

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 3, 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, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter (arrived at 4:17 p.m.).

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Gordon Burt, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Director; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Steve Olsen, Electrical Engineer; Rand Andrus, Fire Chief; Adam Ferre, Energy Division Director; John Mulder, Lieutenant.

Mayor Heather Jackson called the meeting to order at 4:07 p.m.

1. PRESENTATION – North Pointe Solid Waste, by Roger Harper.
2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

This item was moved to the end of Policy Session.

4. 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, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:32 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Director; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Adam Ferre, Energy Division Director; John Mulder, Lieutenant.

5. CALL TO ORDER

Mayor Heather Jackson called the meeting to order at 7:12 p.m.

6. PLEDGE OF ALLEGIANCE

Phil Cooper led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Clint Black Concert – Tickets are on sale now for the Pony Express Days 2011 Concert and Fireworks starring Clint Black, Saturday, June 4.
- Pony Express Days 2011, May 26-June 4 – Registrations and tickets for most Pony Express Days events are available online this year.
- PRCA Rodeo – Tickets for the second annual Pony Express Days PRCA Rodeo are on sale now on the city website at eaglemountaincity.com or at City Hall.
- Demolition Derby – This year's Pony Express Days will feature our first Demolition Derby on June 1.
- Contestants Wanted For Special Needs Games -- The first-ever Special Needs Games at Eagle Mountain will be held on May 30 at Mountain Trails Elementary. Children with special needs, ages 5 to 16, are invited to participate.

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

Maddy Triggs, 1452 Osprey Way, commented on the City cutting the funding for the arts. She said kids in Eagle Mountain don't have much to do. It would be nice if they had a way to show their talents.

Mark Rivenbark, 6956 Comanche Street, read a statement about the Eagle Mountain Community Theatre. He was disappointed that the funding for the group was cut. The theater helped young people last year, especially those who were not interested or able to participate in the City's sports programs. He said other cities have formal arts councils, which are part of city government and get grants for their programs.

Brooke Morgan, Allie Morgan, Gina Morgan and Cassi Dodge also filled out public comment forms in support of the arts, but didn't wish to speak.

James Bodrero, 1344 Shallow Water Road, stated that he hadn't been treated fairly when he applied to be a vendor at Pony Express Days, and that Angie and Finn had behaved unprofessionally.

Mayor Jackson responded that Angie Ferre puts on one of the best events in the state and is called by other cities for advice. She has been asked to speak at the PRCA convention.

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

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland attended the Republican county convention. He appreciated the opportunity to be involved and encouraged people to be involved in the precinct level. He was disappointed in the way some of our elected officials were treated at the convention. When people are speaking, they need to be shown respect, even if we disagree with what they say.

Councilmember Burnham

Councilmember Burnham thanked those attending the meeting. She congratulated Maddy Triggs for making a public comment. She said the budget is tight, so she can't promise anything.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter appreciated Councilmember Burnham's comments. He withdrew the request for a correction to the minutes that he made during work session. In response to Mr. Bodrero, he has never heard of Finn or Angie being unprofessional. He thinks they're very professional and appreciates their service.

Mayor Jackson

Mayor Jackson agreed with all the comments. She was also at the Republican convention and was not happy with the disrespectful communications there. She said that construction has begun on the SR 73 widening project. The State Transportation Commission will be in northern Utah County next week, so Mayor Jackson will have an opportunity to visit with them. She was very happy to see a full house in this meeting and hear the Pledge of Allegiance.

10. COMMUNITY COVENANT – Supporting Those Who Serve.

MOTION: *Councilmember Painter moved to approve the Community Covenant–Supporting Those Who Serve. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

CONSENT AGENDA

11. MINUTES

A. April 19, 2011 – Regular City Council Meeting

12. CHANGE ORDER

- A. Geneva Rock Products Inc. – Eagle Mountain Pulverize and Overlay Project, Change Order #1

MOTION: *Councilmember Ireland moved to approve the consent agenda, with the minutes amended as discussed. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

Public Hearing

13. Proposed Capital Facilities Plan for Impact Fees (Impact Fees Facilities Plan) – *This is not an action item.*

This item was presented by Public Works Director Chris Trusty. This Capital Facilities Plan analyzes Eagle Mountain's future growth patterns and its projected infrastructure needs as it grows. Services addressed include culinary water, secondary water, sewer, transportation, storm drain, public safety, parks and recreation, electrical and gas. Furthermore, it will provide a master plan for sewer, secondary water and storm drains. These master plans lay the foundation for the Capital Facilities Plan, including prioritized schedules for construction and cost estimates in planning-year dollars required for new growth.

