

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

December 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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter (arrived 5:13 p.m.).

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

Mayor Jackson called the meeting to order at 4:12 p.m.

1. DISCUSSION – General Plan Update/Vision and Guiding Principles.
2. DISCUSSION – Spring Run Annexation, Master Development Agreement and General Plan Amendment.
3. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
4. 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.
5. 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, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:34 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; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

6. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:16 p.m.

7. PLEDGE OF ALLEGIANCE

Preston Dean led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- **Library Closure** – The library will be closed tomorrow from 11 a.m. to 3 p.m. for a staff meeting.
- **UDOT Open House** – UDOT will hold a public open house on Wednesday, December 7 from 5:00 to 6:30 p.m. at the Saratoga Springs City offices to provide information and receive public comments about a proposed connector road from Pioneer Crossing to SR 73.
- **Christmas Boutique** – A Christmas boutique will be held on Friday, December 9 from 5:00 to 8:00 p.m. at Eagle Valley Elementary School. All vendor fees will be donated to benefit the Powell Family, who recently lost three family members in a car accident.
- **Alice B. Stearns Memorial 5K Run to Beat Cancer** will be held on Saturday, December 10 starting at 10:00 a.m. at the Rush Valley LDS Church building on Smith Ranch Road.

9. 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.)*

Bryan Free, 7654 Red Kite Way, Chair of the Parks and Recreation Board, said the Board is in favor of the proposed wake park. They think it will be a great destination venue for the City. They are concerned about some of the amenities, such as the wading area, which might create some health concerns, and also whether there will be adequate buffering. He also said it would be interesting to have a town hall meeting about the possibility of raising taxes in order to lower utility rates. He thanked the Council for doing a good job.

Adam Olsen, 4074 Mohican Drive, thanked the Council for putting on the Christmas Tree Lighting Ceremony every year.

10. 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

Councilmember Burnham thanked Councilmember Celaya for serving on the City Council. This is his last meeting as a member of the Council.

Councilmember Celaya

Councilmember Celaya said it has been his pleasure to serve Eagle Mountain as a member of the City Council. He said the Mayor, Council, staff and volunteers are very competent at working in the City's interests. He asked everyone to find someone to help during the Christmas season.

Councilmember Painter

Councilmember Painter said it's been a pleasure to serve with Councilmember Celaya. He did a great job of hosting the Christmas Tree Lighting last Friday. Councilmember Painter looked forward to working with Councilmember-elect Rich Steinkopf. He has been asked many questions about why he voted for the City's lobbyist agreement. He wanted to clarify that, although he doesn't like the City using a lobbyist, he believed that the road is very important to the City and the current Federal system requires the City to have representation in Washington, D.C. He is in favor of the northern alignment of the proposed highway, because it offers the most economic development potential.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said that Councilmember Celaya has done a wonderful job as a member of the City Council. He stated that the election system works and the community is full of wonderful, energetic people willing to help the City. He wished everyone a safe, happy Christmas.

Councilmember Ireland

Councilmember Ireland said that when he ran for City Council four years ago, he was concerned about the possibility of serving with a Council that didn't work well together. He's found that the opposite is true. He's grateful for Councilmember Celaya's willingness to serve on the Council and now on the Economic Development Board.

Mayor Jackson

Mayor Jackson agreed with the other comments and thanked Councilmember Celaya for hosting the Christmas Tree Lighting. She went to the pro rodeo convention last week and learned about running the rodeo for the City. Everyone there was impressed that the City won the award for the Best Small Rodeo in the Wilderness Circuit in its second year.

