



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

May 18, 2021, 4:00 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: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. Councilmember Jared Gray was excused.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Jeremy Cook, City Attorney; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Embret Fossum, Fire Chief; Eric McDowell, Deputy Sheriff; Tyler Maffitt, Communications Manager; Evan Berrett, Assistant to the City Administrator; and Greg Stone, Emergency Management Intern.

CITY STAFF PRESENT ELECTRONICALLY: Kimberly Ruesch, Finance Director; Tayler Jensen, Senior Planner; Jessa Porter, Planner; Aaron Sanborn, Economic Development Director; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Angela Valenzuela, Human Resource Manager; and Chas Glenn, Administrative Assistant.

Director of Administrative Services/City Recorder Fionnuala Kofoed explained the changes to the meeting format to provide a hybrid remote and in-person option.

Mayor Westmoreland called the meeting to order at 4:04 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A UPDATE – City Administrator Items

Presented by City Administrator Paul Jerome.

General

- The utility rate study has been delayed due to the Central Utah Water Conservatory District (CUWCD) annual maintenance fee issue as well as potential bonding for wastewater projects.
- Staff is working to find property to expand the sewer treatment plant; Lewis, Young, Robertson, and Burningham, Inc. (LYRB) is researching bonding solutions to fund this purchase.
- LYRB will begin around July 2021 to get bonding in place for an expansion of Airport Road from the Overland development to Wride Memorial Highway, if the project is approved in the FY 2022 budget.

- The City is working with United Fire Authority to find a location for a third fire station in the City that hopefully could result in a joint Public Safety Building.

Community Development

- Commercial building permits ready to issue: Dollar Store interior and Available Storage.
- The Department of Wildlife Resources is working with Parks and Recreation Director Brad Hickman to apply a pre-emergent pellet herbicide to reduce cheatgrass in infested areas within the wildlife corridor on about 200 acres of City properties near Unity Pass.
- Staff is working on several Municipal Code amendments.

Wastewater

- The Wastewater Plant is anticipated to be completed on time. However, staff was informed that the pumps have been delayed until June 15th.
- Staff is working to remove dirt from the site of the wastewater treatment facility.
- The State has issued the City a draft wastewater permit and a meeting is set next week to discuss.
- The City is still awaiting State approval of the action plan to correct the deficiency of the effluent disposal.

Water

- The relocation of Well 5 transition line is being constructed today with an anticipated completion by 9:00 p.m. for the townhome project by Hidden Hollow Elementary.
- Central Utah Water is now being added to the system at a rate of 3,900 GPM.

Parks

- Cory B. Wride Memorial Park Phase 2 – All sport court lighting has been installed and awaiting Rocky Mountain Power for service. Asphalt and striping have been completed in the parking lot areas. The park is currently being watered with some smaller existing tie-ins and the City will convert the system over to the main source, once completed.
- SilverLake Woodhaven Park – The City is preparing to install the asphalt trails. Most of the concrete and all of the playground equipment has been installed. Some of the water sourcing for this site needs to be finished. The sod will hopefully be installed by the end of the month. The City is waiting on power sourcing from Rocky Mountain Power.
- Smith Ranch Community Park – The City complied the information from the survey for the park. Staff will meet tomorrow to discuss the concept plan.

Events

- Pony Express Days will be the week of May 31, 2021. The parade route will be along Pony Express Parkway from Cedar Drive to Smith Ranch Road. The City will provide the public a map with the detours and signage will be provided on the roads during the parade. Tickets are on sale now for the carnival.

Engineering

- Pony Express Parkway – Excavation work will continue along the northbound lanes through the end of the month. Curbing is expected at the beginning of June with asphalt installation

mid- to end-June. Kenny Seng will begin installation of storm drain along the southbound lanes between Aviator and Bobby Wren Boulevard beginning next week.

- West Access Road to Facebook – Paving was completed last week. Manholes are being raised. The road could be open next week.
- Lone Tree Signal – The contractor is scheduled to begin this week after resolving some coordination issues with Rocky Mountain Power.
- Airport Road – The bid award approval is on tonight's City Council meeting agenda. Completion is expected by the end of October.
- White Hills Lift Station – The lift station was installed. The contractor went through the start-up process last week and identified some issues they are working to resolve. Once these issues are resolved, Hardline will install the needed manhole at the end of the existing White Hills line to make the final connection to the lift station and City treatment facility. It is expected they should be completed within the next two weeks.

1.B. PRESENTATION – Twentieth Anniversary Library Coins, Tyler Shimakonis, Library Advisory Board Chair

Library Advisory Board Chair Tyler Shimakonis presented Twentieth Anniversary Library Coins to current and former Councilmembers and Mayors for their service to the City Library.

