

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 7, 2014

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

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

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham, Ryan Ireland and Richard Steinkopf. Tom Westmoreland participated by telephone.

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

Mayor Pengra called the meeting to order at 4:08 p.m.

1. **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. **Presentation – Mid Valley Park Master Plan by MGB+A**

The City has contracted with MGB+A to create a master plan for Mid Valley Park. Jay Bollwinkel and Brandon Ruiz of MGB+A presented two preliminary designs for the Council's review and comments. Each includes playing fields, parking lots, and space for a recreation center and green space. Each design also includes features that recognize the section of the Pony Express Trail that runs through the park. A memorial park is located in the middle of each design. Mayor Pengra has recommended that Mid Valley Park be renamed Wride Memorial Park in honor of Sgt. Corey Wride, who died in the line of duty in 2013. He suggested having a dedication next January, on the anniversary of Sgt. Wride's death, to rename the park Wride Memorial Park.

Councilmember Steinkopf said a resident told him that lacrosse is becoming quite popular. He asked him if lacrosse could be played on these fields. Mr. Bollwinkel responded that the company builds oversized playing fields so each can be used for a variety of sports.

Councilmember Bradley asked if a skate park could be included in the design. Mr. Bollwinkel said that skateboarding is losing popularity. However, the design could include a concrete pad that would accommodate temporary equipment for various sports. The equipment could be changed out to allow different uses for the pad.

Councilmember Ireland suggested a playground near the playing fields. Councilmember Steinkopf suggested a concession stand. Councilmember Bradley wanted as many trees as possible included in the plan.

Planning Director Steve Mumford pointed out that, when the land was deeded to the City by SITLA, there were some deed restrictions that need to be considered in the park design.

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

9. September 16, 2014 Minutes

Mayor Pengra noted that the discussion about the utility sales and use tax indicated that the sale of the utilities will create a \$600,000 shortfall. While that is correct, he wanted to make clear that the money has been accounted for and the City has a plan for making up for that loss. As it wasn't a specific part of the discussion at the meeting, he didn't feel that it needed to be changed in the minutes.

Councilmember Burnham asked why the sales and use tax was not on this meeting's agenda, as was discussed at the last meeting. Mayor Pengra said that since the discussion isn't urgent and this meeting was expected to be fairly long, the item was put off until a future meeting.

10. Gateway Park

This item was removed at the request of the applicant. It will be brought back at a future meeting.

11. Dark Sky Ordinance

Planning Director Steve Mumford explained that there are five principal reasons generally cited for establishing a dark sky ordinance.

1. Degradation of the nighttime visual environment by unsightly and dangerous glare;
2. Lighting practices that produce excessive glare and brightness that interferes with the health and safety of Eagle Mountain City's citizens and visitors;
3. Unnecessary waste of energy and resources in the production of too much light or wasted light;
4. Interference in the enjoyment of property that is not intended to be illuminated at night by light trespass, and the loss of the scenic view of the night sky due to increased urban sky-glow; and
5. The impact of inappropriately designed outdoor lighting that disrupts nocturnal animal behavior, particularly migrating birds and other species.

An important consideration in this case is excessive nighttime light interfering with night vision training at Camp Williams. The dark sky ordinance is one of the measures recommended by the Joint Land Use Study to mitigate impacts between Camp Williams and the surrounding communities.

Basic light pollution control tools include a comprehensive lighting ordinance, restriction of total outside lighting emissions, fully shielded light fixtures, outdoor lighting curfews for industrial and commercial uses, and height limits for light poles, limits on sign lighting, and prohibited light sources. Existing lighting that doesn't comply with the dark sky ordinance will be grandfathered in.

The Planning Commission recommended that the City Council approve the ordinance. The one Commissioner who voted against the recommendation was concerned that less outdoor light would mean less safety for residents who are outdoors at night, and would encourage crime in darkened areas.

Councilmember Ireland wanted the ordinance to clearly define which standards will apply to which type of use: single-family or multi-family residential, commercial, industrial, etc. He

wanted to know if existing, noncompliant uses would be cited with violations right after the ordinance goes into effect. Mayor Pengra reiterated that existing uses would be grandfathered in.

Councilmember Burnham wanted to know how the ordinance would affect temporary work lights.

Mayor Pengra asked how sport courts would be regulated. One resident mentioned to him that his sport court is directly adjacent to Camp Williams. Mr. Mumford responded that if the Council wanted to, they could grandfather in sports courts just as they could do with any other existing use.