11. APPOINTMENTS/OATH OF OFFICE

- A. Code Enforcement Officer
 - a. Jeff Thompson
- B. Economic Development Board
 - a. Jon Celaya – 3 year term
- C. Library Board
 - a. Nathan Osborn – 3 year term
- D. Planning Commission
 - a. Preston Dean – 3 year term
 - b. John Linton – 3 year term
 - c. Scott Langford – 3 year term
- E. Parks and Recreation Advisory Board
 - a. Michael Clouse – 3 year term
 - b. Oliver Brown – 3 year term

MOTION: *Councilmember Ochsenhirt moved to appoint the aforementioned residents to the designated offices for three-year terms, ending in December 2014, with the exception of Jeff Thompson, whose appointment as Code Enforcement Officer is*

open-ended. 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.

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Celaya, Mr. Dean, Mr. Linton, Mr. Langford, Mr. Clouse and Mr. Thompson. Mr. Osborn and Mr. Brown were unable to attend the meeting and will receive the oath of office at another time.

Following the oath of office, the Council finished the agenda review from Work Session.

CONSENT AGENDA

12. MINUTES
 - A. November 15, 2011 – Regular City Council Meeting
13. FY 2011 AUDIT – Acceptance of the FY 2011 Financial Audit
14. 2012 CITY COUNCIL MEETING SCHEDULE
15. INCUBATOR PROGRAM APPLICATION – FourSquare Insurance

MOTION: *Councilmember Celaya moved to approve the Consent Agenda. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

Councilmember Ireland felt that it was important that the Council receive the financial audit early enough to review it before approval. This year's audit was received yesterday, which didn't give him any time for review.

SCHEDULED ITEMS

PUBLIC HEARING

16. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending Chapter 17.37 of the Eagle Mountain City Development Code, Business Park Zone.

This item was presented by Planning Director Steve Mumford. The proposed amendment to the Development Code is for a new zoning district that would allow for professional offices, light manufacturing, and multi-family or mixed-use residential, as well as other uses.

This zone is being created following discussions concerning the Spring Run project. A large area in that project near the highway was shown as Business Park, and was considered Industrial Zoning to this point. This area and the Talon Cove Industrial site to the west adjoin residentially planned land, and are both located at the main entrance to the City. Both the applicants and the City desire that these projects contain attractive business park uses. The Industrial zoning, however, allows for manufacturing and other less attractive and potentially incompatible uses.

Mayor Jackson opened the public hearing at 7:59 p.m.

Bryan Free, 7654 Red Kite Way, said that he works with zoning ordinances all the time in his job. He sees some cities using a transitional zone, between office and industrial zones and residential zones. It blends more naturally from residential to other zones.

Mayor Jackson closed the public hearing at 8:02 p.m.

Councilmember Ireland asked Mr. Mumford if he could think of any other areas in the City where this zone would be useful. Mr. Mumford responded that some areas in the Future Land Use Plan might be appropriate for this zone. Councilmember Ireland said he thought the owners of some areas currently zoned Industrial might request rezoning to Business Park, so they could get residential uses into their industrial areas. He also asked why the Business Park zone is being presented now. Mr. Mumford responded that the Spring Run developers requested residential uses within their master development agreement.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Chapter 17.37 of the Eagle Mountain City Development Code, Business Park Zone. Councilmember Painter seconded the motion.*

Councilmember Burnham stated that mixed uses are the direction in which development is going. Councilmember Celaya agreed.

Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Wehsenhirt and John Painter. The motion passed with a unanimous vote.

PUBLIC HEARING

17. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the Eagle Mountain City Development Code and Chapter 17.65 Home Businesses, Chapter 17.05 General Provisions.

This item was presented by Planning Director Steve Mumford. Business Licensing responsibilities were recently transferred to the City Recorder's Office. This amendment removes the Planning Director as the approval authority and instead refers to the License Official.

Health care businesses in section "17.65.070 Prohibited Home Businesses" would be changed to "health care businesses containing medical, hazardous, or biological waste." About a year ago the Building Department made a determination that building inspections would not be required for businesses to be located in a home that already received the proper inspections and a certificate of occupancy. The Fire Department continues to perform inspections of daycares, preschools, salons, and similar home businesses. If a business is proposed to be located in a basement that was finished without a building permit and inspections, or an addition to the home that requires a building permit, then the Building Department will deny the business license until the permit and inspections are received and performed.

