

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 15, 2013

Work Session 4:00 p.m. Policy Session 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*** This meeting may be held telephonically to allow a member of the City Council to participate ***

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland (arrived 4:09 p.m.), Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

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

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

12. FY 2012 Financial Audit

Ron Stewart of Gilbert & Stewart, the City's contracted auditing firm, reported on the FY 2012 financial audit. The firm's opinion is that the City's budget meets the requirements of generally accepted accounting principles. That is the best evaluation a budget can receive. The only somewhat negative finding in the audit was how many journal entries had to be made to provide complete information for the audit. However, that was due to the changeover in staff and is not expected to be a problem in the future.

Councilmember Ireland stated that a neighboring city in Utah County found accounting problems after several years of audits. He asked how the City can be sure that it doesn't encounter a situation like that. Mr. Stewart said that Eagle Mountain's audits look at internal controls, making sure that cash handling procedures are adequate and separation of duties is taking place.

Councilmember Ireland asked Finance Director Paul Jerome what he's learned during his first experience being in charge of the budget and what staff and Council can do better. Mr. Jerome responded that he would like to cross-train his staff further, rather than them only being familiar with their own areas.

13. SilverLake Master Development Plan Amendment

Planning Director Steve Mumford stated that the 2008 SilverLake master development plan and agreement currently govern the development. A new master plan and agreement were approved in 2011, but were never executed. Since then, the project has been purchased by Silver Lake Land, LLC. The developer is proposing no change to the maximum number of dwelling units (1,800) from the 2011 approved MDP. The proposed changes, in general, include the addition of multi-family units (not apartments or stacked condominiums), some changes to the planned park

locations, a new school site (at Alpine School District's request), and the addition of a potential church site.

Chief Andrus pointed out that the developers need to provide a second exit from SilverLake as soon as possible for public safety purposes.

Councilmember Ochsenhirt asked about the shared driveways shown in the plan. He wanted a specific requirement that no parking would be allowed in shared driveways. Richard Mendenhall of WPI explained that covenants can be put in place that requires cars to be parked entirely on private property.

Councilmember Ireland was pleased that the school and one of the church sites were adjacent and would like to see the community park in the same location to create a community gathering space. He also wanted the additional parking area at the amphitheater to be dual-use: a play area most of the year and parking for Pony Express Days. Mr. Mendenhall responded that SLL would be happy to combine public sites wherever possible. They are planning on those decisions being made as individual plats are approved. As far as dual-use areas are concerned, graded parking areas are not suitable for sports. They are OK for general play areas.

Mr. Mumford recommended that, if the community park is to be moved, that decision be written into the master development agreement.

Councilmember Steinkopf asked what the basis was for the requirement of 25% maximum stucco on the exteriors. Mr. Mumford replied that that was negotiated with the previous developer, DAI. It is a higher standard than is required by City code.

Councilmember Painter about the changes planned for the natural wash. Mr. Mendenhall said that the natural gooseneck shape doesn't allow for good water flow. He felt that the wash needs to be worked on, but left as natural as practicable. Specific plans can be agreed to with individual plats. SLL will commit to building the adjacent Woodhaven Road with the first plat.

Mr. Mendenhall pointed out that SLL is exceeding the architectural and open space requirements, and correcting the water rights issues left unresolved by the previous developer.

16. Agreement with DCCV

Mayor Jackson moved this item ahead of some others. It's a mutual agreement with Direct Communications for sharing of equipment. This has been done regularly up until now. This agreement formalizes the terms of that sharing. It tallies the value of the exchange on each side. The City will meet monthly with DCCV to determine if the value of the sharing is equitable.

15. Animal Regulations

Mr. Mumford reminded everyone that the ordinance is being revised due to requests for fewer dogs being allowed in residential neighborhoods, additional requests for beekeeping and goats, and the Planning Commission's desire to regulate animal rights by lot size. Input has been received from residents, the Sheriff's Office, the Utah County Beekeepers' Association, and research done on codes from other cities. It's been discussed in several meetings, mostly with the Planning Commission.

Under this ordinance, animal regulations will be treated as a land use issue, subject to conditional uses, variance requirements and options in the zoning code. Animal owners in compliance with the current ordinance who would be out of compliance with the new ordinance will be grandfathered in, unless they stop the grandfathered uses for at least a year.