1.C. DISCUSSION – Police Facilities Impact Fee Facilities Plan and Impact Fee Analysis

LYRB Vice President Fred Philpot presented the item and reviewed the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) process: notice of intent to amend the IFFP and IFA, preparation and certification of IFFP and IFA, presentation of findings to City Staff, presentation and discussion with stakeholders, presentation to the City Council in work session, noticing for public hearing, public hearing and approval of impact fee enactment, and impact fee takes effect 90 days after approval. Criteria to determine the appropriate IFFP and IFA include service area and demand, level of service (LOS), existing facilities and buy-in, future facilities, financing, and proportionate share analysis. The total estimated impact fee cost is \$11,109,356, resulting in an \$820,971 cost to the impact fee and \$66 cost per call. Based upon the cost per call and calls per unit calculations, the proposed impact fee per unit is \$42 for residential and \$145 for non-residential per 1,000 square feet. The calculations are based upon the assumption of the construction of a new police building and the associated financing costs. The next steps are to finalize the IFFP and IFA; complete noticing requirements for the public hearing; hold a public hearing to receive public comment; adopt, modify, or reject the proposed impact fees, and a 90-day wait period for any increase.

Mr. Philpot explained that in order to increase the LOS if desired, the City would be required to invest City funds. After a reevaluation, the impact fee could be adjusted to match the increased LOS. The indicated future facilities cost for the land and the building assumes a 2,500 square foot building that could potentially be shared space with United Fire Authority (UFA); however, the impact fee only includes the police LOS allocation. Financing mechanisms with UFA could assist with covering the cost of the building but have not been contemplated in this evaluation. Developers can petition for the City to charge the development a lower impact fee by providing

data to indicate the likelihood of producing a lower call volume due to elements such as private security or gated communities.

1.D. DISCUSSION – Rental Dwelling Licensing

Assistant to the City Administrator Evan Berrett presented the item. The primary objectives of rental dwelling licensing are to retain up-to-date landlord contact information to help Neighborhood Improvement Officers resolve issues faster and help landlords be aware of issues with their tenants or property. The program also enables Utility Billing staff to work directly with landlords to reduce issues with unpaid bills when renters move away. Licensing will not restrict who can or cannot rent in the City, add any restrictions on the eligibility of properties, create a new source of revenue, or conflict with HB 82.

Major findings from programs in other cities include observations that methods of determining fees are inconsistent and not viewed favorably, programs are challenging to manage, and knowing where rentals are in the city is essential. Mr. Berrett proposed a hybrid incentive method program with the goal of turning rental dwelling licensing into a system that encourages landlord participation. The program implements billing in the landlord's name, performance-based licensing, biennial licensing, and a probationary property tier. Studies have shown that performance-based licensing helps to focus resources where they are needed and incentivizes landlords to maintain higher standards. The program includes three property tier levels: Tier 1 – requires that the property has not exceeded the established number of violations and offers no incentives, Tier 2 – requires an up-to-date rental license and offers a few incentives, and Tier 3 – requires an up-to-date rental license, completion of the good landlord program and offers the most incentives. For properties placed on probation, the landlords are required to pay a license fee to cover additional enforcement costs, must complete the Good Landlord Program and update their contact information. The license fee will continue annually until the number of violations in a set time period fall within allowable parameters.

The intent of offering incentives is to provide multiple incentives so that properties of any type will have something worth seeking. While not all incentives will benefit all properties, all properties will at least have some incentive. Potential incentives could be reimbursement of the cost of the good landlord training, discounts on utility bills, building permit fee reductions, and/or priority Neighborhood Improvement response. Possible revenue sources to cover the cost of incentives include affordable housing dollars, building permit revenues, saved hours on Neighborhood Improvement and court fines.

These methods do not force good landlords to participate in training to avoid fees, and compliant landlords are not paying the cost of enforcement of bad landlords. Instead, only good landlords get benefits of participation. The primary burden on staff in other cities was the collection of fees. By collecting no fees and instead granting incentives, the landlords must put in the work instead of the City. Neighborhood Improvement focuses on helping challenging properties become compliant. Both Utility Billing and Neighborhood Improvement immediately see benefits from the requirement to have utilities in the landlords' names by increasing communication with landlords.

Mr. Berrett confirmed that all the cities he researched charge a licensing fee, except for cities in North Carolina, which prohibits landlord licensing unless a property has known violations. Orem onboarded approximately 80% of rentals into their program over a one-year period. Contacting out-of-state landlords may cause difficulties and delays. The City has approximately 1,000 rental properties in the City.