Mayor Jackson opened the public hearing at 7:48 p.m.

The City has received comments and questions from Monte Vista Ranch and Monte Kingston on construction, population and financing.

McKay Edwards, SITLA, said SITLA is working with Mr. Trusty and Brent Ventura from Horrocks to resolve questions they have on the sizing of the Sweetwater Road trunk line after it reaches the SITLA land to the north. He believes the plan shown regarding the south service area will be evolving in that area. It may need to be two parallel lines.

Mayor Jackson closed the public hearing at 7:51 p.m.

Public Hearing

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Rezoning the Lower Hidden Valley Master Development Area.

This item was presented by Planning Director Steve Mumford. The proposed ordinance rezones the Lower Hidden Canyon Area from Agricultural to Residential, according to the approved master development plan. The developers will be required to follow all City codes in place at the time the projects are approved.

Mayor Jackson opened the public hearing at 8:01 p.m.

Elise Erler, SITLA, said SITLA is a landowner that is party to the larger master plan. She encouraged the Council to support this plan.

Vincent Liddiard, 8644 N. Chase Circle, thanked the City staff and Council members for their work. He asked that as much open space as possible be preserved. He was concerned that the cultural, archaeological and natural aspects of the area be preserved.

Scott Kirkland, Sage Communities, stated that his company has had to pay SID assessments for land that is now considered nonbuildable. The City provided a density bonus for flatter land in exchange for the loss of buildable space. Mr. Kirkland said his company will not build housing near the petroglyphs.

Mayor Jackson closed the public hearing at 8:06 p.m.

Councilmember Ochsenhirt asked that the unbuildable acreage be removed from the density calculations, rather than having density increased. Mr. Mumford said the density comes from the table in the land use plan.

Councilmember Painter asked about the differences in slope regulations between the Hidden Valley and Porter's Crossing staff reports. Mr. Mumford said the difference was that no buildings can be constructed on a slope greater than 25% and no park space can be counted towards the improved open space requirement that is on a slope greater than 15%.

MOTION: *Councilmember Celaya moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning the Lower Hidden Valley Master Development Area, as outlined in the revised staff report. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

15. MOTION – Consideration and Adoption of the Master Development Agreement for Lower Hidden Valley.

This item was presented by Planning Director Steve Mumford. The Lower Hidden Valley development includes 244.6 acres of the approved Hidden Valley Master Development Plan.

MOTION: *Councilmember Burnham moved to adopt a master development agreement for Lower Hidden Valley, as amended. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

Public Hearing

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the General Plan for Porter's Crossing Town Center.

This item was presented by Planning Director Steve Mumford. The proposed amendment to the General Plan changes the Future Land Use designation from Mixed-Use Residential to Mixed-Use Commercial for approximately 65 acres, located north of Pony Express Parkway and east of the Plum Creek development.

There was discussion about density. Mayor Jackson asked Mr. Mumford to calculate the corrected density numbers and send the corrections to Councilmembers in an email.

Mayor Jackson opened the public hearing at 8:23 p.m. As there were no comments, she closed the hearing.

MOTION: *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the General Plan for Porter's Crossing Town Center. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

Public Hearing

17. MOTION – Consideration and Approval of the Land Use Element of the Master Development Plan for Porter's Crossing Town Center.

This item was presented by Planning Director Steve Mumford. The proposal is for a 145-acre Master Development Plan including a mix of commercial, office, single-family residential, and multi-family residential uses.

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

MOTION: *Councilmember Burnham moved to approve the Land Use Element of the master development plan for Porter's Crossing Town Center. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

18. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain, Utah, Rezoning the 20.148 Acre Porter's Crossing Town Center Commercial Area.

This item was presented by Planning Director Steve Mumford. The proposed ordinance rezones the 20.148 acre Porter's Crossing Town Center Commercial Area from Agricultural to Commercial.

Mayor Jackson invited the applicant to speak. Bill Gaskill spoke.

