been removed from the agenda at the applicant's request and will not be discussed during this meeting.

- 16.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Section 17.60.160 Zone Transitions.

Senior Planner David Stroud reviewed the item as presented during work session.

Mayor Westmoreland opened the public hearing at 8:07 p.m.

Bettina Cameron spoke in favor of the current standards and against the proposed amendment due to the potential for unintended consequences and impacts to other areas that alter the General Plan.

Thomas Garvin spoke against the amendment due to concerns that it opens the possibility for elected officials to be subject to outside influence.

Mayor Westmoreland closed the public hearing at 8:14 p.m.

Councilmember Burnham spoke in favor of the amendment as the City Council can already make an exemption; however, this would provide clarification and direction and empower the Council to impose requirements for projects.

Councilmember Curtis stated that he is against the amendment and making Municipal Code change for one applicant that alters standards City-wide. He advocated for setting and following standards.

City Attorney Marcus Draper said that he does not feel that the changes would lead to adverse consequences as applicants can already ask for exemptions and the Council would not be required to make exceptions. The amendment would increase flexibility for the Council to capitalize on economic opportunities to keep tax dollars in Eagle Mountain when deemed appropriate and as preferable to approving projects that are in violation of Municipal Code.

Councilmember Wright said that after additional consideration, he acquiesced as the allowance might be appropriate in some circumstances.

Councilmember Love said the projects would be weighed based upon economic significance.

Assistant City Administrator/Community Develop Director Steve Mumford confirmed that Commissioner Everett had voted against recommending approval of the amendment to the City Council due to concerns with the open-ended applicant proposed wording. The staff revision to limit the language occurred after the Commission review.

Applicant representative Jim Wright said they will be willing to work with the City to provide buffering and other mitigation measures to have the least impact especially to the residents to the west. They have spoken with the property owners adjacent to the west.

Councilmember Curtis objected to basing a policy decision amending Municipal Code on the circumstances of a single development.

Councilmember Gray explained that he desired to gain perspective of how the amendment would impact a typical applicant.

Mr. Stroud clarified that a masonry wall would be required adjacent to commercial uses; however, it would not be required next to an open space zone.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Section 17.60.160 Zone Transitions using the staff recommendations. The motion failed for lack of a second.*

MOTION: *Councilmember Wright moved to deny an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code, Section 17.60.160 Zone Transitions. Councilmember Curtis seconded the motion.*

Councilmember Wright stated that he moved to deny the item because his concerns have not been resolved. He might be open to reconsidering the amendment at a future date but was uncomfortable with approving it in conjunction with an application. However, his sense is that other members of the Council are not in favor of approval and he desires to move forward to consider other items.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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<input checked="" type="checkbox"/> <i>Brett Wright</i>	<input type="checkbox"/> <i>Brett Wright</i>	<input type="checkbox"/> <i>Brett Wright</i>	<input type="checkbox"/> <i>Brett Wright</i>

The motion passed with a vote of 4:1.

16.C. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the General Plan Future Land Use Map and Rezoning Certain Lands Known as Eagle Mountain Retail.

Discussion ensued regarding whether to move forward with the discussion of the item in light of the previous item to allow for a transition exemption failing.

Mr. Draper verified that although it is not the applicant's or his preferred option, open space would be allowable and compliant with current zoning transition standards.

Applicant representative John Owens said he has met with the property owners to the west of the property and communicated their plans. They will shield the lighting, the security cameras will not infringe on privacy, and will provide wall and landscape screening. More specific information will be provided with the site plan application. He said the adjacent owners are in favor of the store facing away from their property and do not object to the project.

Applicant representatives Caleb Beck said based on preliminary traffic studies, they plan on a full access and a right-in, right-out on Spring Run Parkway depending on coordination with the Utah Department of Transportation.

Discussion ensued regarding the egress and ingress concerns raised during the work session, potential solutions, and whether the site will have a fuel station and/or additional retail.

Councilmember Curtis reiterated his work session concerns about the approval of the rezone limiting the ability of the City Council to make requirements not specified for site plan approvals and noted that traffic impact is a criterion for rezone approval.

Mr. Draper verified that if the applicant were to meet the minimum traffic mitigation measures during the site plan evaluation, the City Council would be legally required to approve the project. Municipal Code permits the City to require a buffer greater than the standard 20 feet. An ordinance can be drafted to void the rezone if certain conditions are not met.

