

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 5, 2016

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 OATH OF OFFICE – Newly Elected City Council Members (4-year terms – January 5th 2016 to January 2020)

- I. Council Member Colby Curtis
- II. Council Member Stephanie Gricius
- III. Council Member Benjamin Reaves

City Recorder Fionnuala Kofoed administered the oath of office to the newly-elected Councilmembers.

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

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

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 Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Kent Partridge, Building Official; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets/Storm Water Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Jeff Thompson, Code Enforcement Officer; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:12 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 only and do not require action by the City Council.

Aaron Sanborn, Management Analyst, reported on the street projects completed during the past year. The projects were: paving Pony Express Parkway from Ranches Parkway towards City Center, a section of Ranches Parkway, Sunset Drive and Cedar Trails Way, roads in Willow Springs, Mt. Airey Drive, Half Mile Road and Stagecoach Drive. The Streets Department purchased a roller and a paver during the past fiscal year. This equipment allows the Streets Department to do some roadwork in-house, saving a significant portion of the cost of hiring contractors. It also allows them to retain material recycled from road work and use it to surface unpaved roads. They are able to control the quality and timing of projects, as well.

Due to the age of many City roads, the Street Department has developed a comprehensive replacement schedule for street signs and poles. This will increase safety for residents, as older signs are lose their reflectivity and are harder to read.

Councilmembers expressed appreciation for this report. They said it was helpful to hear the results of the budget appropriations they make. Mayor Pengra commented on the high quality of the paving the Streets Department does.

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

Board Appointments

Councilmember Reaves asked if these appointments were being made because previous terms had expired, and if there was a particular number of seats on each board. Mayor Pengra explained most of these appointments filled expired terms and a few filled seats that were vacant. The vacant seats in the Parks and Recreation Advisory Board are not being filled, as the board has been inactive for quite a while.

City Recorder Fionnuala Kofoed pointed out the Youth City Council Advisory Board should have three members, but the City has been unable to find three people at a time to serve. It has functioned with two members for many years.

Ms. Kofoed explained the board appointment process. Every December, the Recorder's Office determines which terms are expiring and reports those to the Mayor. As vacancies occur during the year, they are also reported to the Mayor and published in the newsletter and the City's Facebook page. Candidates are chosen either from people who volunteer or those who are recommended by current members of the boards.

12A. Porter's Crossing Master Development Plan Map

Steve Mumford, Planning Director, said this project has been reviewed by the Planning Commission several times and was reviewed by the City Council at the previous meeting.

The master plan map is a zoning map, which defines density, major road plans and land use. There are two alternative road plans, each showing an alignment for St. Andrews Drive. The recommended alignment connects with Smith Ranch Road. The traffic study and road plans were discussed, in terms of safety for residents and connectivity between neighborhoods.

The traffic study found a traffic signal will be needed by 2020 at the intersection of Porter's Crossing and Pony Express Parkway. This will need to be included in the Impact Fee Facilities Plan.

Councilmember Curtis asked what is planned for the community park that will be moved to accommodate the road alignment. Jeremy Cook, City Attorney, said that the park will most likely be north of the road.

Mr. Mumford discussed the preliminary park plans and trail systems. They'll be planned more specifically when the subdivision plats are submitted by the developers.

Gerry Tully, the project engineer, said the developers felt it was important to avoid having the residents make several left turns into the Porter's Crossing Town Center commercial area. They believe St. Andrews Drive has enough traffic calming built in to avoid excessive through traffic. Their goal is neighborhood connectivity. However, that connection is not required to make the development project workable. He discussed several possible traffic solutions.

In terms of open space, the plan calls for small fields suitable for small children's soccer games. There is a piece of commercially zoned land that might be used for a privately-operated recreation center. The advantage of that is that only those who use the facilities would pay to use them, rather than an HOA facility that everyone has to pay for.

12B. Porter's Crossing Master Development Agreement

Jeremy Cook, City Attorney, reviewed the changes to Section 4 of the agreement regarding density. There's a minor change clarifying density transfers. Small transfers will be allowed between adjacent pods with similar housing products. Another change covers fencing along the collector roads in the Tier 3 area. The developer wanted the flexibility to leave out privacy fencing along collector roads if the front doors face the road. The change would allow the Planning Director to decide whether a privacy fence would be required.

There is a change in Section 10, differentiating between community improvements and park improvements. Section 16 was added to satisfy a condition imposed by the Planning Commission requiring a 100-foot setback from the Tickville Wash.

