

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 6, 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, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Linda Peterson, Public Information Director.

Mayor Jackson called the meeting to order at 4:11 p.m.

1. DISCUSSION – Park Development Standards.
2. AGENDA REVIEW – The City Council reviewed 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.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned 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 Painter 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, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:50 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Linda Peterson, Public Information Director; John Mulder, Sheriff's Deputy.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:07 p.m.

6. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Meet the Candidates** – Come meet all the candidates for Eagle Mountain City Council on Thursday, September 8 at Rockwell Charter High School, 3435 E. Stonebridge Lane, from 6 p.m. to 8 p.m. Get informed for the September 13 Primary Election. Hosted by Rockwell High School FSO. Check the City website for complete election information.
- **Concert Fundraiser** – On Saturday, Sept. 10 at 7:00 p.m., Joshua Creek and the Westlake High School Band will perform at the Westlake High School auditorium for a fundraiser to eliminate maternal/neonatal tetanus in Africa.
- **Fall Street Fair** – The Eagle Mountain City Street Fair will be held on Saturday, September 17 from 12:00 p.m. to 4:00 p.m. along Peregrine Road behind the Chevron. Any business in Eagle Mountain with an active business license is invited to be a vendor. Registration and more information are available on the City website.
- **City Facebook Page** – The official Eagle Mountain City government page is now on Facebook. "Like" the page and receive timely city news, emergency notices, and requests for public feedback.

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.)*

No comments.

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 Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland said that the new trail between Waddell and Russell Road hasn't been completed. There are no ADA ramps at the ends. Public Works Director responded that the City will be doing the work in-house and it will be done by next week. Councilmember Ireland also complimented the Overland Trails residents who did a volunteer project to improve their neighborhood park.

Councilmember Burnham

Councilmember Burnham asked Mr. Trusty how to have the City improve a road that's in disrepair or have a manhole raised. Mr. Trusty responded that any resident can call him, Jeff Weber or Zac Hilton.

Councilmember Celaya

No comment.

Mayor Jackson

Mayor Jackson noted that parks in both Overland Trails and Eagle Point were recently improved through community projects.

CONSENT AGENDA

10. MINUTES

A. August 16, 2011 – Regular City Council Meeting

MOTION: *Councilmember Ireland moved to approve the Consent Agenda, with amendments to the minutes as discussed. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. Councilmember Ochsenhirt abstained due to his absence from the August 16 meeting. The motion passed with a vote of four ayes and one abstention.*

SCHEDULED ITEMS

PUBLIC HEARING

11. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Chapter 17.25 Residential Zone, Requiring an Engineered Drainage System in Small Side Yard Setbacks.

This item was presented by Planning Director Steve Mumford. This proposed ordinance amends Residential Zone Tier II interior side yard setbacks to require that an engineered drainage system be installed when building a home with less than an eight-foot side setback. Water must be directed at least ten feet away from the home.

Councilmember Painter asked how to have soil properly compacted around houses' foundations. Building Official Kent Partridge said that builders have to provide a letter saying that the soil has been adequately compacted. If homes have excessive settling, the homeowners have to hold the builders responsible or else have the settling corrected themselves.

Councilmember Ochsenhirt pointed out that whether the contractor does the job properly or not, the homeowner is ultimately responsible for the condition of the property. If there's a drainage problem between two lots, it has to be worked out between the homeowners.

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

Richard Steinkopf, 3459 Appaloosa Way, asked how the final inspection determines whether the pipe is properly in place. He also said that soil only settles within three or four feet of the foundation, so once a drainage point extends further than that, there's no problem.

Mayor Jackson closed the public hearing at 7:24 p.m.

Mayor Jackson asked Kent Partridge, Building Official, to respond to Mr. Steinkopf's question. Mr. Partridge said that there will be a drainage inspection before a certificate of occupancy is issued.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, amending Chapter 17.25 Residential Zone, requiring an engineered drainage system in small side yard setbacks. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

12. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Enacting Section 5.05.280 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 Public Information Director Linda Peterson. The City has had some TV productions use Eagle Mountain as a filming location over the past few years. The City does not currently have a film permit process in place. A film permit process would be beneficial for the City, allowing us to be more proactive in pursuing economic development opportunities related to film production, especially as the Utah Film Commission offers great incentives to bring productions to our state. Additional fees would be required if police and fire services were required.

Councilmember Celaya asked if the City would be able to deny a permit if the production contained offensive material. Ms. Peterson said the permit couldn't be denied based on the content of the script, but residents could be informed of the filming and not be in the area. Mr. Kinghorn said that, under the First Amendment, a permit couldn't be denied for content. However, a permit could be denied or revoked for actions involving violation of state statute.

Councilmember Burnham said the City shouldn't charge fees in excess of its costs, and asked what would happen if the filming didn't cost the City anything. Ms. Peterson responded that the fee is a standard fee similar to a business license application. Mayor Jackson said the fee would be waived for student and nonprofit productions.

Councilmember Painter asked if the City still has a tiered business license fee schedule and if the permit fee corresponds to that schedule. Ms. Peterson responded that the City's business license fees are still tiered, and the film permit fee is equivalent to the basic business license fee that does not require any inspections. If a film company wanted to build sets, they would need to get a building permit.

MOTION: *Councilmember Painter moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, enacting Section 5.05.280 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. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt and John Painter. Those voting no: Jon Celaya and Ryan Ireland. The motion passed with a 3:2 vote.*

13. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

This item was presented by Public Information Director Linda Peterson. The proposed resolution amends the Consolidated Fee Schedule to include a film permit fee.

MOTION: *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule to include a film permit fee of \$75.00. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt and John Painter. Those voting no: Jon Celaya and Ryan Ireland. The motion passed with a 3:2 vote.*

14. BID AWARD – Consideration and Award of Bid to High Country Concrete for Concrete Work at Mid-Valley Park.

This item was presented by Public Works Director Chris Trusty. As part of the completion of the baseball park in Mid-Valley and prior to the installation of chain link fencing, the City will contract with High Country Concrete to install an 18-inch concrete mow strip along the base of the fence. An additional 18,000 square feet of concrete will be placed in the center area of the quad-field to accommodate spectators and bleacher areas.

Councilmember Painter said he appreciated the work Mr. Trusty put into creating a map of the work location.

MOTION: *Councilmember Ireland moved to approve an award of bid to High Country Concrete for concrete work at Mid-Valley Park in the amount of \$75,895.50 and authorize the Mayor to sign the contract. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked residents for attending this meeting.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham clarified that when she asked how a normal citizen would get help with road issues, she meant that she knows who to ask, but what process would a resident unfamiliar with City government use to find out who to ask?

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

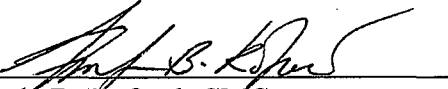
Mayor Jackson

No comment.

16. 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.
17. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
18. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 7:37 p.m.

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 20, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