Councilmember Wright stated that he would have been in favor of an application for a rezone to Commercial Community and he has apprehension with the impactful land use entitled in the Community Regional Zone.

Mayor Westmoreland noted that the interaction between the traffic generated by the site and to the east of the site also needs to be a factor in deliberations.

Mayor Westmoreland opened the public hearing at 9:18 p.m.

The following individuals spoke against the rezone: Christian Marinos, Jennifer Reynolds, Travis Jensen, Bruno Hunziker, Thomas Garvin, Rory Milne, Brain Patrick, Gerald Reynolds, Shelly Milne, Todd Milne, Craig Morris, Elizabeth Marinos, Brie Saunders, Julie Stauffer, and Colin Curtis.

The following individuals submitted emails in opposition to the rezone Andrew Turner, Brann Thomas, Brain Scow, Chris Wing, John Nabors, Katherine Kenny, Kevin Sidwar, Megan Sidwar, Robert Carlson, Kristin Morris, Becky Buttars, Darin Montgomery, D. Kentmo, and Janilee Bitsue.

Elizabeth Marinos submitted a petition against the rezone.

Jeff Ruth spoke in favor of allowing businesses to develop in the City due to the help they can offer for City costs and amenities.

Tylon Rankin spoke about the benefits of tax revenues to fund growth and partnering with the State to obtain funds for infrastructure.

Mayor Westmoreland closed the public hearing at 10:17 p.m.

Councilmember Love inquired about the insufficient number of parking spots alleged during the public hearing.

Mr. Stroud explained that parking standards have a minimum and maximum number of parking stalls. The concept plan presented would meet the minimum but not the maximum requirement.

Councilmember Gray noted that other Walmart stores have limited accessibility. He stated that the Council needs to weigh and represent the interests of all residents not only those in attendance.

Councilmember Burnham explained that Walmart representatives had informed her that the Saratoga Springs store is over-shopped, and the proximity of this location has been planned to attract residents from all parts of Eagle Mountain.

The City Council considered the likelihood of residents frequenting a Walmart at this location with consideration of limited accessibility, possible intersection distances, and current and future traffic counts and service levels.

The City Council deliberated potential solutions to their concerns. As the concerns cannot be addressed until the site plan phase of the development, the Council elected to table the rezone to a future meeting when it can be considered in conjunction with the site plan.

MOTION: *Councilmember Love moved to table an ordinance of Eagle Mountain City, Utah, amending the General Plan Future Land Use Map and Rezoning Certain Lands Known as Eagle Mountain Retail to reconsider the rezone after obtaining more information for the review of the site plan and traffic study. 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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The motion passed with a unanimous vote.

Mayor Westmoreland recessed the meeting from 10:42 p.m. to 10:58 p.m.

17. POLE CANYON/FIREFLY

- 17.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Approving the First Amendment to the Pole Canyon (AKA Firefly) Master Development Plan.

Items 17.A. and 17.B. were presented and discussed concurrently.

Applicant representatives Nathan Shipp and David Vitek presented their reasons for changing the project, their vision for the Firefly Master Development Plan, and reviewed the changes from their last discussion which were presented by staff during the work session review. They requested that the public and Council comment on the plan and then table the item to the next meeting to allow time to integrate the feedback and for the attorneys to meet to come to a consensus on the language in the agreement.

Councilmember Gray stated the desire to ensure the promised amenities and design in the presentation are assured in the agreement.

Councilmember Curtis concurred with Councilmember Gray. He feels that smaller frontages and setbacks are not beneficial to a project.

Mayor Westmoreland opened the public hearing at 11:24 p.m.

Bruno Hunziker spoke in favor of the proposal as preferable to the original plan. He requested the developer improve their park and address the issues with the safety issue of residents using the gated entrance on SR-73 as an entrance.

Jim Hoover voiced his support of the Firefly plan and feels the plan is in harmony with the values of Eagle Mountain and provides affordable single-family home ownership opportunities.

Adam Clark said he thinks the plan represents Eagle Mountain in concept and advocated for the City to encourage this type of development with thoughts to the type of housing desired by the upcoming generation.

Elizabeth Lebrecht said she feels the development will support the sense of community in Eagle Mountain and will be a nice addition to the City.

