

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 15, 2011

Work Session 4:00 p.m. - Policy Session at 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, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt (arrived 4:22 p.m.) and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Shawn Metcalf, Intern; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

Mayor Heather Anne Jackson called the meeting to order at 4:15 p.m.

1. DISCUSSION - Incubator Office Lease, Storage Site Lease and Sale Agreement, and other related documents.
2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
3. 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. Fairfield Landfill

This item was moved to the end of Policy Session.

4. 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 Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and Ryan Ireland. The motion passed with a unanimous vote.*

The meeting adjourned at 6:26 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Shawn Metcalf, Intern; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

5. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:11 p.m.

6. PLEDGE OF ALLEGIANCE

Alan Petersen led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express statue
- There will be a soldier's welcome home procession for Adam Nelson on Friday.
- The City offices and the library will be closed on February 21 for Presidents' Day. The library will also be closed on February 19 for a software upgrade.
- Tickets are now on sale for the Pony Express Days concert starring Clint Black.
- Registrations and tickets for most Pony Express Days events are available online.

8. 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.)*

Todd Feller, 1845 Church Way, wanted to know what the master plan is for the area behind his house. Since a new street was built behind his house, there's a curb blocking access to his boat, and standing water collects during rain. His back fence has sunk twice. Mayor Jackson asked him to talk with Public Works Director Chris Trusty.

9. 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 Burnham

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt was glad to be here.

Councilmember Ireland

No comment.

Mayor Jackson

No comment.

CONSENT AGENDA

10. MINUTES

- A. January 27, 2011—Town Hall Meeting
- B. February 1, 2011—Regular City Council Meeting
- C. February 4, 2011—Special City Council Work Session Meeting

11. FINAL PAYMENT

- A. Wastewater Treatment Facility – Nelson Brothers Construction Company
- B. Tank #5 Construction – Build, Inc.

MOTION: *Councilmember Painter moved to approve the consent agenda with the January 27, 2011, minutes as updated. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

12. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the Development Code to Create a Commercial Storage Zone.

This item was presented by Planning Director Steve Mumford. The proposed ordinance creates a new zoning district, Chapter 17.38, for a zone intended for commercial storage uses, either outdoor storage or storage buildings. The Planning Commission unanimously recommended approval of this item.

Mayor Jackson opened the public hearing at 7:22 p.m.

Spencer Johnson, 8500 Western Gales Dr., asked about the location and acreage of the parcel. Mayor Jackson said the first step of the process is to establish the new zoning. In a later step, a specific parcel will be rezoned.

Todd Feller, 1845 Church Way, wanted to know if the commercial area is available for anyone to build in. He has investors who might be interested in building a storage facility. The Mayor reiterated that this item simply establishes the commercial storage zone.

Mayor Jackson closed the public hearing at 7:26 p.m.

Councilmembers asked whether such specific zoning is going to make the Development Code unwieldy and if other cities have dealt with similar issues. City Attorney Jerry Kinghorn said it's a common process in other cities and has been used with varying degrees of success.

Mr. Kinghorn stated that this item creates the zoning; it doesn't specify a parcel. Without the zoning, the City can't allow this use. How and where it's applied is a different question. Outdoor storage can be unsightly, so location is important.

Councilmember Painter asked if this zoning could be applied to wrecked equipment, in violation of the nuisance ordinance. Mr. Kinghorn said the storage operator would be responsible to keep the property in compliance with the City Code.

MOTION: *Councilmember Celaya moved to adopt an ordinance of the City Council of Eagle Mountain, Utah, amending the Development Code to create a Commercial Storage Zone, as presented. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

PUBLIC HEARING

13. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the General Plan Land Use and Transportation Corridors Map Concerning Commercial Storage.

This item was presented by Planning Director Steve Mumford. This City-sponsored amendment to the Future Land Use and Transportation Corridors Map changes a portion of property #58-034-0436 from Mixed Use Residential to Mixed Use Commercial. The Planning Commission unanimously recommended approval of this item.

Mayor Jackson opened the public hearing at 7:47 p.m. No comments were made, so she closed the public hearing.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain, Utah, amending the General Plan Land Use and Transportation Corridors Map concerning commercial storage, as discussed. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

PUBLIC HEARING

14. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Rezoning Property from Community Open Space to Commercial Storage.

This item was presented by Planning Director Steve Mumford. This is a City-sponsored proposal to rezone a portion of property #58-034-0436 from Community Open Space to Commercial Storage. The Planning Commission unanimously recommended approval of this item.

Mayor Jackson opened the public hearing at 7:51 p.m.

Todd Feller, 1845 Church Way, wanted to know if there were any plans for commercial uses in City Center. He was concerned that The Ranches might split off into its own city and take the tax

base with it. Mayor Jackson responded that several large areas are zoned for commercial uses in City Center, including areas in the new Pole Canyon annexation.

Spencer Johnson, 8500 Western Gables Drive, asked what the acreage is of the area currently used for golf course storage. Mayor Jackson responded that the current area is about two acres. It will be increased to about 6 acres, adding land under the powerline corridor for an access point.