"17.65.040 Application" is proposed to be amended, removing "Fire Extinguishers" and "Traffic Plans" from the required supporting materials to be submitted with the application.

The City Council was listed in the Approval process to handle petitions for exceptions from the standards, while the Planning Commission was referred to in other sections of this chapter. The proposed change says exceptions should be petitioned to the Planning Commission rather than the

Council, as are variances, conditional use permits, etc. Section “17.65.050 Approval Process” was changed to reflect this.

Mayor Jackson opened the public hearing at 8:13 p.m. As no comments were made, Mayor Jackson closed the hearing.

Councilmember Painter questioned whether “adequate” was a clear enough requirement for parking. Mr. Mumford responded that traffic generation only comes up if a neighbor complains. Parking depends on the type of business. The home businesses allowed in the City require very little parking.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Development Code Chapter 17.65 Home Businesses and Chapter 17.05 General Provisions, as outlined in the presentation. 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.*

18. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending and Re-enacting Section R105.5 of the 2009 International Residential Code of Eagle Mountain City, Utah.

This item was presented by Mayor Jackson. Section R105.5 of the 2009 International Residential Code involves the expiration of residential permits. The current code is unclear as to what defines a suspended or abandoned project. This amendment clearly identifies the terms and the time frame allowed for the building process for all residential building permits. This item is not intended to apply to basement permits.

MOTION: *Councilmember Ochsenhirt moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending and re-enacting Section R105.5 of the 2009 International Residential Code of Eagle Mountain City, Utah. Councilmember Burnham seconded the motion.*

Councilmember Celaya was concerned about unintended consequences, if the ordinance is applied to a basement permit. He would like it to be clarified in the wording of the ordinance, so no one can object to inconsistent enforcement if it’s not applied to basement projects.

Councilmember Ochsenhirt said that his understanding is that the ordinance is only directed at contractors who leave projects unfinished. He didn’t think that the Building Dept. would use it against homeowners. Councilmember Celaya stated that he would prefer to have that specified in the ordinance.

Building Official Kent Partridge suggested that the motion include an exemption for basement permits.

AMENDED MOTION: *Councilmember Ochsenhirt moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending and re-enacting Section R105.5 of the 2009 International Residential Code of Eagle Mountain City, Utah, with the exception of additional unfinished space in a home. Councilmember Burnham seconded the amended motion.*

Councilmember Ireland said that the City Code already has provisions Section 15.10.220 for time limitations on building completion. He asked why the Council doesn't make that clearer, if needed, rather than amend and re-enact a section of the IRC. Mayor Jackson said that this will be the only place that refers specifically to 180 days between inspections. Mr. Kinghorn said that the section of the City Code refers to plat authorizations. Mr. Partridge said that builders will be looking in the IRC for permit regulations.

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

19. BID AWARD – Consideration and Approval of a Bid Award to HVB AE Power Systems, Inc. for the Purchase of Six 138 kV Circuit Breakers.

This item was presented by Mayor Jackson. The proposed bid is for the purchase of six 138 kV circuit breakers that will be required for the construction of the new South Substation, existing North Substation Expansion and existing Interconnection Substation upgrade. The lead time for the breakers is 24 weeks. A seventh circuit breaker will be needed for future construction, so the City Council included that purchase in the motion for approval.

MOTION: *Councilmember Painter moved to approve a bid award to HVB AE Power Systems, Inc., in the amount of \$357,000, to be paid out of bond proceeds, for the purchase of seven 138 kV circuit breakers and authorize the Mayor to sign the agreement. 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.*

20. BID AWARD – Consideration and Award of Bid to Hubbell Power Systems for the Purchase of Nine 138 kV Group Operated Airbreak Switches.