Councilmember Bradley pointed out an error in the text. Mr. Mumford asked that the motion to approve include authority for the Planning Department to make minor text changes.

13. Development Code Amendments

Taylor Jensen, City Planner, stated that changes were being proposed to update language in Chapters 17.25 and 17.30 to require 1,000 square feet of open space per lot or unit in every subdivision. The change to the Municipal Code had been made previously but hadn't been written into those chapters. Table 17.30.110C needed clarification that Tier 3 areas don't require a swimming pool unless they have 150 units in a pod or grouping. The Municipal Code states that, but it wasn't included in the table.

The recommended changes to Chapters 17.10 and 17.75 will allow construction trailers. Sales office trailers are already permitted. Chapter 17.10 defines construction trailers. Chapter 17.75.035 will be a new chapter regulating them.

Chapter 17.80, covering sign regulations, does not currently include any fees the Code Enforcement Officer can use to enforce compliance with the City's sign ordinances. This proposal adds successively larger fees for repeated violations.

Discussion ensued on sign regulations, including height, clear sight lines, temporary signs and abandoned signs.

Councilmember Curtis asked about small, temporary signs along roads. Jeff Thompson, Code Enforcement Officer, explained he has called the phone numbers on the signs in the past. The owners generally come and pull the signs out, but the signs are back shortly with new phone numbers on them.

Mr. Thompson said the main purpose of these fines is to enforce sign regulations on repeat offenders, often homebuilders and realtors, as well as yard sale signs.

14. Firearms Amendments

Mr. Cook explained these changes bring the Municipal Code into compliance with State law. The Code restricts people from carrying firearms in City parks and at public events. The amendment

removes these provisions. The amendments don't affect the prohibition against discharging firearms within City limits.

Councilmember Westmoreland asked if there were exceptions to the prohibition against discharging firearms, such as military funerals or starting guns. Mr. Cook said those involve firing blanks rather than live ammunition and require a special event permit. However, someone firing blanks, not as part of an event, would be in violation of this section of the Municipal Code.

Mayor Pengra pointed out that provision #2 provides for discharging firearms with a permit. A firearm may also be discharged in legitimate self-defense.

15. Consolidated Fee Schedule Amendments

Mr. Jensen said the proposed fee for construction trailers was \$200 + state surcharge, with the option of \$400 for trailers over 400 square feet. He also reviewed the sign enforcement fees discussed earlier.

Ms. Kofoed described the amendment to the franchise agreement approval fee. It has been \$50, which doesn't cover the staff and attorney costs for reviewing the application and drafting the agreement. The proposed fee is \$750, which is similar to the fee in other cities. Mr. Cook stated franchise agreements are for those who want to provide services in the City, most commonly internet service providers.

16. Soccer Program Agreement

Brad Hickman, Parks and Recreation Department Director, said the City has been considering options for managing the Youth Soccer program. The program is growing and needs either additional City staff or administration by another entity. Utah Youth Soccer is a nonprofit organization with a great deal of experience in administering youth soccer programs. They will administer Eagle Mountain's program at the same price the City has been charging. They provide their own equipment, referees and coaches.

UYSI operates spring and fall seasons with eight games each. They register participants in the fall for 16 games. They provide full uniforms, a soccer ball and a summer training program for each participant. The City would collect \$4 per participant each fall. Because the City's spring playing season has been separate from the fall, the fees will be adjusted to accommodate the difference between the City's schedule and UYSI's schedule.

Mr. Cook said he reviewed the agreement written by UYSI and drafted some changes. Their agreement reflected an exclusive arrangement. Mr. Cook approved an agreement giving UYSI the first right to schedule playing fields for three years.

Mr. Hickman emphasized that the City's recreation staff has done a great job in running the City's program.

Ms. Kofoed stated the agreement requires UYSI to provide team rosters on a regular basis. The City plans to change that to providing rosters as requested. The start date for the fees would be in the fall season. The sentence referring to profit will be stricken, because UYSI is a nonprofit organization.

17. Trailhead Townhomes Planned Unit Development Agreement

Mr. Cook stated that this item is part of pending litigation and will be discussed in Closed 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 Bradley 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 Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

Mayor Pengra adjourned the meeting at 6:12 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

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 Recorder; David Mortensen, City Treasurer; Ikani Taumoepeau, Economic Development Director; Steve Mumford, Planning Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:20 p.m.