MOTION: *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain, Utah, rezoning the 20.148 acre Porter's Crossing Town Center commercial area. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

19. MOTION – Consideration and Approval of a Master Site Plan for the Commercial Area for Porter's Crossing Town Center.

This item was presented by Planning Director Steve Mumford. The Master Site Plan for Porter's Crossing is a 20.148-acre commercial retail development containing a grocery store anchor and an attached retail store, along with future retail shops and pads.

Discussion ensued on how many lanes would be needed on Pony Express Parkway, where turn lanes should be placed and whether medians should be included.

Mayor Jackson invited the applicant, Bill Gaskill, to speak about how the project would fit into The Ranches HOA. He said the entire project will have a master homeowner's association and each area will have an agreement similar to CC&Rs.

Mr. Gaskill said that his engineer has done some diagrams on the entrance to Porter's Crossing and Smith Ranch Road. He suggested that the medians be removed because they will get in the way of large trucks. He also discussed parking – the City allows four per thousand, the developer is asking for five, and restaurants will ask for ten.

Councilmember Celaya asked who would maintain the area along the Parkway. Mr. Hendrickson said it could be either the landowner, the City or the HOA. It hasn't been decided yet.

MOTION: *Councilmember Ireland moved to approve a master site plan for the Porter's Crossing Town Center commercial area; with the decision of whether to plant trees or shrubs along Smith Ranch Road and Porter's Crossing to be mutually agreed between City staff and the applicant at approval of site plans for individual lots, and City staff to decide whether and where to place medians. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

20. MOTION – Consideration and Approval of a Final Plat for Porter's Crossing Commercial Area.

This item was presented by Planning Director Steve Mumford. The proposed Final Plat includes nine commercial lots on 20.148 acres.

MOTION: *Councilmember Ireland moved to approve a final plat for the Porter's Crossing commercial area. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

21. MOTION – Consideration and Approval of a Site Plan for Lot 5 of Porter's Crossing Commercial Area.

This item was presented by Planning Director Steve Mumford. The proposed Site Plan is for approximately 10 acres of the commercial retail development, including only Lot 5 (the grocery store) and Retail A.

MOTION: *Councilmember Ochsenhirt moved to approve a site plan for Lot 5 of Porter's Crossing commercial area. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

22. MOTION – Consideration and Authorization for the Mayor to Execute a Letter Agreement with Central Utah Water Conservancy District for Purchase of CWP Water.

This item was presented by City Administrator John Hendrickson. In 2009, the City purchased 2,500 acre feet of water from the Central Utah Water Conservancy District's Central Water Project (CWP). The City's first payment was due on July 1, 2010; however, the schedule has been revised to

move the take-down schedule back one year and move the 2010 amount back to 2018-19.

MOTION: *Councilmember Celaya moved to approve a letter agreement with Central Utah Water Conservancy District for purchase of CWP water as outlined in the staff report. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

23. MOTION – Consideration and Approval of a Sole Source Purchase of Prefabricated PRV Station from Engineered Fluid Inc.

This item was presented by Assistant Public Works Director Dave Norman. As part of the recent update to the City's Capital Improvement and Facilities Plan, a few projects were identified as "Improvements Required to Eliminate Existing Deficiencies." Two of the projects include PRV vault installation. One is on the 16-inch line in Eagle Mountain Boulevard west of Lake Mountain Road, and the second in on the 12-inch line on Pony Express Parkway just south of Unity Pass. These PRV's will reduce the pressure in much of the SSA by approximately 60 to 70 psi. Some of the pressures in this area are as high as 150 psi.

MOTION: *Councilmember Painter moved to award a sole source purchase agreement to Engineered Fluid, Inc., for the purchase of a prefabricated PRV station in the amount of \$108,404.00 and authorize the Mayor to sign the purchase order for this project. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

24. BID AWARD – Consideration and Award of Bid to WKB Landscape and Maintenance for the 2011 SilverLake Street Trees Project.

This item was presented by Public Works Director Chris Trusty. Consistent with the SilverLake Development Agreement, the City has been collecting a fee at building permit for street trees with the intention that when sufficient fees had been collected the City could install trees along the streetscape. This practice will help create uniformity as most of the trees will be installed at the same time. This project includes the installation of 248 trees.