City Attorney Jeremy Cook said most of the City utilities could be paid by the landlord. Some districts allow landlords to have renters pay the utilities while holding the landlord responsible for unpaid bills.

Mr. Jerome explained that Xpress Bill Pay permits both the renter and the landlord to be copied on the bill.

Councilmember Clark supported not charging a licensing fee and inquired if the City could partner with the County to include the information regarding the program with the tax statements. She recommended collecting resident feedback regarding the suggestions, particularly those impacted by rentals in their neighborhoods.

Ms. Kofoed said the County has addresses for landowners.

Councilmember Curtis expressed his support of an incentive program to encourage residents through benefits rather than fees. However, he is concerned with allowing building permit fee reduction as an incentive. He prefers not to encourage large companies but rather to support individual landowners. He suggested the reduction in utility cost incentives to either be paid to the landlord or held as a credit on the account rather than be a reduction in the bill as the bill might be paid by the tenant.

Mr. Berrett stated the reduction in utilities was mostly a benefit for accessory apartments with two families in a single home which reduces water usage. Options to ensure the landlord is benefited by the incentives can be explored.

1.E. UPDATE – Community Mailboxes Code Amendment

Senior Planner Tayler Jensen presented the item. The United States Postal Service (USPS) requires community mailboxes for all new residential developments. Municipal Code only requires locations to be approved by the USPS, not the City. The purpose of the amendment is to guide community mailbox placement to meet USPS requirements, provide mailboxes within close walking distance of all units, and prevent the blocking of travel lanes. The Planning Commission recommended approval with a vote of 4 to 0, with one absentee.

Councilmember Love expressed her support of the amendment.

Councilmember Clark inquired who would be responsible for maintenance and upkeep of the mailboxes as residential individual mailboxes are the homeowner's responsibility. She asked if an impact fee could be collected should the City be held financially responsible.

Assistant City Administrator/Community Development Director Steve Mumford said he believes the postal service maintains the mailboxes, but staff will verify the division of responsibility. Mr. Cook stated that the City could charge a residential fee to be placed in a fund to cover the cost of maintenance should responsibility fall to the City.

Councilmember Curtis stated he would prefer to have mailbox units spread throughout the community rather than having several units grouped in a central area. Mr. Jensen said that the standards require for the mailboxes to be located within a quarter-mile of the unit served.

Mr. Mumford explained that the postal services require community mailboxes for new construction to reduce the cost of providing services.

1.F. UPDATE – Hidden Hollow Phase C

Mr. Mumford presented the item. The applicant has updated the proposed plans after receiving feedback from the Planning Commission and City Council. The updated proposal includes the same number of units with 86 townhomes and 48 single-family units for a total of 134 units. The townhome area has been redesigned and minor adjustments were made to the lots. The large gravel trailhead parking lot was added within the utility corridor as an amenity. The City is working with an appraiser to receive an updated appraisal for the 1.5-acre, City-owned property being considered as a part of the project.

The City Council will need to approve an agreement to sell the property along with the project's approval. Staff recommends the applicant purchase the City property and be reimbursed for the cost of improving the large gravel parking lot, once completed. The Planning Commission reviewed this project in a public hearing on May 11, 2021. One public comment was submitted in opposition to the project's density and unit type. Discussion centered around architecture, garages, lot frontage, public and private roads, and fencing between multifamily and single-family lots.

The Commission recommended approval with a vote of 3 to 1 with one Commissioner absent and Commissioner Everett dissenting. Commissioner Everett felt the applicant was not complying with Municipal Code requirements regarding architectural standards and garage-dominated front elevations.

Due to topography, the applicant has worked with staff to redirect a future extension of a 94-foot-wide collector road to avoid steep terrain, resulting in a 1.5-acre parcel of City property between the road, hillside, and the Phase C development. The applicant has requested to buy the property and add it to the plat for Phase C. The City Council will need to approve an agreement to sell the property in addition to the project's approval. Road considerations include improving a portion of Hidden Valley Parkway and grading the remainder of the right-of-way for future expansion, ensuring drainage flow is directed to the existing drainage channel leading to the detention area, and reducing the future cost to the City of grading for the expansion.