5. PLEDGE OF ALLEGIANCE

Benjamin Reaves led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Christmas Tree Disposal** - Instead of curbside pick-up, the City has designated a drop-off area for Christmas tree disposal this year. The drop-off is at the rodeo grounds at Pony Express Memorial Park, 4447 Majors Street. Drop your tree, stripped of all decorations, at the arena and the Parks Department will dispose of the trees. This service is available through January 17.
- **City Offices Closed** - The City offices and Library will be closed on Monday, January 18 in observance of the Martin Luther King, Jr. holiday.
- **Miss Eagle Mountain Orientation** – An orientation meeting for those interested in the Miss Eagle Mountain Scholarship Pageant will be held on Saturday, January 16 at 10:00 a.m. at City Hall. The pageant is open to ages 17-24 who reside in Eagle Mountain, Cedar Fort, or Fairfield.

- **Story Time** – The Library will be offering free story time on Tuesdays and Thursdays at 10:30 a.m. beginning January 26 and running through the end of April, except for Spring Break week. The same content will be offered in each weekly session.

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

Jeff Ruth was concerned about the number of cars parked on the roads when the City needs to plow snow. He asked for better enforcement of the no-parking regulations. He also asked the Council to find a way to have residents shovel the snow from the sidewalks in front of their homes. Mayor Pengra said he's planning to address these items in the City newsletter and in his blog.

Drew Curley thanked the City for giving citizens the opportunity to serve on boards and commissions. He felt there should be public notice of vacancies. He would have liked to apply for the most recent vacancy on the Planning Commission.

Chris Thompson spoke about recent flooding on Shiloh Way. There's a 100-foot drop above her home. Water flows down during heavy rain events, damaging her yard and filling the ditch in front of her home. She wanted to know what plans the City has to alleviate the risk of flooding. Chris Trusty, City Engineer, said there is a plan and he met earlier today with Streets and Storm Water Department supervisors to work on it.

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

Councilmember Curtis

Councilmember Curtis thanked everyone for the opportunity to serve on the Council and encouraged people to contact him with concerns. He thanked the snow removal crews for their work during the recent storms.

Councilmember Bradley

Councilmember Bradley welcomed everyone to the meeting and thanked those who serve on boards and committees. He thanked public safety personnel for keeping residents safe during the stand-off that occurred in the golf club parking lot last week. He was excited to work with the new Councilmembers.

Councilmember Reaves

Councilmember Reaves welcomed everyone and thanked those who voted for him. He was eager to hear from residents about what they want him to do as he represents them on the Council.

Councilmember Westmoreland

Councilmember Westmoreland welcomed his new colleagues on the Council.

Councilmember Gricius

Councilmember Gricius thanked everyone for attending the meeting. She thanked the voters for electing her and encouraged residents to call her with their perspectives.

Mayor Pengra

Mayor Pengra noted that this was the first election that has taken place since he's been Mayor. He was pleased to welcome the new Councilmembers. He said the New Year is a time to reflect on last year and what opportunities we have this year.

He asked Fire Chief Ross Fowlkes to come to the podium to present a commendation. Captain Robert Ayres and his team responded to a medical call for two children on Christmas morning. After the children were transported to the hospital, the team saw that they lived in very poor circumstances which had contributed to their illness. They learned the children had only received a coat and shoes for Christmas. Capt. Ayres found an open store and bought presents, then wrapped and delivered them.

9. APPOINTMENTS

- A. Cemetery Board
 - i. Marianne Smith
 - ii. Jared Gray
 - iii. Wendy Lojik
- B. Library Board
 - i. Lesley Hatch
 - ii. Tyler Shimakonis
- C. Military and Veterans Advisory Board
 - i. Lois Leikam
 - ii. Mike Ditto
 - iii. Matt Clouttier
- D. Planning Commission
 - i. Mike Owens
- E. Youth City Council Advisory Board
 - i. Ryan Ireland

MOTION: *Councilmember Westmoreland moved to appoint Marianne Smith to the Cemetery Board for a term of 3 years. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Westmoreland moved to appoint Jared Gray to the Cemetery Board for a term of 3 years. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Westmoreland moved to appoint Wendy Lojik to the Cemetery Board for a term of 3 years. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Westmoreland moved to appoint Leslie Hatch to the Library Board for a term of 2 years. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Westmoreland moved to appoint Tyler Shimakonis to the Library Board for a term of 2 years. Councilmember Bradley seconded the motion. Those*

voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

MOTION: *Councilmember Bradley moved to appoint Lois Leikam to the Military and Veterans Advisory Board for a term of 3 years. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to appoint Mike Ditto to the Military and Veterans Advisory Board for a term of 1 year. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to appoint Matt Clouttier to the Military and Veterans Advisory Board for a term of 1 year. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to appoint Mike Owens to the Planning Commission for a term of 2 years. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 4:1.*

MOTION: *Councilmember Bradley moved to appoint Ryan Ireland to the Youth City Council Advisory Board for a term of 1 year. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to the appointees who were in attendance at the meeting.