The tables in the new ordinance are as follows:

Table 6.10.050a – Small-Breed Animals

Animal	Max # Allowed per Residential Lot ¹				Living Area Run/Pen/Coop per Animal
	Less than ¼ Acre	¼ Acre – ½ Acre	½ Acre – 1 Acre	>1 Acre	
Dogs & Cats ²	4	4	4	4	25 sq ft
Chickens	6	12	12	6 per additional ½ acre	3 sq ft
Small-Breed Goats	0	2	4	See Table 6.10.050a	150 sq ft
Miniature Horse	0	0	2	See Table 6.10.050a	500 sq ft
Pigeons	0	0	50 Total	50 Total	2 sq ft
Rabbits	4	6	8	10 Total	3 sq ft
Turkeys, Ducks, & Geese	0	0	0	2 Total	10 sq ft

Table 6.10.050b – Weaned Ages

Animals	Weaned Ages
Chickens, Ducks, Turkeys, Geese	2 weeks
Pigs	6 weeks
Rabbits	1 month
Goats, Sheep, Llamas, Alpacas	3 months
Dogs & Cats	4 months
Cattle & Horses	6 months

¹ No more than 4 categories of animals are allowed per residential lot.

² A combination of dogs and cats (4 months of age or older) may not exceed 4 on any lot, unless allowed by Section 6.10.050C.

² The maximum number of animals applies to each category of animal (large, medium/large, medium). For example, on a lot between 1 and 3 acres, a maximum of 4 medium/large animals are permitted, not 4 donkeys and 4 llamas.

² No more than 2 categories of animal (large, medium/large, medium) are allowed per residential lot.

² Up to two horses may be allowed on a ½ - 1 acre lot in an Equine Overlay Zone as regulated by Chapter 17.52. Miniature horses are regulated by Table 6.10.050a.

Table 6.10.050a – Residential Zone Livestock Requirements

Animal ³	Max. Number Allowed ⁴			Livestock Mgmt. Area per Animal
	½ to 1 Acre	1 to 3 Acres	More than 3 Acres	
Large Animals Horse / Mule / Cattle	0 ⁵	4	12	22,000 sq ft per 1 – 4 animals
Medium/Large Animals Donkey / Llama	2	4	12	2,500 sq ft
Medium Animals Emu / Ostrich / Sheep / Goat	4	8	16	500 sq ft
Pig	2	4	8	500 sq ft

Councilmember Painter asked how the cats and dogs regulation applies to five-acre lots. He thought the limits restrictive for larger lots. Mr. Mumford responded that it was very unlikely that there would be complaints about animals on a larger lot. The numbers are more for animal control and nuisance purposes.

Mayor Jackson pointed out that the Sheriff's Office can't enforce ordinances more restrictive than the county regulations.

Councilmember Burnham asked for clarification on the grandfathering. Mr. Mumford said it applies to people whose animals complied with the current code, but exceed the new code.

Councilmember Painter asked how this affects Dayna Koch's goats. Mr. Mumford said they would comply with the new code.

Councilmember Steinkopf asked whether residents could have the maximum number of animals in each of four categories. Mr. Mumford said they could.

Councilmember Steinkopf asked about the requirement that excrement be removed from the property. Mr. Mumford said it was to prevent rodents and odors. Councilmember Ireland said the chicken owners in his neighborhood usually put the manure in their gardens. Mr. Mumford suggested removing the reference and leaving the issue under the nuisance ordinance.

Councilmember Burnham asked how that would be enforced. Mr. Mumford responded that the City Attorney is working on an enforcement mechanism to be used throughout the City code.

³ The maximum number of animals applies to each category of animal (large, medium/large, and medium). For example, on a lot between 1 and 3 acres, a maximum of 4 medium/large animals are permitted, not 4 donkeys and 4 llamas.

⁴ No more than 2 categories of animal (large, medium/large, and medium) are allowed per residential lot.

⁵ Up to two horses may be allowed on a ½ - 1 acre lot in an Equine Overlay Zone as regulated by Chapter 17.52. Miniature horses are regulated by Table 6.10.050a.