This item was presented by Mayor Jackson. The proposed bid is for the purchase of nine 138 kV group operated airbreak switches that are needed for the construction of the new South Substation, existing North Substation expansion and existing Interconnect Substation upgrade. The lead time for the switches is 14 weeks.

MOTION: *Councilmember Painter moved to approve a bid award to Hubbell Power Systems in the amount of \$84,015.00 for the purchase of nine 138 kV group operated airbreak switches and authorize the Mayor to sign the agreement. 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.*

21. WAKE PARK

- A. Consideration and Approval of a Site Plan for the Wake Park.
B. Consideration and Approval of an Agreement for the Wake Park Project.

This item was presented by Planning Director Steve Mumford. The City Council's review of the Wake Park Project includes a site plan review and review of a concession agreement. The park will be located in Pony Express Park. A few changes have been made to the site plan since it was

originally proposed. The Planning Commission has recommended approval of the site plan, and the applicants held a town hall meeting recently to answer residents' questions.

It's unclear at this point what the County Health Department will require, so the City's approval would specify that the project comply with County regulations.

There are ten recommended conditions in the staff report.

1. Option A is approved contingent upon the purchase of the 1.66-acre "Smith" parcel. If the parcel is not purchased, Option B is considered approved.
2. Permanent restroom facilities will be provided by the opening of the second season. Temporary restrooms must be provided during the first season, and must be removed by the end of the first season. Any temporary trailers or storage containers must be removed by the end of the first season as well.
3. County Health Department requirements must be met.
4. Engineered site plans, including utilities, landscaping, and irrigation plans must be submitted and approved by the City Staff prior to any installation or construction.
5. A 10-foot separation must be maintained from the power poles.
6. Vehicular access must be approved by the City Engineer, keeping a safe separation between access points and lining up accesses with those across the street, if possible.
7. Access must be provided toward the rodeo for rodeo parking.
8. Plans must be submitted for review and approval by the Planning and Building Departments for any structures. The towers and other structures will require building permits and inspections.
9. All park features/elements must be free and open to the public, except for use of the cable system and any merchandise or sales.
10. Performance bonds and security must be provided for completion of the facility and/or remediation.

Councilmembers requested an eleventh condition: that the parking lot will be paved during the first season.

Councilmember Ochsenhirt believed the parking is inadequate. He also wanted a definition of "limited landscaping" for the first season. Mr. Hanks said he plans to complete the landscaping by the end of the first season. This will be condition #12.

Councilmember Ireland would prefer that large events not be held on Sundays, because the park is so close to a church. Mr. Hanks said that would be included in the concession agreement.

Councilmember Painter asked what date is specified by "the opening of the second season." Mr. Kinghorn said that can be included in the concession agreement. Mr. Hanks said the second season opening date will be May 1, 2013.

Councilmember Celaya asked for a "not to exceed" amount on the purchase of the 1.66 acres. Mayor Jackson said the land price would be determined at a future Council meeting. If the land can't be purchased, the site plan will go to Option B.

Councilmember Ireland asked what will happen with the 1.66 acres, which is now a weed patch, if the City can't buy it in the near future. Mayor Jackson responded that the concession agreement could include a requirement that Wasatch Wake Park landscape that property once it is acquired.

Councilmember Painter asked what would happen if Health Department regulations required a major change in the site plan. Mayor Jackson said the approval motion can stipulate what changes will trigger a new review by the City Council.

Councilmember Ireland asked Mr. Hanks how soon he would need to know if the City can purchase the 1.66 acres, before the site plan will have to change to Option B. Mr. Hanks responded that he would have to know by mid-February.

Councilmember Ireland asked the staff if the transaction could be finalized by February. Ifo Pili answered that the owner has been very hard to contact. Option B is more likely at this point.