The project is required to have 3.07 acres of improved open space and 307 amenity points. The proposal includes approximately 3.1 acres of improved open space: 2.75 acres within the utility

corridor that will be dedicated to the City and improved with a large gravel trailhead parking lot, and over 35 acres of hillside open space to be dedicated to the City that includes trails to the north, northwest, and south. Upon completion of this last phase, the developer will have provided a paved 20-stall parking area, a gravel 60-stall parking area with a restroom and trailhead signs, and a gravel 2.5-acre parking area that provides approximately 66 parking stalls and 13 larger trailer stalls. For amenities, the Phase C proposal includes a lighted pickleball court, a playground, a pavilion, trees, benches, and trails. The pickleball court, playground, and park amenities will be available for the units in Phases B and C. EMMC 17.25.050(L) requires all multifamily developments to include a clubhouse and swimming pool. Following the City Council's feedback, the applicant is now proposing a clubhouse and pool that comply with the requirements. This amenity will be available to all 140 townhome residents in Phases B and C.

A slope analysis map was provided with the previous submittal showing that the steepest lots averaged 17.5% slope. The developer will be constructing a section of mountain bike trail behind the single-family lots to replace the trail that will be removed by the lots and will be installing a cutoff ditch along the trail directing the water to existing drainage to the west. The applicant designed these townhome units in 2018 for the Phase B project, desiring to and relying on being able to construct the same units in Phase C as were approved in Phase B. The applicant proposes walnut brown Sim Tek fencing similar to fences in other developments in the City.

City local street right-of-way requirements include 28 feet of asphalt, 2.5-foot curb and gutter area, 5-foot park strip, and a 5-foot sidewalk for a total width of 53 feet. The applicant-proposed private street has 27 feet of asphalt and a 2.5-foot curb and gutter area and a four-foot sidewalk along each side of the street for a total width of 40 feet. Based upon data from surrounding cities, staff recommends requiring 28 feet of asphalt and 5-foot sidewalks, an overall increase of three feet. He noted the Planning Commission has requested a review of the City street standards.

Discussion ensued regarding current and potential problems with private streets in the City, the lack of park strips on private roads, parking, snow removal, HOA restrictions, and maintenance.

Councilmember Burnham supported the staff recommendation to require 28 feet of asphalt. She thinks that it would be unfair to require the 53-foot right-of-way at this point in the development as private streets were allowed in Phase B and a change would require the applicant to reengineer the entire project.

Mr. Mumford stated that the City generally recommends all roadways be public for maintenance consistency.

Councilmember Curtis stated that he is willing to allow the 40-foot width for this project but would like to introduce a standard or a public road requirement for projects going forward.

Discussion ensued regarding the pavement of the trailhead parking lots.

Mr. Mumford said that the pavement of the large parking lot could be in trade for a portion of the City land. The pool and clubhouse meet the minimum size requirements. The size of the pool

was reduced to fulfill the Council's request to also provide a clubhouse. The City sets requirements for the heights and width between the retaining walls.

Councilmember Love said she feels the location of the multifamily amenities is appropriate.

2. AGENDA REVIEW

9. AGREEMENTS

9.A. Bird Rides, Inc. – Temporary License Agreement

Mayor Westmoreland confirmed that the City is not funding or subsidizing the scooters.

Mr. Cook said an indemnification provision in the agreement protects the City from third-party claims and poses minimal liability risks to the City.

Discussion ensued regarding the potential of underage children renting and using the scooters, and legal requirements, concerns with the exclusion of age groups from riding the scooters, the appropriate involvement of the City in enforcement, helmet use, and potential concerns such as where the users leave the scooters.

Deputy Sheriff Eric McDowell said the Sheriff's Office would only intervene if laws were broken. He believes that the scooters do not meet the speed and wattage qualifications for motorized vehicles. Code Enforcement generally addresses City Municipal Code violations.

Mr. Cook said the agreement is temporary to allow a trial period to see if issues arise and to allow the City to determine whether to extend or cancel the agreement. The company tracks the location of the scooters and collects them at night to charge the batteries. Property owners would need to agree to allow scooters to be placed on their property and the City could restrict scooter rentals at undesired locations.

Mr. Mumford verified that the City has not received complaints regarding privately-owned scooter use in the City.

Councilmember Love suggested being more proactive and researching potential issues in order to include clauses that address concerns and rental locations prior to approving the agreement.

Mr. Cook recommended adding language to the agreement requiring approval of the rental locations. Mr. Jerome requested to include a provision in the agreement that requires City approval of rental location changes.

Councilmember Curtis and Love agreed that the scooter rental locations and restrictions should be a staff-level decision. Mr. Jerome recommended Neighborhood Improvement approve the locations. Mr. Mumford suggested allowing some flexibility for the company to be able to adjust the locations based upon use and demand.

11. CHANGE ORDERS

11.A. Rush Truck Center Change Order #1

Fleet and Facilities/Operations Director Jeff Weber explained the City purchased a vehicle from Rush Truck Center, which was damaged in transit. The replacement vehicle has upgrades not included in the original purchase, and he was unable to secure a reduced price for the upgraded truck. As a vehicle of equal value to the damaged truck will not be available until next February, staff determined to request City Council approval of the increased cost.