Only female small-breed goats will be allowed on smaller lots. Males will be allowed on larger lots. The goats will have to be dehorned. Breeding will be allowed as long as the numbers of adult goats on the property don't exceed the limits.

Enclosures have to be provided for the animals and must be closer to the owner's property than a neighbor's property.

Exceptions are available through the conditional use permit process when approved by the Planning Commission.

2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
 - A. Refunding Bond

This item was moved to the Policy Session.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:12 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Asst. City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Director; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:17 p.m.

5. PLEDGE OF ALLEGIANCE

Preston and Conner Dean led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

Fire Transition to UFA – Fire services in Eagle Mountain are now being handled by UFA. Please visit the Fire Services page of the City website for the new phone number for scheduling fire station tours and other community services. For burn permits, use the phone numbers for the City Center or Ranches fire stations. The dispatch number remains the same, 801-798-3970. Always call 911 for fires or life-threatening medical emergencies.

Dancin' Up a Storm -- The Westlake High School Ballroom team is hosting a dance competition. Dancin' Up a Storm will be held Thursday, January 17 and Saturday, January 19 at 7:00 p.m. both nights in the Westlake High School auditorium.

Tickets are \$5. Purchase tickets at the door the night of the performance or from any member of the Ballroom team. A silent auction will be held on both nights. A portion of the proceeds will go to the Utah National Guard Charitable Trust.

Seniors Activity: Fraud Education -- The monthly seniors' (55+) activity will be held on Monday, January 28 at 5:00 p.m. in the City Council Chambers, featuring a presentation on protecting yourself from fraud.

Snow Parking Reminder -- Please remember per City ordinance there is no parking on City streets between the hours of 4:00 a.m. to 4:00 p.m. when more than two inches of snow accumulates. Please keep in mind if you are planning to leave vehicles parked on the street outside of those hours, it could still impede plows from clearing snow.

Christmas Tree Pick-up -- The City's Public Works Department is once again offering free Christmas tree disposal to residents. Simply place your tree, stripped of all decorations, on the park strip next to your curb (not in gutters) through January 31 and it will be picked up as soon as possible. If the tree is not fully stripped of all decorations, we will not be able to pick it up.

7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*

Daniel Gunnell, 3801 Butterfield Road, represented the Utah Conservation District. The District is interested in holding a tree planting education day during the first week in March. He asked for City support. Mayor Jackson referred him to Public Works Director Chris Trusty and said the City will be happy to make the Council Chambers available and publicize the meeting on the website and in the newsletter.

8. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. *(Comments are limited to three minutes each.)*

Councilmember Steinkopf

Councilmember Steinkopf said he had recently learned that it is residents' responsibility to keep fire hydrants clear of snow. He asked residents to do so.

Councilmember Painter

Councilmember Painter thanked everyone who contacts Council members with input on City issues. He also said that he's had very few complaints about snow plowing this year. He commended the City's snow plow drivers for the excellent job they do.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said he appreciated the comments from residents, most of which are respectful. They help council members know what issues to target. He also complimented the snow plow drivers on the timeliness and effectiveness of their work. He asked Mr. Trusty about the placement of fire hydrants in the City. Some of them probably need to be protected by posts.

Councilmember Ireland

Councilmember Ireland appreciated Connor Dean for coming to the meeting in his Scout uniform with his dad. The Scouting District has been split and is now the Porter Rockwell District. He encouraged residents to volunteer for Scouting.

Councilmember Burnham

Councilmember Burnham thanked everyone for taking the time to come to the meeting.

Mayor Jackson

Mayor Jackson attended the fire service district's board meeting this morning. They will be changing the name of the district from Salt Lake Valley Fire Service Area to something that reflects having a member from Utah County.

CONSENT AGENDA

9. MINUTES

A. December 4, 2012 – Regular City Council Meeting

10. BOND RELEASE – Into Warranty

A. Valley View North, Plats A2 & A3

11. RESOLUTION – DECLARATION OF SURPLUS PROPERTY

A. Vehicles

12. FY 2012 AUDIT – Acceptance of the FY 2012 Financial Audit (Ron Stewart)

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

13. **PUBLIC HEARING**

ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Approving the SilverLake Master Development Plan Amendment.