MOTION: *Councilmember Ireland moved to award a bid to WKB Landscape and Maintenance for the 2011 SilverLake Street Trees Project, as outlined in the staff report, in the amount of \$47,080.00 and authorize the Mayor to sign the contract for this project. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

25. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah to Adopt the Eagle Mountain City Tentative Budget for Fiscal Year 2011-2012 and Set a Public Hearing for Adoption of the Final Budget on June 21, 2011 at 7:00 P.M.

This item was presented by City Administrator John Hendrickson. The State Code requires that the City Council review and tentatively adopt a budget by the first regularly scheduled meeting in May; additionally, the City Council needs to establish the time and place of the public hearing before the final budget is adopted.

Mr. Hendrickson read a list of budget reductions. Mayor Jackson mentioned that the City's funding of the theater program last year was one-year seed money. With the City's need to cut personnel costs this year, she didn't feel comfortable funding arts. Councilmember Ireland said that if the sports programs aren't self-sufficient, they should be cut, too.

Mr. Hendrickson said that the tentative budget doesn't have to balance, but the final budget will have to balance. Councilmember Ireland asked how the Councilmembers could participate individually in the budgeting process. Mr. Hendrickson said the Council could meet with him individually or the Council could schedule another work session.

Mr. Hendrickson made some budget balancing suggestions. Health insurance is budgeted at family premiums for all employees, but that may not be necessary. Overhead costs could be studied. Fees may need to be raised. The City could defer capital expenditures or growth-related projects.

Councilmember Painter expressed his concern about voting for either the tentative or final budget while he still has questions on line items.

MOTION: *Councilmember Ochsenhirt moved to adopt a resolution adopting the Eagle Mountain City tentative budget for Fiscal Year 2011-2012 and setting a public hearing for adoption of the final budget on June 21, 2011 at 7:00 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland and Nathan Ochsenhirt. Those voting no: John Painter. The motion passed with a 4:1 vote.*

26. RESOLUTION – Consideration and Adoption of a Resolution Authorizing the Issuance and Sale of Not More than \$12,800,000 Aggregate Principal Amount of Gas and Electric Revenue Bonds, Series 2011, of Eagle Mountain City, Utah; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which The Bonds May Be Sold; Providing For the Publication of a Notice of Bonds to be Issued; Providing For the Running of a Contest Period; and Related Matters.

This item was presented by Energy Director Adam Ferre. In order to provide redundancy and reliability to the City's energy supply, it is proposed that a second 138 kV power line and a second gas tap to the Kern River gas transmission line be constructed, to be funded by gas and electric revenue bonds.

This bond amount is a maximum possible bond amount. The City can bond for less. Councilmembers discussed their concerns about incurring additional debt for the City. They also discussed how close the power systems are to working at full capacity. It is possible that if a substation isn't built soon, the City may have blackouts. The resolution would be effective for one year, which will give the City time to determine how much money, if any, will actually be needed.

MOTION: *Councilmember Burnham moved to adopt a resolution authorizing the issuance and sale of not more than \$12,800,000 aggregate principal amount of Gas and Electric Revenue Bonds, Series 2011, of Eagle Mountain City, Utah; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature (30), the maximum interest rate which the bonds may bear (6.75%), and the maximum discount from par at which the bonds may be sold;*

providing for the publication of a Notice of Bonds to be Issued; providing for the running of a contest period; and related matters. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.

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

Councilmember Burnham

Councilmember Burnham praised Adam Ferre for his restraint in not responding when his wife Angie was verbally attacked.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter

Councilmember Ochsenhirt

Councilmember Ochsenhirt said he echoed Councilmember Burnham's comments and that he knows and trusts the people he works with completely.

Councilmember Ireland

Councilmember Ireland thanked the two residents who stayed through the end of the meeting.

Mayor Jackson

Mayor Jackson said it's exciting that one of the City's newest residents is interested in being involved. She said she thinks all our staff is very professional.

Mr. Hendrickson said that he received an email from Angie Ferre asking the Councilmembers to let her know what they wanted to ride in the Pony Express Days parade.

28. 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.

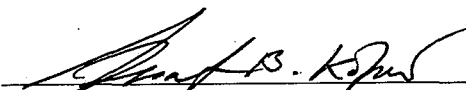
29. COMMUNICATION ITEMS

A. Upcoming Agenda Items

30. ADJOURNMENT

Councilmember Painter moved to adjourn the meeting at 10:00 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 17, 2011.


Fionnuala B. Kofoed, CMC
City Recorder