12. MINUTES

12.A. May 4, 2021 Minutes – Regular City Council Meeting

Councilmember Love requested a change to clarify the Overland Village Two updated plans' sod areas on page 12.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

No closed session was held. Mayor Westmoreland adjourned the work session at 6:14 p.m.

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

ELECTED OFFICIALS PRESENT: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. Councilmember Jared Gray was excused.

CITY STAFF PRESENT: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Elizabeth Fewkes, Recording Secretary; Jeremy Cook, City Attorney; Embret Fossum, Fire Chief; and Eric McDowell, Deputy Sheriff.

CITY STAFF PRESENT ELECTRONICALLY: Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Brad Hickman, Parks and Recreation Director; Zac Hilton, Streets and Storm Drain Manager; and Jeff Weber, Fleet and Facilities Operations Director.

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:08 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Clark led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express Days will begin June 2 and run through June 5. Activities begin at Silverlake Amphitheater with a movie in the park and food trucks will be available.
- The Utah County Health Department will be hosting a free COVID-19 vaccination site at Wride Park on May 21, 2021, from 3:00 p.m. to 8:00 p.m. Those interested in receiving their vaccination can schedule an appointment at healthevents.utahcounty.gov.

To receive City notifications, including emergency info, news, events, and traffic alerts, sign up at emcity.org/notifyme.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:10 p.m.

Jeff Ruth expressed support for the Administrative Law Judge and rental dwelling licensing program, as they will help address and resolve problems with problematic renters.

City Administrator Paul Jerome said mock hearings will be held before mid-June to resolve issues with the system and to determine fees. Hearings should begin at the end of June at the latest.

Mayor Westmoreland closed the public hearing at 7:15 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Clark

Councilmember Clark stated she is excited to meet in person again. In conjunction with Mother's Day celebrations, she recognized the amazing contributions of women in the City and congratulated Councilmember Love on her achievement of returning to school and earning her degree.

Councilmember Love

Councilmember Love said it is great to see everyone in person again. She thanked staff for adjusting to changing circumstances.

Councilmember Burnham

Councilmember Burnham said it is great to be together. She encouraged kindness during the election season.

Councilmember Curtis

Councilmember Curtis thanked the meeting participants. He noted being in-person facilitates human connection and humane treatment. He recognized Kevin and Marian Burningham and presented them with a challenge coin for their service and contributions to the City, including their participation in founding the Eagle Mountain Nature and Wildlife Alliance.

Mayor Westmoreland

Mayor Westmoreland noted that May 18 was the day Abraham Lincoln was elected as his party's presidential representative. He requested for the Open and Public Meetings training and discussion to be held at an upcoming meeting.

CONSENT AGENDA

9. AGREEMENTS

9.A. Bird Rides, Inc. – Temporary License Agreement

10. BID AWARDS

10.A. Airport Road Phase 1 – Geneva Rock

10.B. 2021 Eagle Mountain Micro Surface Project – Geneva Rock

11. CHANGE ORDERS

11.A. Rush Truck Center Change Order #1

12. MINUTES

12.A. May 4, 2021 Minutes – Regular City Council Meeting

MOTION: *Councilmember Clark moved to approve the consent agenda with changes to item 9.A. as amended. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.*

City Attorney Jeremy Cook noted that Municipal Code prohibits electric vehicles on City trails and the standards need to be updated to permit the electric scooters and similar vehicles, if desired.

SCHEDULED ITEMS

13. ORDINANCE/PUBLIC HEARING

13.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapters 2.07 Municipal Buildings, 5.05 Business Licenses, 6.05 Animal Control, 7.05 Parks, Trails, and Special Events, 8.05 Solid Waste Management, 8.07 Nuisance Abatement, 10.10 Parking, 17.05 General Provisions, and 17.80 Sign Regulations and Sign Permits.

This item was discussed after item 13.A. Items 13.A. and 15.A. were presented and discussed concurrently.

Ms. Kofoed explained that the proposed consolidated fee schedule (CFS) has been reorganized to group like fees together to provide a better document for the public to view the City's fees, and she presented the following:

CFS 1.3 – Digital Media

Removal of the Electronic Copy of Minutes of Meetings fee, as all minutes are currently available on the City's website.

CFS 1.7 – City Hall Use and EMMC 2.07 Municipal Buildings

The proposal removes the entire section from the CFS as the City's policy is to not rent the Council Chambers for non-City sponsored events. The associated amendment to EMMC 2.07 Municipal Buildings adds the prioritization of authorized uses of the Council Chambers, as listed in the City's building use policy.