Councilmember Ireland asked how enforcement would be handled. He wanted to know what would happen if people didn't pay fines, or if they paid fines but didn't follow up by complying with the ordinance.

Mr. Mumford said that the City's intent in grandfathering is not to require residents to make changes without major renovations to their homes. If the Council is uncomfortable with this section, it can be deleted. Most of the residential requirements are for new construction. The Planning Department will work with the Building Department to add a lighting review to each plan review.

Mayor Pengra said that lighting comes later in the building process, so there will be ample opportunity for homeowners to receive information on outdoor lighting requirements.

Councilmember Burnham asked how available these new lights are for homeowners who want to buy them. City Planner Ken Sorenson said they're available in most home centers.

Councilmember Bradley suggested that the lighting requirements be included in instructions for pulling building permits.

Councilmember Ireland asked how much it will cost to update the City's streetlights. Energy Director Adam Ferre said that most City streetlights are LEDs, which is the industry standard, both for direction of the light output and for cost savings.

Councilmember Bradley asked what the burden will be on City staff and on builders. Mr. Mumford said that the larger builders he's spoken to are generally willing to comply with written standards. Occasionally, it will be a problem for smaller builders. Mr. Mumford and Building Official Kent Partridge said that there will be a little extra work for staff, but nothing significant. There will be some additional complaints for the Code Enforcement Officer to deal with.

Councilmember Bradley asked about grandfathering of existing uses. Mr. Mumford stated again that currently existing lighting will be exempt from the new requirements.

Councilmember Bradley asked if a dark sky standard will reduce public safety. Lt. McDowell of the Sheriff's Office said any well-lit area is safer than a dark area. Mr. Sorenson pointed out that the lighting curfew won't apply to security lighting.

City Attorney Jeremy Cook suggested adding a specific definition of uplighting and exactly what uplighting is prohibited.

Councilmember Westmoreland gave a hypothetical example of installing security lighting to light a driveway after a car has been broken into. He asked what should be done if the HOA objects to

additional downlighting and the City prohibits uplighting. He also asked how low-lumen lighting along a walkway would fit into the lighting standards.

Mr. Mumford said any unshielded lighting would be unacceptable.

Mayor Pengra pointed out that the primary purpose of this ordinance is to avoid impacting Camp Williams with new residential and commercial lighting.

City Recorder Fionnuala Kofoed reported that she has been the project manager for the Camp Williams Joint Land Use project for four years. Twenty-four compatibility issues were identified. Several will be much more difficult for the communities adjacent to the camp to resolve. Outdoor lighting was a relatively simple one that the community representatives felt could be passed in their respective jurisdictions. Excessive light shuts down Camp Williams' night vision training. Eagle Mountain needs to do what it can to be a good neighbor to the camp and sustain its mission.

Councilmember Ireland brought up the signage portion of the ordinance. He didn't feel that the color of the background vs. the color of the foreground would be relevant. Mr. Sorenson pointed out that the Planning Commission has discretion to decide whether a particular sign meets the intent of the code.

Mr. Mumford summarized the Council's main questions as sign lighting, residential uplighting, parking lot lighting and safety. Mr. Cook mentioned that lighting curfews need to be clearly defined.

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 the deployment of security personnel, devices or systems, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:16 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham, Ryan Ireland and Richard Steinkopf. Tom Westmoreland participated by telephone.

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

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:14 p.m.

5. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1652 presented a flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Transportation Master Plan Open House** –InterPlan and Eagle Mountain City will hold a public open house for the Transportation Master Plan on Thursday, October 9 from 6:30 p.m. to 8:00 p.m. in the City Council Chambers.
- **Election Information/Utility Sale** – Information about the November 4 election and the Eagle Mountain ballot proposition regarding the electric utility sale is available on the City website, News section. Residents will also be receiving a voter information pamphlet in the mail and additional information in The Eagle’s View city newsletter with their utility bill.
- **Bag the Leaf** – The City’s storm drain department is once again offering a free bagged leaf disposal service for residents. Bags are available at City Hall or The Ranches HOA office through the end of November. For program details, please visit the City website, News section or read the News item in The Eagle’s View.
- **Guiding Good Choices Parenting Workshop** – A free parenting workshop is being offered through Communities That Care. Child care and family dinner are included. Please see the City website, Events section for details and registration.

7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Todd Lower wanted to know when the utility sale contracts will be completed. He also asked how far the agreement could change and still be what the Council voted for.