- A. MOTION FOR SITE PLAN:** *Councilmember Painter moved to approve site plan Option A, and if that is unavailable to acquire the land, site plan Option B, with conditions 1 through 12 as discussed in the meeting for the Wake Park proposal. Councilmember Burnham seconded the motion.*

AMENDED MOTION: *Councilmember Painter moved to approve site plan Option A for the Wake Park proposal, and if that is unavailable to acquire the land, site plan Option B, with conditions 1 through 13 as discussed in the meeting. Councilmember Burnham seconded the motion.*

The complete list of conditions is as follows:

1. Option A is approved contingent upon the purchase of the 1.66-acre "Smith" parcel. If the parcel is not purchased, Option B is considered approved.
2. Permanent restroom facilities will be provided by the opening of the second season. Temporary restrooms must be provided during the first season, and must be removed by the end of the first season. Any temporary trailers or storage containers must be removed by the end of the first season as well.
3. County Health Department requirements must be met.
4. Engineered site plans, including utilities, landscaping, and irrigation plans must be submitted and approved by the City Staff prior to any installation or construction.
5. A 10-foot separation must be maintained from the power poles.
6. Vehicular access must be approved by the City Engineer, keeping a safe separation between access points and lining up accesses with those across the street, if possible.
7. Access must be provided toward the rodeo for rodeo parking.
8. Plans must be submitted for review and approval by the Planning and Building Departments for any structures. The towers and other structures will require building permits and inspections.
9. All park features/elements must be free and open to the public, except for use of the cable system and any merchandise or sales.
10. Performance bonds and security must be provided for completion of the facility and/or remediation.
11. Parking lot must be paved during the first season.
12. Landscaping must be completed during the first season.
13. Changes to the site plan must be reviewed by the City Council.

Councilmember Ireland questioned whether the land to be used for the wake park would take too much land away from ball fields. Discussion ensued regarding future regional parks.

Councilmember Burnham called the question.

Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

- B. MOTION FOR AGREEMENT:** *Councilmember Celaya moved to table a concession agreement for the Wake Park Project. 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.*

22. MOTION – Consideration and Authorization to Issue Requests for Proposals to Design and Construct Rodeo Grandstand Seating Not to Exceed \$550,000.

This item was presented by Economic Development Director Ifo Pili. For the past two years the City has held an annual rodeo in conjunction with Pony Express Days. Rental of the bleachers costs \$86,000 per year. Rodeo revenues are not enough to cover expenses for bleachers. Purchase of the bleachers would reduce the City's expense to approximately \$41,000 per year (principal and interest payments over a 15-year period).

Councilmember Painter objected to approving a contract that would cause the City to continue to lose money, albeit at a reduced amount.

Mayor Jackson pointed out that if the rodeo is discontinued, it is unlikely that the PRCA will allow the City to have a rodeo in the future.

Councilmember Burnham said she wasn't prepared, at this meeting, to eliminate the opportunity to have a rodeo. She would like to know how long it takes for a new rodeo to become self-supporting.

- MOTION:** *Councilmember Burnham moved to approve an authorization to issue requests for proposals to design and construct rodeo grandstand seating not to exceed \$550,000. Councilmember Painter seconded the motion.*

Councilmember Celaya felt that evaluating a business proposal using government funds is not what government is meant to do.

Councilmember Painter didn't want the money spent on it, but he wanted to see the numbers and examine other options such as sponsorships.

Councilmember Ireland said that the rodeo arena will require restrooms and concessions, likely costing up to a million dollars. He didn't believe a rodeo is worth that much money.

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

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

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Burnham

No comment.

Mayor Jackson

No comment.

24. 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.

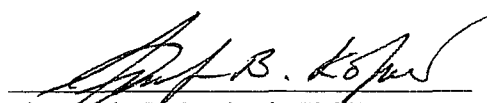
None.

25. COMMUNICATION ITEMS
A. Upcoming Agenda Items

26. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:35 p.m.

APPROVED BY THE CITY COUNCIL ON JANUARY 10, 2012.


Fionnuala B. Kofoed, CMC
City Recorder