CFS 4.4 – Library, Damaged or Broken Items

The proposal removes all fees associated with LaunchPads as the Library no longer has these. Additions to this section include fees for damaged items the Library checks out to patrons.

CFS 6.1 – Animal Control Fees

The current CFS includes an additional \$1.00 administration fee to process dog license applications. Currently, residents bring dog license applications with a check written out to North Utah Valley Animal Shelter (NUVAS) to the front desk. The front desk staff then mail the check and application directly to the animal shelter. As the City is not processing any payments, they do not collect the \$1.00 administration fee.

Ms. Kofoed confirmed that the City processes few enough dog licenses that it does not pose a financial burden to the City. Councilmembers Curtis and Clark advocated for removing the fee.

Ms. Kofoed said the amendments to EMMC 6.05.480 Licenses Generally include the following: a change from "City" to "County" regarding the entity issuing dog licenses; removing language regarding late fees, as there are not currently late fees imposed by the NUVAS; and removing language regarding a 24-month license, as NUVAS determines the options for license terms.

CFS 7.1 – Business Licenses, License Fees

A proposed change is to include an inspection fee of \$50, rather than a single line for home-based businesses with inspections, as some commercial businesses also require inspections. Another change is to replace the set fee for background checks to, "Actual Cost to the City." The current cost of a background check is \$7.48. EMMC 5.05.050 Fee Payments - Delinquency Payments includes a business violation fee of \$100, which has been added to the proposed CFS. An amendment to EMMC 5.05.050 corrects the late renewal timeframe; currently, the code lists both a 25% penalty and a 100% penalty for a renewal that is 45 days late. The 100% penalty should be for a renewal that is 75 days late. This late fee has also been added to the CFS.

Councilmember Curtis asked if the cost of the background check could be clarified. Ms. Kofoed stated the cost of a background check for business licensing fluctuates and the application includes the current price.

Mr. Cook recommended the \$100 business license violation penalty be amended to “charged per violation”. Ms. Kofoed stated that frequent violation issues include screening requirement noncompliance and parking violations for business trailers and materials. Councilmember Curtis suggested issuing a \$100 fee per day of noncompliance after notification, and Councilmember Clark advocated for issuing warnings prior to fines using a method similar to the City’s policies for sign violations.

Discussion ensued regarding the preferred methods and mechanisms for Municipal Code enforcement, citations, and fines to address cases of repeat infractions. Ms. Kofoed explained this amendment incorporates current Municipal Code and the City Council can review the standards and make recommendations to amend the fine issuing process and associated chapters in the consolidated fee schedule.

8.2 – Sign Permits, Ladder Sign Lease Fees

The proposal removes all fees listed in this section of the CFS. The Eagle Mountain Chamber of Commerce manages the ladder sign leases and pays the City a concession fee of 5% of the annual net income to the Chamber from the use of the signs. The sign management agreement with the Chamber does not set pricing for the signs.

9.1 – Ordinance Enforcement Fines, Sign Violations

Ms. Kofoed stated the recommendation from Mr. Cook to update subsequent sign violation fee to \$100/day was not included in the packet. Municipal Code may need to be updated to fully implement these changes. Mr. Cook stated the desire is to have the fines be significant enough to encourage compliance. Councilmember Clark recommended charging a fine per sign, per day, especially due to safety issues and resident complaints; Councilmember Curtis and Mr. Cook concurred.

Mr. Cook explained some violations will be addressed with an administrative citation in the form of a ticket that can be paid or appealed to the Administrative Law Judge. In other situations, a notice of violation will be given informing individuals regarding infractions in need of rectification within a certain period or a fine will be issued. Signs placed on public property without permission are a form of trespassing and can be immediately removed.

Discussion ensued regarding concerns with blatant signage violations in the City causing safety issues and generating citizen complaints.

Mr. Mumford stated staff will review Municipal Code standards and prepare an amendment to address the concerns indicated by the Council.

Ms. Kofoed said the proposed amendment to EMMC 17.80.150 Sign Enforcement is included to add the following language regarding fines for violations: “K. Fines. The penalties associated with violations of this chapter shall be consistent with the consolidated fee schedule as adopted by the city council.”

9.2 – Ordinance Enforcement Fines, Parking Violations

The proposed change to parking violation fines was not included in the packet. Mr. Cook's recommended fine is \$20 per violation, with a note that all fines are final after the time for appeal has run or after a decision on appeal. Any final fines not paid within fourteen days shall increase to \$50, and any final fines not paid within 28 days shall increase to \$100.