Mayor Pengra responded that the City has made several estimates of when the contracts will be ready; however, the negotiations have taken longer than estimated. They’re continuing as the City continues to work on getting the best price possible. He said that the Council’s vote was subject to continuing negotiations.

8. CITY COUNCIL/MAYOR’S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Steinkopf

Councilmember Steinkopf congratulated the Scouts for doing a great job with the flag ceremony. He encouraged residents to attend the transportation master plan open house on Thursday. It’s an important opportunity for residents to give input on the draft plan.

Councilmember Burnham

Councilmember Burnham thanked the Scouts for doing the flag ceremony. She encouraged residents to sign up for City email alerts. She said the rodeo went very well.

Councilmember Ireland

Councilmember Ireland congratulated Rusty Allen, an Eagle Mountain resident, on winning the saddle bronc event at the rodeo. He encouraged residents to register to vote in the general election in November.

Councilmember Westmoreland

Councilmember Westmoreland apologized for not being at the meeting in person, but was grateful to be able to participate by telephone.

Councilmember Bradley

Councilmember Bradley thanked the Scouts and their leaders for the flag ceremony. He thanked the Mayor and staff for their handling of the recent break-in at one of the City's water tanks. He encouraged residents to go to the home page of the City website and sign up for email notifications. He asked residents to become informed and vote.

Mayor Pengra

Mayor Pengra stated that City staff did an amazing job at getting information out quickly about the water tank break-in. He has held meetings about solutions for the future security of the water system. For the present, every water tank is being inspected every day.

CONSENT AGENDA

9. MINUTES

- A. September 16, 2014 – Regular City Council Meeting

MOTION:

Councilmember Burnham moved to approve the Consent Agenda. Councilmember Ireland seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

SCHEDULED ITEMS

10. **PUBLIC HEARING**

- A. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning Portions of the Gateway Park Project to Industrial, Commercial, and Commercial Storage zones.
- B. MOTION – Consideration of a Preliminary Plat for Gateway Park.
- C. MOTION – Consideration of a Master Site Plan for Gateway Park.

This item was removed from the agenda at the request of the applicant.

PUBLIC HEARING

11. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah Amending the Development Code Regarding Outdoor Lighting.

This item was presented by Planning Director Steve Mumford. The dark sky ordinance concept was presented to the City Council on May 6, 2014. The Council directed staff to prepare a draft ordinance. The proposed draft includes a new chapter addressing outdoor lighting standards (Chapter 17.56 Outdoor Lighting Standards) and amendments to Chapters 15.70, 17.54.050,

17.55.040, 17.72, 17.80, 17.100.060, 17.100.070 of the Municipal Code. The purpose of the ordinance is to preserve the view of nighttime skies and the night vision training mission of Camp Williams.

Mr. Mumford described the Camp Williams Joint Land Use Study, which was designed to improve the interface between Camp Williams and the surrounding communities. Night vision training is one Camp Williams mission that is impacted by local communities. The proposed dark sky ordinance will help reduce light pollution that is problematic for Camp Williams.

Mr. Mumford explained that there are several light emission control methods that can be combined effectively. One is a lighting curfew, tailored to various residential and commercial needs. Another is using a variety of light fixtures which minimize light pollution. Existing light fixtures that violate new Municipal Code requirements would be grandfathered in.

Mayor Pengra opened the public hearing at 7:44 p.m. As there were no comments, he closed the hearing.

Councilmember Ireland felt that the ordinance needed additional work before being approved. The discussion during Work Session covered a lot of the questions and answers that needed to be considered. He encouraged Councilmembers to contact the Planning Department with any further suggestions.

Councilmember Burnham and Councilmember Steinkopf asked for clarification as to what uplighting is prohibited and what is exempt, such as landscape and holiday lighting.

Councilmember Bradley wanted specific details as to any light source that needs to be changed and when the change is required. He felt the ordinance needed to be written in plainer language.

Mayor Pengra summarized the major concerns as: protecting current residents from new costs or restrictions and allowing security lighting for commercial businesses. Mr. Mumford thanked the Council for their comments and said he would provide a new draft of the ordinance for additional comments.

MOTION: *Councilmember Ireland moved to table an ordinance of Eagle Mountain City, Utah amending the Development Code regarding outdoor lighting. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

12. AGREEMENT – Consideration of a Professional Services Agreement with Jackson Engineering, LLC, for the Eagle Mountain/White Hills Sewer Project.