This item was presented by Planning Director Steve Mumford. This proposed amendment to the SilverLake Master Development Plan includes some proposed changes to the open space, residential building types and locations, planned street layout, and potential church and school locations. The number of residential lots/units will not be increased with this amendment.

The SilverLake Master Development Plan was amended on June 21, 2011 by the City Council. That plan added 255 dwelling units to the project for a total of 1,800 undeveloped units. It also removed the 583 multi-family units from the plan and replaced them with a mixture of regular

single-family lots, cluster homes, and cottage homes, all with improved exterior architecture. The amended master development agreement, although approved by the City Council, was never signed and executed. Technically, until the master development agreement is amended, the changes to the master plan map are not valid. In this case, the 2008 master development plan and agreement would still be valid.

Since that time the property has changed ownership, and the previous developer is no longer involved in the project. WPI, the new developer, now desires to further amend the master plan and the master development agreement to provide some clarification and also to fit with their development plans for the property. The proposed master development plan map contains Areas A-E, each with a maximum number of units. Areas A and E are designated as single-family areas and Areas B, C, and D are designated as mixed areas, which may include single-family detached, patio, cluster, green court, and multi-family neighborhoods, but no stacked housing will be allowed.

Councilmember Ochsenhirt asked if the fence will be installed in conjunction with the road. Mr. Mumford said the fence will be installed where residential lots are backing up to the road.

Councilmember Ireland asked about the name of the road. The original map said SilverLake Blvd. Google has it as Woodhaven Blvd. Steve said that since SilverLake Blvd. is a duplicate name, Woodhaven will be fine.

Councilmember Painter asked what open space is required in the code and how it is met through this proposal. Mr. Mumford said the code requires 17.77 acres of regional or community parks and 14.5 acres of neighborhood parks. This proposal includes two community parks. The neighborhood park locations will be determined at plat approvals.

Councilmember Ochsenhirt wanted clarification on the fee in lieu of trees. Mr. Mumford responded that the City wants the trees in each plat to be consistent.

Mr. Mendenhall mentioned that SLL is providing more open space than is required by code. Some of the locations are flexible and some are not.

Councilmember Painter said that he doesn't consider the wash to be land that should be included in the open space calculations.

Mayor Jackson opened the public hearing at 8:08 p.m.

Tiffany Ulmer, 1320 Harrier St., was concerned that the 50-foot lot frontages don't leave anywhere for rainwater to go during a storm. She also felt that five-foot side setbacks don't leave enough room for firefighters to get safely between homes.

Mayor Jackson closed the public hearing at 8:09 p.m.

Councilmember Painter asked about previous water right issues. City Attorney Jeremy Cook responded that the issue concerned Plat 4B. When SLL took over the project, Zions Bank agreed to dedicate the water rights to that plat. He also said that the conditions of approval should be mentioned in the motion as "road requirements as per the stipulations in work session in Council meeting this evening."

Tony Trane, representing the developer, stated that the agreement was that in undeveloped areas, the asphalt would be 24 feet wide (half-width + 10 feet) with no curbs and gutters. Each side would be expanded as the areas were developed. Mr. Trusty said that would be acceptable with swales.

Mr. Mendenhall said SLL is prepared to meet the City's traffic and storm water engineering requirements as plats are approved.

Councilmembers discussed parking in the plats extensively. Mr. Mumford said that parking regulations can be included as a condition of approval. Mayor Jackson pointed out that the item on the table is a master development plan. Details such as parking will be handled on a plat by plat basis.

Councilmember Ireland was concerned about the lack of playing fields in SilverLake. He would like parking area near the Amphitheater to be a parking lot during Pony Express Days and a play area the rest of the year, preferably level enough for team sports. He was not looking for a specific solution, but wanted the issue studied at an early stage in the planning. Mayor Jackson suggested that the Council allow the staff to work through specific details.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the SilverLake Master Development Plan amendment with the conditions mentioned; specifically, requiring that the road be included in Phase 1 per staff recommendation and that the change be made for the parking area to also include a play area. Councilmember Burnham seconded the motion.*

The Planning Commission's conditions of approval are as follows:

1. The maximum number of residential units must not exceed 1800, with the multi-family housing at 20% of the total.
2. The setback exhibit shall be modified to require a 22-foot garage setback and a minimum 15-foot street-side setback.
3. A collector road shall be added to the plan, continuing Woodhaven Blvd. to the eastern boundary of the project.
4. Developer shall work together with all interested parties to plan appropriately for regional transportation needs, and modify plans to meet those needs, if applicable.