EMMC 10.10 is broken into three articles: Article I – General Restrictions; Article II – Winter Restrictions; and Article III – Commercial, Recreational and Agricultural Vehicles. Only Article II includes language regarding fines: Violations are subject to fines according to the consolidated fee schedule as adopted by the city council.

The proposed code amendment adds language regarding fines to Articles I and III.

Mr. Cook confirmed that Code Enforcement can issue a warning prior to a fine when determined appropriate even if warnings are not specified in the fee schedule. The purpose of the fines is to bring residents into compliance, not generate money for the City. The best way to encourage residents to pay the fees is to have the fee amount increase if not paid. Also, lower amounts are more difficult to submit to collection agencies.

9.4 – Ordinance Enforcement Fines, Illegal Dumping

The proposed change to the CFS is to increase the first violation fine to \$250 plus the cost to remove any illegally dumped materials, and the second any subsequent violation fine to \$1,000 plus removal costs. The proposed amendment to the related section of Municipal Code, EMMC 8.05.060 Prohibited Acts, removes a duplicate line but does not change the content of the section.

9.5 – Ordinance Enforcement Fines, Accumulation of Construction Debris, Mud, etc. on City Streets; 9.6 – Ordinance Enforcement Fines, Weeds and Other Refuse Violations; and 9.7 – Ordinance Enforcement Fines, Junk Violations

These three sections of the CFS have been amended to align with the timelines included in EMMC 8.07 Nuisance Abatement. The proposed amendments to 8.07.020 Weeds and Other Refuse, 8.07.030 Junk, and 8.07.040 Construction Trash or Debris add the language regarding civil penalties from EMMC 4.15 Administrative and Judicial Remedies.

9.8 - Ordinance Enforcement Fines, Other Violations, Not Otherwise Specified

This proposed addition allows the City's Administrative Law Judge to impose fines that are not specified in Municipal Code for ordinance violations. The proposed amendment to EMMC 17.05 General Provisions refers back to this section of the CFS.

9.9 - Ordinance Enforcement Fines, Administrative Citations

This proposed addition allows the City's Administrative Law Judge to impose administrative citation fines for ordinance violations, as described in EMMC 4.10 Administrative Code Enforcement Procedures. Administrative citations permit the Administrative Law Judge to issue citations not specified in Municipal Code.

Mr. Cook recommended amended language to include administrative citations fines for ordinance violations “that are not otherwise designated.” Mr. Mumford explained the Administrative Law Judge has the latitude, within established parameters, to adjust the fine amount on the tickets issued by the Code Enforcement Officers for egregious or repeat violations.

10.7 – Community Development, Other Subdivision Development Fees

One proposed amendment adds the Streetlight Fee to the CFS. This is currently charged to developers before recordation of a plat and is based on the actual cost Black and McDonald charges the City for streetlight installation. The other amendment in this section is to note that CWP water rates are charged based upon the CWP contract.

12 – Public Utility Connections

The proposed changes to 12.1 Water Meter Connection Fees and 12.2 Sewer Connection Fees remove references to Impact Fees. Staff proposes to include all current Impact Fees as an appendix to the CFS.

13.3 Building Department, Plan Review Fees

The proposed amendment corrects the cost the Building Department charges for re-checking plans.

16.3 Sewer Rates, Sewer Rate and Fee – West Service Area

The proposed change removes the Impact Fee from the CFS, to be included in the Impact Fee Appendix.

19.1 Parks, Park Use Deposit

The proposed change includes language from EMMC 7.05 Parks, Trails, and Special Events regarding the basis for determining the park use deposit amount. An amendment to EMMC 7.05 removes "fire," as the City no longer operates its own fire department.

21.1 Special Events, Event Fees

The proposed changes update the Utah County Sheriff’s Office fees to the current contract prices. It also adds the event deposit, which is based on EMMC 12.30 Public Assemblies.

Mayor Westmoreland opened the public hearing at 8:36 p.m. No comments were submitted to the City Recorder’s Office and no public was in attendance to make comment. As there were no comments, Mayor Westmoreland closed the hearing.

MOTION: ***Councilmember Clark moved to approve an ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain Municipal Code Chapters 2.07 Municipal Buildings, 5.05 Business Licenses, 6.05 Animal Control, 7.05 Parks, Trails, and Special Events, 8.05 Solid Waste Management, 8.07 Nuisance Abatement, 10.10 Parking, 17.05 General Provisions, and 17.80 Sign Regulations and Sign Permits. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.***

14. ORDINANCE

14.A. ORDINANCE – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code Chapter 2.24 Youth Council.