Jeff Ruth encouraged the City Council to verify everything is included in the contract as he is skeptical about the project being built as depicted.

Mayor Westmoreland closed the public hearing at 11:39 p.m.

Councilmember Love recommended determining what the Council desires to be included in the project before focusing on the development timing and finalizing contract verbiage. She supports

what was presented but is concerned with the road widths, expiration date, and the number and building sizes for the condo and apartments.

Councilmember Curtis agreed with Councilmember Love. He asked for the developer to adhere to City standards in exchange for relocating the density. He is unwilling to consider the Public Improvement District.

Councilmember Burnham said that she appreciates the changes to be closer to current standards and feels the open space is the trade off for the exception requests. She loves the open space and desires it be tied to the agreement.

Councilmember Wright recognized the expertise of their team and supports the image they desire to represent. The difficulty is in the details including the concerns voiced by Councilmember Love and the impacts that still need to be mitigated. He communicated that while he hopes to come to a consensus on the Firefly development, he is open to the developer building their approved project as they have the vested right to do so.

Councilmember Gray stated he is in favor of the plan but agrees that many details need to be worked out by the City Council as a body.

Mayor Westmoreland stated that he has never seen a project like this before and thinks it comes the closest to capturing the vision for Eagle Mountain City.

MOTION: *Councilmember Wright moved to table an ordinance of Eagle Mountain City, Utah, approving the First Amendment to the Pole Canyon (AKA Firefly) Master Development Plan.*

AMENDED MOTION: *Councilmember Wright moved to table an ordinance of Eagle Mountain City, Utah, approving the First Amendment to the Pole Canyon (AKA Firefly) Master Development Plan to a future meeting and request that an additional public hearing be noticed when the item returns to Council. Councilmember Gray 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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The motion passed with a unanimous vote.

17.B. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Approving the Amended and Restated Pole Canyon Master Development Agreement, Now Known As Firefly.

MOTION: *Councilmember Burnham moved to table a resolution of Eagle Mountain City, Utah, approving the Amended and Restated Pole Canyon Master Development Agreement, Now Known As Firefly, to a future meeting. Councilmember Gray 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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The motion passed with a unanimous vote.

18. ORDINANCES

18.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Adopting the Sweetwater Industrial Park Community Reinvestment Area #3 Project Area Plan as the Official Community Reinvestment Project Area Plan for the Project Area and Directing that Notice of the Adoption be Given as Required by Statute.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain City, Utah, adopting the Sweetwater Industrial Park Community Reinvestment Area #3 Project Area Plan as the Official Community Reinvestment Project Area Plan for the Project Area and directing that notice of the adoption be given as required by statute. Councilmember Curtis 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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The motion passed with a unanimous vote.

19. CITY COUNCIL/MAYOR’S BUSINESS

20. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis

Councilmember Curtis announced the rodeo queen’s event will begin at the rodeo grounds at 10:00 a.m. on Saturday, April 22 and finish at City Hall. The Cemetery Advisory Board will meet next

Wednesday at 6:00 p.m. He requested to have time set aside for the Director of Legislative Affairs items on the next agenda.

Councilmember Burnham

Councilmember Burnham said the Youth Council is having an election meeting Thursday, April 20 at 6:00 p.m. and election information will be provided and is also available on the City website. Letters of intent to run for Youth Council are due April 27. Youth in 7th grade going into 8th grade and older are eligible to run, and polling locations will be at Cedar Valley High School, and City Hall on the election day on May 9.

Councilmember Wright

None.

Councilmember Gray

Councilmember Gray asked if the directional ladder sign owned by the City could be improved and used or removed.

Councilmember Love

None.

Mayor Westmoreland

None.

21. COMMUNICATION ITEMS

21.A. Eagle Mountain Pet Care Concept Plan

21.B. Financial Report

21.C. Upcoming Agenda Items

22. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn at 12:03 p.m. Councilmember Love seconded the motion.*

Councilmember Curtis withdrew his motion.

MOTION: *Councilmember Gray moved to adjourn at 12:04 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>
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Brett Wright **Brett Wright** **Brett Wright** **Brett Wright**

The motion passed with a unanimous vote.

The meeting was adjourned at 12:04 p.m.

Approved by the City Council on May 2, 2023.



Fionnuala B. Kofoed, MMC
City Recorder