Mayor Pengra expressed appreciation to everyone who volunteers to serve on City boards and committees.

CONSENT AGENDA

10. MINUTES

A. December 1, 2015 – Regular City Council Meeting

11. RESOLUTION

A. Appointing Mack Straw to the Timpanogos SSD Board

MOTION: *Councilmember Bradley moved to approve the Consent Agenda. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

Mayor Pengra placed item 13 ahead of item 12.

PUBLIC HEARING

12. A. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the Porter’s Crossing Town Center Master Development Plan Map.
- B. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Porter’s Crossing Town Center Master Development Agreement.

This item was presented by Planning Director Steve Mumford. This amendment to the Porter’s Crossing Town Center Master Development Plan Map and Agreement maintains the same number of units but amends the unit types and locations, and relocates parks and local roads. These items were tabled at the last City Council meeting pending completion of an updated traffic study. The traffic study has been completed and two possible street plans were presented at this meeting.

The preferred plan connects St. Andrews Drive to the Porter’s Crossing Town Center commercial area. The community park would be relocated slightly to accommodate the change in the road alignment. The alternate plan does not include the St. Andrews Drive extension.

The traffic study predicts a need for a traffic signal at the intersection of Porter’s Crossing and Pony Express Parkway by 2020.

The changes to the master development agreement limit density transfer to 10%, and only between adjacent land use pods.

Mayor Pengra opened the public hearing at 8:25 p.m. As there were no comments, he closed the hearing.

Mayor Pengra invited the applicants to comment if they wished. Gerry Tully, the project engineer, listed five points for the Council to consider.

- The plan is consistent with all prior approvals.
- The housing types have been expanded from three to nine.
- The apartments remain as previously approved and will not be increased.
- Total units remain the same.
- Any future site development details will be governed by the Municipal Code.

He asked that the master development plan and the master development agreement be approved tonight so construction can begin in the spring.

Councilmember Curtis discussed the open space. He preferred not to use unbuildable land as improved open space. Mr. Mumford said the plan has been revised several times and there is little buildable space that can be used as open space. One option would be to have the developers pay a park fee in lieu. The developers could also choose to “buy down” the open space by replacing some of it with higher-quality amenities.

Mayor Pengra asked Councilmember Curtis what his concern was about the unbuildable land. Councilmember Curtis said he didn't want open space that was too steep for children to play on comfortably.

Discussion ensued on open space, the road alignment and traffic. Councilmember Bradley wanted the road to connect developments. He supported the new version of Exhibit 4. Councilmember Gricius was worried about high-density traffic traveling through the Eagle's Gate neighborhood. She would prefer stubbing in a future road until the City has enough information to make an informed decision. Councilmember Curtis felt that stubbing the road would leave the park in limbo.

MOTION: *Councilmember Bradley moved to approve an Ordinance of Eagle Mountain City, Utah, amending the Porter's Crossing Town Center Master Development Plan Map. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

MOTION: *Councilmember Bradley moved to approve a Resolution of Eagle Mountain City, Utah, amending the Porter's Crossing Town Center Master Development Agreement, amending paragraph 7.2 to say the developer shall install the portion of the St. Andrews Drive extension outside of the project in conjunction with building pod 14, and allowing the City Attorney and Planning Director to make non-substantive changes to the agreement. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Benjamin Reaves and Tom Westmoreland. Those voting no: Stephanie Gricius. The motion passed with a vote of 4:1.*

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 17 of the Eagle Mountain Municipal Code Regarding Standards for Construction Trailers, Sign Regulations, Sign Permits and the Residential Zone.

This item was considered before item 12.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends Chapter 17.25 to correct and ensure language is consistent from chapter to chapter. The Municipal Code was amended last year to require 1000 square feet of improved open space per lot or unit, rather than basing the requirement on buildable acreage. The wording wasn't updated in some sections of the Code. This amendment corrects that.