Mayor Jackson closed the public hearing at 7:57 p.m.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, rezoning property from Community Open Space to Commercial Storage, as discussed. Councilmember Ochsenschirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenschirt and John Painter. The motion passed with a unanimous vote.*

PUBLIC HEARING

15. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Title 17 of the Eagle Mountain City Development Code Concerning the Residential Zone, and Amending Definitions.

This item was presented by Planning Director Steve Mumford. These staff-proposed amendments to Chapter 17.25 Residential Zone include setbacks, building height, housing diversity, conditional uses, and more. These staff-proposed amendments to Chapter 17.10 Definitions, add definitions for "patio homes," "cluster homes," and "garden courts," as well as adding uncovered decks as an exception to the setbacks, similar to porches and verandas. The Planning Commission unanimously recommended approval of this item.

The proposed changes are as follows (from the staff report dated February 15, 2011):

1. The addition of cluster homes, patio homes, garden courts, and other detached housing as conditional uses in the Residential Zone. These would be allowed specifically in Tier III and Tier IV developments.
2. Driveway setbacks are specified as a 5-foot minimum from a residential alley, and the 22-foot driveway setback is clarified and stated again in several sections.
3. Allows storm drain detention areas to be counted towards improved open space requirements if improved for recreational uses (such as soccer fields or similar uses).
4. Changes the setbacks for Base Density and Tier I lots, specifically reducing the setbacks for lots that are one-half to three-quarters of an acre from a 50-foot front and rear setback to 30 feet, and the side yard setback from 25 feet to 15 feet.
5. Allows up to a 10% variation in setbacks to be approved by both the Planning Director and the Building Official if the variation is deemed appropriate due to an issue with slope, unique lot configuration, or other unique circumstance.
6. Adds building height language and exhibit to Tier 1 and Tier II, as stated in the Base Density building height section. This was approved two or three years ago, but was never incorporated into the Tier 1 and Tier II zones, as was originally intended.
7. Changes the lot frontage for Tier II lots to 50 feet minimum rather than 55 feet. The trend around the country is to move towards smaller lots with homes that contain improved architectural features and materials.
8. Adds a "housing diversity" section, which limits the monotony of Tier III and Tier IV developments, requiring a mix of building types.
9. Reduces the setback between multi-family housing structures from 30 feet to 20 feet.

Thirty feet seems excessive when single-family homes are sometimes only 10 to 15 feet apart. Increased setbacks can be required for these types of buildings by the City Council during the application review.

Under "Definitions," the proposed code amendment would include "uncovered decks" as an exclusion from the setbacks, similar to porches, window wells, verandas, and other similar structures. For informational purposes, a roofed deck is still considered part of the home and would have to meet all primary structure setbacks.

"Cluster home" means a detached home that is generally located on a small lot or clustered near other detached homes with common open space between the homes. A cluster homes development will generally include a park, courtyard, or additional improved open space within the development. These are sometimes referred to as patio homes.

"Patio home" means a detached home that is generally located on a small lot or clustered near other detached homes with common open space between the homes. Patio homes may also be attached to one or more other patio homes, each with a small private patio or yard area. A patio home development will generally include a park, courtyard, or additional improved open space within the development. These are sometimes referred to as cluster homes.

"Garden court" means a detached housing development consisting of a courtyard or park surrounded on two or three sides by homes. These homes are generally facing/fronting the courtyard, are located on small lots or areas of common open space, and are accessed from a residential alley behind the homes.

Mayor Jackson pointed out that Lehi and Saratoga Springs are growing much faster than Eagle Mountain, which may have to do with their use of housing diversity such as planned unit developments and mixed use housing.

Mayor Jackson opened the public hearing at 8:24 p.m.

Adam Allen, 1959 Church Way, commented on items 1 and 8. He felt that smaller homes might depreciate the value of nearby larger homes.

Mayor Jackson closed the public hearing at 8:26 p.m.

Mayor Jackson, in the interest of time, asked the Councilmembers which points they felt comfortable voting for, and suggested that they talk to Mr. Mumford after the meeting about any they would like to see changed. Discussion ensued on which items most Councilmembers approved of. Based on their responses, Councilmember Celaya made the following motion:

MOTION: *Councilmember Celaya moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Title 17 of the Development Code concerning the Residential Zone and amending Definitions to include only items from the staff report dated February 15, 2011, numbered 1, 3, 5, 6, and 9 and proposals for definitions, to include clarifying language as proposed by staff and shown in the attachment to the report dated February 15, 2011. Councilmember Burnham seconded the motion.*

After further discussion, Councilmember Celaya amended the motion to exclude item 3.

Councilmember Burnham accepted the amendment.

AMENDED MOTION: *Councilmember Celaya moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Title 17 of the Development Code concerning the Residential Zone and amending Definitions to include only items from the staff report dated February 15, 2011, numbered 1, 5, 6, and 9 and proposals for definitions, to include clarifying language as proposed by staff. Councilmember Burnham seconded the motion.*

Those voting aye: Donna Burnham, Jonathan Celaya and Ryan Ireland. Those voting no: Nathan Ochsenhirt and John Painter. The motion passed with a 3:2 vote.