Councilmember Painter felt that the amendment is a worse alternative for the City than the 2008 plan.

Mayor Jackson asked Nate Shipp, the original developer, to help clarify the original planning process for SilverLake. In response to her questions, Mr. Shipp said that the Tickville Wash had always been considered open space, but not improved open space.

Councilmember Ireland asked Mr. Shipp what he thought about increasing the density while removing the stacked housing. Mr. Shipp felt that the issue was not density, but community design and maintenance.

Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a 4:1 vote.

Councilmember Ochsenhirt commented that diversity is discussed in Eagle Mountain, but the subdivisions don't reflect that. Someone needs to offer some real diversity in housing so that the City can grow from its current size to a more significant town.

Councilmember Steinkopf said he's counting on the developers to do a high-quality job.

14. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Amended and Restated SilverLake Master Development Agreement.

This item was presented by Planning Director Steve Mumford. This resolution formally approves the proposed Amended and Restated SilverLake Master Development Agreement.

MOTION: *Councilmember Ochsenhirt moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Amended and Restated SilverLake Master Development Agreement amendment with the conditions mentioned; specifically, requiring that the road be included in Phase 1 per staff recommendation and that the change be made for the parking area to also include a play area. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a 4:1 vote.*

PUBLIC HEARING

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Municipal Code Title 6, Animals and Chapter 17.85, Animal Regulations.

This item was presented by Planning Director Steve Mumford. The proposed amendment to the Municipal Code creates Chapter 6.02, Definitions, Chapter 6.10 Animals and Land Use, and completely removes Chapter 17.85.

For the past year the Planning Commission and City Council have been discussing potential changes to the animal regulations found in the Municipal Code Chapter 17.85. The Planning Commission requested that, in addition to livestock in residential areas, smaller animals be regulated by lot size. There were also requests from residents to include regulations concerning beekeeping, chickens, and small-breed goats. Input has been provided throughout the process by the Animal Control Officer of the Utah County Sheriff's Office and by the Utah County Beekeeper's Association. Information was also gathered from various sources, including cities throughout the state and country, as well as numerous residents.

On July 17, 2012 the City Council reviewed this ordinance in a public hearing. Since that time the ordinance was modified in response to the Council and Mayor's concerns, and posted on the City website for review. Numerous comments were received electronically, mostly concerning the permitted number of dogs. The consensus from residents was that the number of dogs should remain at a maximum of four (4). Several residents also commented on chickens and goats. The County Sheriff's Department has also amended their previous recommendation, now recommending that the number of dogs and cats remain at no more than a combination of four (4).

Mayor Jackson opened the public hearing at 9:03 p.m.

Lori Ann Miller, 1411 Harrier Street, would like to have enough chickens to feed her family, which would be more than is allowed. One of the reasons she moved to Eagle Mountain is to have the opportunity to keep animals.

Falen Bailey, 1451 Hawk Way, wanted to know who decides how many pets are acceptable. If a family takes good care of its animals, she didn't think the Council should try to limit them. Part of the reason people like to have animals out here is that there is no grocery store. Putting a number on how many dogs someone can have isn't fair to those who take good care of them.

Tamera Buchanan, 1438 Hawk Way, said it's good to moderate the number of animals, but having them teaches her kids responsibility. She said the neighbors love her chickens. The chickens are the family's pets. Pets can be as unruly as teenagers, but they're part of the family and she didn't want them taken away.

Rebecca Pierpont, 1452 Hawk Way, didn't know why the issue had come up, but she thought it probably had to do with poorly-tended pets. She felt the Council is punishing many because of a few. The number of pets doesn't indicate how well the owner cares for the animals. Enforcement should be on a case-by-case basis. If the issue is appearance, the City should enforce the ordinances on weeds and junk. If it's because of noise, children and lawnmowers are a lot noisier than pets.