This item was discussed after item 12.A.

Youth Councilmember Camrie Campos explained that recently, students from seventh grade and eighth grade have been attending Youth Council meetings; lowering the requirement from ninth to eighth grade will open the Youth Council for more participation. Additionally, eighth-grade students have been appointed to the Youth Council to fill vacant positions. The change to the Youth Council Mayor grade will create a greater opportunity for Cedar Valley youth who are interested in being involved with the Youth Council. Also, the grade-level limitation does not always allow for the best candidate to fill that position.

Councilmember Burnham expressed concern with having a ninth-grade Youth Mayor.

Councilmember Clark said that middle school students have participated in youth council meetings and activities without being members of the Youth Council. Juniors and seniors generally have additional obligations that make it a challenge to serve.

Discussion ensued regarding the benefits and concerns of permitting a ninth-grade Youth Mayor.

Ms. Campos said several middle-school-aged youths have expressed interest in the Youth Council. She feels the older members of the Council and the advisors can assist younger participants.

Councilmember Burnham clarified she would concede to allowing tenth grade students serve as Youth Mayor.

Councilmember Clark said opportunities for youth leadership have increased in recent years. Allowing younger participants will assist with filling all the positions. Youth Council and other forms of leadership experience should be considered in addition to age.

Ms. Kofoed said that over the history of Youth Council, the age of the participants has not directly correlated with the level of responsibility and the roles filled by the individuals. The City Council can always approve the youth participants in accordance with their individual level of maturity and dedication.

Councilmember Love noted that not all secondary schools in Eagle Mountain have the same grades. Changing the language to tenth through twelfth grade would be clearer than high school.

MOTION: *Councilmember Curtis moved to approve an ordinance of Eagle Mountain City, Utah amending the Eagle Mountain Municipal Code Chapter 2.24 changing the Youth Mayor grade requirement from high school to grades tenth through twelfth. Councilmember Burnham seconded the motion.*

Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.

15. RESOLUTION

15.A. RESOLUTION – A Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

MOTION: *Councilmember Curtis moved to approve a resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidation Fee Schedule, changing Section 9.1 Sign Violations fines to “per sign per day”. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.*

16. CITY COUNCIL/MAYOR'S BUSINESS

This item was discussed after item 17.A.

Councilmember Clark inquired if resident concerns regarding developmental disruption of a wash in the City had been resolved.

Discussion ensued regarding concerns with balancing development rights, safety needs, and State requirements with wildlife and wash preservation, and the potential need for additional Municipal Code requirements.

Councilmember Clark requested for staff to prepare an agenda item to discuss wash preservation and protection.

17. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Clark

Councilmember Clark said the Parks and Recreation Advisory Board is seeking direction from the Mayor and Council regarding improved and unimproved open space standards, and restoration requirements and resident feedback regarding recreation programs offered by the City. She said resident Shon Reed spoke to the board about wildlife species in Eagle Mountain and native plant life restoration. The board discussed the possibility of a wildlife management plan and wildlife education program partnerships with other entities. The Eagle Mountain emergency group held a Stop the Bleed training program in partnership with Unified Fire Authority. The City recently hired an emergency management intern. A water safety class will be offered soon.

Discussion ensued regarding the desired level of involvement of the City in sports recreation and mechanisms to compile data to determine the cost of private versus public programs.

Councilmember Love

Councilmember Love said the Eagle Mountain Chamber of Commerce luncheon with Governor Cox at Thanksgiving Point was rescheduled for Thursday, June 10, 2021. A Memorial Day program will be held on Monday, May 31, 2021, at Pony Express Memorial Cemetery at 10:00 a.m.

Councilmember Burnham

Councilmember Burnham said a resident has been recommended to fill the Senior Citizen Advisory Council, and the Planning Commission is fulfilling their responsibilities admirably.

Councilmember Curtis

Councilmember Curtis said the Library Board has not met since the previous City Council meeting. He said the library has received grant money, and he noted some of the offerings provided at the library. The Military and Veterans Advisory Board is not currently meeting.

Mayor Westmoreland invited Youth Council Advisor Tyler Shimakonis to report on the Youth Council. Mr. Shimakonis reported an election for Youth Mayor had been held the previous week. They have received applications and will make recommendations to Mayor Westmoreland for the Youth Council positions.

18. COMMUNICATION ITEMS

18.A. Financial Report

18.B. Upcoming Agenda Items

19. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 9:21 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, and Carolyn Love. The motion passed with a unanimous vote.*

The meeting was adjourned at 9:21 p.m.

Approved by the City Council on June 1, 2021.


Fionnuala B. Kofoed, MMC
City Recorder