A change is also made to *Table 17.30.110 (C) Tier III Residential Bonus Density Entitlements (Required)* that clarifies the requirement for Tier III amenities. *Table 17.30.110 (C)* needs to be clarified to show that swimming pools are only required in a Tier 3 or 4 development if there are 150 units in one pod or area.

Chapters 17.10 and 17.75 are being amended to define and regulate construction trailers, which are different from temporary sales offices.

Chapter 17.80 will include a fine structure for repeat violators of the City's sign regulations, most commonly homebuilders and real estate agents. The fines will increase with repeated violations. The maximum sign size will be increased from 32 square feet to 64 square feet, and a sign permit fee of \$50 will be instituted.

The Council discussed the proposed increase in the maximum size of signs from 32 sq. ft. to 64 sq. ft..

Mayor Pengra opened the public hearing at 8:07 p.m. As there were no comments, he closed the hearing.

Councilmember Curtis asked how fines would be enforced.

Mayor Pengra said the Code Enforcement Officer keeps a contact list of those who place most of the illegal signs. He has a tracking system of all contacts he makes. The City employs an administrative law judge to hold hearings on fines.

MOTION: *Councilmember Reaves moved to approve an Ordinance of Eagle Mountain City, Utah, amending Chapter 17 of the Eagle Mountain Municipal Code regarding standards for construction trailers, sign regulations, sign permits and the Residential Zone as presented by staff, with the changes to Sections 17.30.070 and 17.30.080 approved in the meeting. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The changes referenced in the motion are as follows:

- The staff report showed amendments to the following sections regarding the Residential Zone: 17.25.110, 17.25.120, 17.25.130, 17.25.140, 17.25.150. The amendments changed the improved open space requirement from a percentage of buildable acreage to 1,000 square feet per lot. Because this amendment should also have been made to sections 17.30.070 and 17.30.080, the motion added the following amendments:
 - Section 17.30.070, "four percent of the buildable land one thousand (1,000) square feet per lot or residential unit" and 17.30.080, "eight percent of the project's buildable land to be one thousand (1,000) square feet per lot or residential unit to be".
- Table 17.30.110(c) was amended to specify that swimming pools are only required in a Tier 3 or 4 development if there are 150 units in one pod or area.
- Chapters 17.10 and 17.75 are being amended to define (17.10) and regulate (17.75) construction trailers, which are different from temporary sales offices and had not previously been allowed.
- The amendment to Chapter 17.80 established a fine structure for repeated violations of the City's sign regulations, which will increase with each successive violation. The fine structure will be added to the Consolidated Fee Schedule. The proposed penalties are: First violation, a written warning. Second violation, \$10. Third violation \$25, per sign,

per day (until in compliance). Forth and subsequent violations \$50 per sign, per day (until in compliance). It also increased the maximum sign size from 32 square feet to 64 square feet.

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapters 7 and 12 of the Eagle Mountain Municipal Code Regarding Firearms.

This item was presented by City Attorney Jeremy Cook. The proposed amendment to the Eagle Mountain Municipal Code will bring Eagle Mountain into compliance with State law regarding firearms.

Section 7.05.040(U) of the Municipal Code prohibits carrying or discharging firearms in City parks. Section 12.30.020(T) prohibits carrying firearms in public assemblies except by those with concealed carry permits. The carrying prohibition is not allowed by State law. The prohibition against discharging firearms will be modified to say “except as provided in Section 9.10.010,” which allows discharging firearms in lawful defense. The section will also be amended to prohibit any fireworks or explosives in any City park, except as authorized by the City.

The Council discussed how authorization for fireworks should be handled. The decision was to continue to leave it to the Unified Fire Authority and City staff.

MOTION: *Councilmember Gricius moved to approve an Ordinance of Eagle Mountain City, Utah, amending Section 7.05.040(U) as presented, adding on to the last sentence of the first paragraph “except as authorized by the City,” and deleting Section 12.30.020(T) of the Eagle Mountain Municipal Code. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

15. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Consolidated Fee Schedule Regarding Franchise Fees, Construction Trailer Fees and Code Enforcement Fines.

Because sign ordinance violations are frequent and difficult to enforce, the Code Enforcement Officer has requested that fines be assessed for violators. The proposed penalties are: First violation, a written warning. Second violation, \$10. Third violation \$25, per sign, per day (until in compliance). Forth and subsequent violations \$50 per sign, per day (until in compliance). A sign permit fee of \$50 will be included in the fee schedule, as well.