Michelle Hunter, 4550 Kestrel Way, said the fact that the Planning Commission wanted to limit the number of animals by lot size. The fifteen chickens she has are the right number for controlling the bugs in her garden. For her, raising chickens isn't about getting eggs; it's about educating her children, controlling where her food comes from and having pets. She has had people come to her door to learn about her chickens. A laying hen at its loudest is quieter than a doorbell. She felt she had a right to as many chickens as she can take care of.

Dayna Koch, 1520 Kestrel Way, thanked everyone, especially Mr. Mumford, for the time they've put into this issue. She noted that her goats have never pooped on anyone else's lawn, the City hasn't received any complaints that her goats have bitten anyone, they weigh less than an average-size dog, and no officer has visited her home on a nuisance complaint. After she invited the Council to come and see her goats and their pen, only one came. An overwhelming majority of her neighbors have signed a petition saying they have not problems with the goats. Some didn't know the goats were there. She's sold over 40 bars of goat-milk soap. Her goats eat the weeds on the City-owned land that surrounds her lot. Several cities have ruled that small-breed goats are domestic pets. The stated purpose of the animal ordinance is to have animals kept in the city in a way that doesn't impact health or safety or cause a nuisance.

Tiffany Ulmer, 1320 Harrier Street, showed slides showing that many of the lots in her neighborhood would be able to have goats if this ordinance is passed. Her experience in the neighborhood has been that small-breed goats in the neighborhood have been annoying and noisy.

Becky Barney, 4517 Osprey Way, said she noticed that the neighbors living near the goats didn't object to them; only residents farther away had a problem with them. She was never bothered by the goats when she lived three houses away from them.

Mayor Jackson read a comment from Jenny Lindner, 1378 Owl Lane, which stated that the home business Ms. Koch started using the milk from her goats led to the Eagle Mountain Farmer's

Market. She felt that the City shouldn't stifle innovation that leads to unifying events like the market.

Matt Lindner, 1378 Owl Lane, said that he would like to see specific measurements as to how much noise and odor animals emit and what levels are unacceptable. Creating limits by number of animals and size of lots can't be accurate. Adjectives need to be defined.

Cameron Robinson, 1465 Osprey Way, said many of the animal regulations up until now have focused on nuisance issues. He felt that those are the issues that should control the decisions. Preemptively banning a possible nuisance seems a little over-eager.

Moira Lindner, 1378 Owl Lane, wasn't able to speak during the public hearing, but turned in a comment form after the meeting. She's an 8-year-old fourth grader who said that sometimes people can get annoyed by noise and odors, but Ms. Koch deserves to keep her goats and chickens because she takes good care of them.

Mayor Jackson closed the public hearing at 9:30 p.m.

Mayor Jackson stated that the proposed ordinance doesn't change the number of dogs and cats permitted per lot. During many meetings held to discuss the change, only two meetings had more than one resident in attendance. The proposal has been carefully discussed. One of the issues that prompted the discussions was Ms. Koch's goats, which weren't in compliance with the code. Additionally, another resident had applied for a hobby breeder license that would have been problematic in that particular neighborhood. There have also been inquiries about beekeeping and there have been many complaints about chickens running loose. Anyone who has more animals than are approved in the new ordinance will be grandfathered in.

Councilmember Ochsenhirt said he objects to others telling him what he can do on his property. However, there has to be some degree of regulation to deal with people who don't have respect for their neighbors and don't take care of what's on their property. This ordinance is about benefitting the public rather than oppressing anyone. The Council wants to be respectful to the residents, but also needs to deal with those who are not respectful to others. The City needs a nuisance ordinance with teeth.

Councilmember Burnham said that almost everyone who made a comment lives in her neighborhood. The City isn't taking away anyone's rights. The neighborhood CC&Rs specifically say homeowners can't have chickens or goats. CC&Rs are an agreement homeowners make with their neighbors. The City can't enforce CC&Rs. Until the City has a mechanism in place to enforce the nuisance laws, something needs to be done. Roaming dogs still roam, despite numerous complaints. A large lot like Ms. Koch's doesn't create a problem with goats, but when others with smaller lots want them, they're going to create a problem and have created problems in the past.

Councilmember Ireland pointed out that the Council didn't choose this discussion. It's been an issue for over a year. The Planning Commission chose to use numbers of animals per lot size because it's a workable way to control odors and noise. Councilmember Ireland agreed that what is really needed is a way to identify and enforce nuisances. Numbers are arbitrary at best. The Council wants people to be able to take care of their animals in a way that is humane for the animals and not a safety or nuisance issue for the neighbors. Nuisances are very subjective. Picking numbers for categories of animals doesn't address the problem, either.