Councilmember Painter felt that small, mixed-use neighborhoods don't fit the open-space lifestyle that the city has promoted. He didn't think people were going to come all the way out here to live in a small, village-type community that they can find in places like Salt Lake. He said that he believes buyers in Eagle Mountain prefer neighborhoods with families who are in a similar life style and career stage. He felt that the proposed changes promote the exact opposite.

16. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Enacting Section 505.280 H. Concerning Film Permit Applications and Amending and Re-enacting Certain Sections of Chapter 5.05 of the Eagle Mountain City Code to Conform to New Section 5.05.280 H.

This item was presented by City Attorney Jerry Kinghorn. The proposed film permit ordinance creates a process for film production companies to receive permission from the City for film production activities doing business in the City on a single event basis. The ordinance is an exception to business licenses for permanent businesses in the City.

This item was removed from the agenda.

17. AGREEMENT – Consideration and Approval of an Agreement between T & B Equipment Company and Eagle Mountain City for Rental of Bleachers for the Pony Express Days Rodeo.

This item was presented by Shawn Metcalf. The 2nd Annual Pony Express Rodeo, a Professional Rodeo Cowboy Association (PRCA) certified rodeo, scheduled on May 27-30, is expected to draw at least 4,000 people per day over the 3-day event. This estimate is based on other rodeos in the area that regularly average 6,000 to 8,000 people per event. The City plans to rent approximately 4,000 bleachers from T & B Equipment Company to accommodate seating at the event.

MOTION: *Councilmember Burnham moved to approve an agreement between T & B Equipment Company and Eagle Mountain City for Rental of Bleachers for the Pony Express Days Rodeo, up to \$86,297.50, clarifying the ADA seating requirements and authorizing the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion.*

Councilmember Painter asked what the premier seating was. Mr. Hendrickson said it was located in the center section of the bleachers.

Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan

Ochsenhirt and John Painter. The motion passed with a unanimous vote.

18. BID AWARD – Consideration and Approval of a Bid Award to United Fence Company for Fencing at the Mid-Valley Regional Park.

This item was presented by Public Works Director Chris Trusty. As part of the improvements for the Mid Valley Regional Park baseball complex, the City has solicited bids for fencing at the baseball quad complex. The fencing is to include the backstops, and a 10 foot high fence in front of the dugouts. The dugouts include an opening toward the field and a gate exits toward the exterior of the ball field. United Fence Company's bid had errors, so staff's recommendation is now to award the bid to Northwest Fence and Supply.

MOTION: *Councilmember Ochsenhirt moved to approve a bid award to Northwest Fence and Supply for fencing at the Mid-Valley Regional Park up to an amount of \$84,693 and authorize the Mayor to sign the contract. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

CITY ADMINISTRATOR INFORMATION ITEMS (postponed from Work Session)

Mayor Jackson asked Mr. Hendrickson to discuss the items that were postponed from the Consent Agenda. Mr. Hendrickson asked Finance Director Gordon Burt to report on proposed changes to fees charged to Rocky Mountain Power and Questar.

Mr. Burt explained that state law allows cities to impose a tax on franchise utility providers. Only a few City residents get utilities from Rocky Mountain Power and Questar. The City charges its residents using Rocky Mountain Power and Questar a 3% municipal energy tax. The proposal is to increase that to 6%. The City already charges residents using City utilities a 6% fee. This proposal will be placed on a future agenda for action.

Mr. Hendrickson reported on the Intermountain Regional Landfill-Fairfield. It's a 330-acre site designed to be a 50-year-plus facility. It's only permitted to take non-hazardous municipal waste and may only accept waste from cities that contract for waste disposal. The owners are interested in contracting with additional cities. They are also interested in acquiring a permit to accept non-municipal waste. Mr. Hendrickson is concerned about the impact of increased truck traffic on the City.

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

Councilmember Ochsenhirt
No comment.

Councilmember Ireland
Councilmember Ireland thanked Mr. Burt for providing Telecom sales figures in the Council packets.

Councilmember Burnham
No comment.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter reported that the Parks & Recreation Board met last week. They discussed goals for this year and set up a subcommittee to work on OHV trails.

Mayor Jackson

No comment.

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. Economic Development Board, Cemetery Board – Councilmember Burnham
- B. Youth Council, Senior Council and Library Board – Councilmember Ochsenhirt
- C. Public Works Board – Councilmember Ireland
- D. Planning Commission – Councilmember Celaya
- E. Parks and Recreation – Councilmember Painter

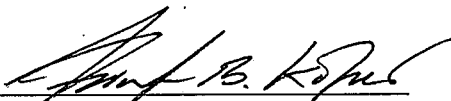
21. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

22. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:46 p.m.

APPROVED BY THE CITY COUNCIL ON MARCH 1, 2011.



Fionnuala B. Kofoed, CMC
City Recorder