This item was presented by Public Works Director Dave Norman. The proposed agreement is for design and construction management services related to the installation of a lift station and sewer line from White Hills to the City's existing treatment facility to remedy the failing White Hills sewer system.

The project will be funded through a grant and a loan from the State. Although the State has already approved the grant and loan, the engineering agreement must be approved before the State will put the funding in place in the form of revenue bonds.

Mr. Norman said that construction will probably begin in the early spring and take approximately three to four months.

City Attorney Jeremy Cook said that a new fee structure, adequate to support the sewer system, will have to be in place before the bonds are sold. White Hills residents will need to begin paying approximately \$58.00 per month. The City will hold town hall meetings and public hearings to get input from residents before the fees are charged.

Mr. Norman plans to invite State regulators to present the requirements for system operations and fee structures at some of the town hall meetings so residents can clearly understand the process.

Councilmember Bradley asked Mr. Norman to list the total costs of the project.

Mr. Norman said that the amount of the grant from the State Water Quality Board is \$598,000. The loan from the same source is \$490,000, in the form of a 20-year loan at 1% interest. The loan will be paid back through sewer fees paid by White Hills residents. The loan portion of the sewer fee will be approximately \$24.60 per connection. The treatment fee will be about \$27.75. The operation and maintenance cost will be \$5.79 per month.

Councilmember Bradley asked why the treatment lagoons have failed. Mr. Norman explained that lagoons are supposed to move sewage through several bodies of water, in which biological agents treat it, after which it seeps into the ground. At the moment, there is no water in the lagoons and the untreated water is seeping into ground. The White Hills Special Service District should have been maintaining the lagoons and the collection system. The cost of extensive repairs to the system is what will make the White Hills sewer service bills so much higher than they have been in the past.

Mayor Pengra said he felt for the White Hills residents, who've been through a lot. The system has to be fixed and this is the least expensive way to do so. The other option would be to rebuild the entire system.

MOTION: *Councilmember Burnham moved to approve a professional services agreement with Jackson Engineering, LLC, for the Eagle Mountain/White Hills Sewer Project in the amount of \$80,000 and authorize the Mayor to sign the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

13. BID AWARD – Ratification of an Award of Bid to Altec for a Bucket Truck.

This item was presented by Assistant City Administrator Paul Jerome. The vehicle was included in the FY 2013-2014 budget; however, the purchase was not presented to the City Council for approval as it was purchased under “utility equipment” that has a \$125,000 threshold before requiring Council approval. Vehicles are not defined in the City’s purchasing policy as “utility equipment” and any vehicle over \$40,000 requires City Council approval.

MOTION: *Councilmember Burnham moved to ratify an award of bid to Altec for a bucket truck in the amount of \$122,261. Councilmember Ireland seconded the motion.*

Discussion ensued on the process of approving, ordering and receiving the truck.

Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

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

Councilmember Steinkopf

Councilmember Steinkopf reminded everyone to attend the transportation open house on Thursday.

Councilmember Burnham

No comment.

Councilmember Ireland

No comment.

Councilmember Westmoreland

No comment.

Councilmember Bradley

See board report.

Mayor Pengra

Mayor Pengra stated that he attended the Military and Veterans Advisory Board meeting. He said their first order of business is to make a recommendation to the Council on how the military utility abatement should be managed in the future.

He also said that a landowner in the City applied to have his land be one of the locations considered for the relocation of the Utah State Prison. He emphasized that the prison relocation plan is in a very early stage. The prison doesn't align with Mayor Pengra's vision for the City. He asked what the Councilmembers thought about it.

City Attorney Jeremy Cook recommended that the issue be placed on the agenda of a future City Council meeting, as it wasn't on the agenda for this meeting.

15. 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.

Councilmember Bradley reported that the Military and Veterans Advisory Board met and elected officers. Luke Pannell was elected Board Chair.

16. COMMUNICATION ITEMS

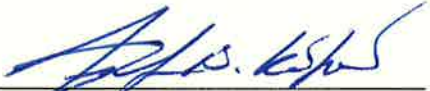
- a. Upcoming Agenda Items
- b. Financial Report

17. ADJOURNMENT

MOTION: ***Councilmember Bradley moved to adjourn the meeting at 8:41 p.m. Councilmember Burnham seconded the motion. Those voting aye: Adam***

Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

APPROVED BY THE CITY COUNCIL ON OCTOBER 21, 2014.



Fionnuala B. Kofoed, MMC
City Recorder