MOTION: *Councilmember Ochsenhirt moved to table the ordinance until there is a means of enforcement. Councilmember Ireland seconded the motion.*

Mayor Jackson asked City Attorney Jeremy Cook to explain what the staff is doing to address the enforcement issue. He explained that staff is working on a massive code revision that will create an administrative hearing process covering enforcement on all issues covered by the code.

Councilmember Ochsenhirt stated that enforcement of nuisances is much more important than counting the number of animals on a lot. He pointed out that when residents buy homes, they agree to the rules specified in the CC&Rs, if any, and they need to abide by them until they get a waiver.

Mayor Jackson asked Mr. Mumford if there's a way to grant a conditional use permit for Ms. Koch because of all the time she's spent working on this issue, and suggested that the application fee be waived. Mr. Mumford said the process is in place for Ms. Koch to apply for a conditional use permit.

Councilmember Burnham said her preference would be that goats be taken out of the animal rights table and that keeping them would always require a conditional use permit.

Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a 4:1 vote.

16. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and Direct Communications Cedar Valley, LLC.

This item was presented by Energy Director Adam Ferre. The proposed agreement is to share equipment and personnel between DCCV and Eagle Mountain City for certain projects within the municipal boundaries of Eagle Mountain City without charging a fee. The sharing of personnel and equipment will benefit both parties and significantly reduce the cost of certain projects. Each party will operate its own equipment. They will keep track of how many man-hours are exchanged.

MOTION: *Councilmember Ireland moved to approve an agreement between Eagle Mountain City and Direct Communications Cedar Valley, LLC. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. MOTION – Consideration and Approval of Appointment of a City Councilmember as Mayor Pro Tempore.

This item was presented by Mayor Jackson. The City Council will appoint a Councilmember as Mayor Pro Tempore to cover for the Mayor in the event of her absence. Mayor Jackson proposed that Councilmember Painter be appointed.

MOTION: *Councilmember Burnham moved to appoint Councilmember Painter as Mayor Pro Tempore. Councilmember Ochsenhirt seconded the motion. Those voting aye:*

Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.

18. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Form of the Equipment Lease Agreement with Zions First National Bank, Salt Lake City, Utah, to Enter Into Said Agreement, and Authorizing the Execution and Delivery Thereof.

This item was presented by City Administrator Ifo Pili. The proposed resolution is for a lease purchase agreement through Zions First National Bank for a pump truck and dump truck that was approved by the City Council on November 20, 2012.

MOTION: *Councilmember Ochsenhirt moved to approve a Resolution of Eagle Mountain City, Utah, approving the form of the equipment lease agreement with Zions First National Bank, Salt Lake City, Utah, to enter into said agreement, and authorizing the execution and delivery thereof. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

City Administrator Ifo Pili

Mr. Pili reported that interest rates are low, so the City can save approximately \$200,000 per year by refunding the 2005 gas and electric bonds. He will bring this item to the Council at a future meeting. Also, an application is pending for the City to connect to the Central Water Project. The Water Quality Board has approved a loan for infrastructure. He commended Finance Director Paul Jerome on the audit report. He asked City Recorder to report on the Joint Land Use Study for Camp Williams. She stated that the study has been completed. The project for improving Camp Williams' compatibility with the surrounding communities will be implemented in the near future.

20. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

A. Board Liaison Assignments

Councilmember Burnham – Planning Commission
Councilmember Ireland – Senior Council, Youth City Council & Library Board
Councilmember Ochsenhirt – Economic Development Board
Councilmember Painter – Public Works Board
Councilmember Steinkopf – Parks and Recreation Advisory Board

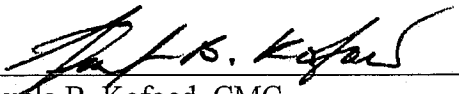
21. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
B. Financial Report

22. ADJOURNMENT

MOTION: *Councilmember Ochsenhirt moved to adjourn the meeting at 10:12 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 5, 2013.



Fionnuala B. Kofoed, CMC
City Recorder