Councilmember Gricius asked how much time would pass between each time an enforcement action was taken. Mr. Cook said the first warning has a specific time limit for removal, which depends on the type and location of the sign. Mayor Pengra suggested the staff should review the ordinance at some point to make it more specific.

MOTION: *Councilmember Curtis moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule regarding franchise fees, construction trailer fees and code enforcement fines. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration of an Agreement between Eagle Mountain City and Utah Youth Soccer, Inc., League #20.

This item was presented by Parks and Recreation Director Brad Hickman. The Parks and Recreation Department and the Utah Youth Soccer Inc., Orem League #20, have agreed that UYSI will administer the Eagle Mountain Youth Soccer program. UYSI is a non-profit organization with extensive experience in operating youth recreational soccer programs.

Because UYSI will begin administering the Eagle Mountain soccer agreement in the middle of their soccer season, the City will waive the fee per participant it will normally charge UYSI. The fee will be assessed when the fall games begin.

Mr. Cook pointed out that this agreement doesn't give UYSI exclusive control of Eagle Mountain soccer programs. It gives them first choice of fields.

Councilmember Curtis asked how UYSI can keep costs so low while providing so much to the players. Mr. Hickman stated they have 20+ years of organizing and operating teams and, as a nonprofit, they use a lot of volunteer help.

MOTION: *Councilmember Westmoreland moved to approve an agreement between Eagle Mountain City and Utah Youth Soccer, Inc., League #20 and authorize the Mayor to sign the agreement, adding an amendment to item 23.3 striking “and maintain any profits that result,” requiring team rosters only when requested by the City, and waiving the \$4 participant fee until the fall 2016 playing season. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

17. Trailhead Townhomes Planned Unit Development.

A. AGREEMENT - Ratification of a Stipulation Regarding the Improvement Bond for the Trailhead Townhomes PUD, Plat A between Eagle Mountain City and Central Bank.

B. AGREEMENT - Ratification of a Mutual Release of Claims Agreement between Eagle Mountain City, Central Bank and Banner Bank Related to the Improvement Escrow Fund Agreement for the Trailhead Townhomes PUD, Plat A.

This item was presented by City Attorney Jeremy Cook. The proposed agreements document a settlement of pending litigation involving the improvement escrow bond for the Trailhead Townhomes Planned Unit Development, Plat A. Mayor Pengra clarified that these items are approvals rather than ratifications, as the agreements have not been signed yet.

Mr. Cook stated these agreements resolve a dispute regarding the improvement bond for the subdivision, and prevent pending litigation. Banner Bank will provide \$300,000 to settle the improvement bond, of which \$280,000 will go into an escrow account for improvements. \$5,000 will go to the City for attorney's fees and \$15,000 will go to Central Bank for attorney's fees.

MOTION: *Councilmember Gricius moved to approve a stipulation regarding the improvement bond for the Trailhead Townhomes PUD, Plat A between Eagle Mountain City and*

Central Bank. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

MOTION: *Councilmember Gricius moved to approve a mutual release of claims agreement between Eagle Mountain City, Central Bank and Banner Bank related to the improvement escrow fund agreement for the Trailhead Townhomes PUD, Plat A. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

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

Councilmember Curtis

Councilmember Curtis appreciated the opportunity to serve and thanked all the residents who attended the meeting.

Councilmember Bradley

Councilmember Bradley congratulated the new members of the Council.

Councilmember Reaves

Councilmember Reaves thanked the residents who stayed through the whole meeting. He asked everyone to be patient with him while he learns the ropes.

Councilmember Westmoreland

Councilmember Westmoreland felt that this first meeting of the year went well.

Councilmember Gricius

Councilmember Gricius was excited to be on the Council and appreciated those residents who stayed through the whole meeting.

Mayor Pengra

No comment.

19. CITY COUNCIL BOARD LIAISON ASSIGNMENTS

Councilmember Bradley: Economic Development Board

Councilmember Curtis: Youth City Council, Planning Commission

Councilmember Gricius: Senior Citizen Advisory Council, Military and Veterans Advisory Board

Councilmember Reaves: Parks and Recreation Advisory Board, Planning Commission

Councilmember Westmoreland: Library Board, Cemetery Advisory Board

20. COMMUNICATION ITEMS

A. Upcoming Agenda Items

21. ADJOURNMENT

MOTION: *Councilmember Bradley moved to adjourn the meeting at 9:45 p.m. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 2, 2016.



Fionnuala B. Kofoed, MMC
City Recorder