

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 4, 2010

**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

*\*\* This meeting may be held telephonically to allow a member of the City Council to participate \*\**

**4:00 PM WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Rachel Bentley and Ikani Taumoepeau, Management Interns; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant.

Mayor Heather Jackson called the meeting to order at 4:10 p.m.

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
  - A. Sustainability Committee Update

This item was not discussed.

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 Cieslak 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 Ireland seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt, and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:13 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant.

4. CALL TO ORDER

Mayor Heather Jackson called the meeting to order at 7:06 p.m.

5. PLEDGE OF ALLEGIANCE

Sali Burningham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The State Transportation Commission has voted to delay the widening of SR 73. The City newsletter will include email addresses or phone numbers for elected representatives, Transportation Commissioners and UDOT officials. She asked residents to contact them and ask to have the road project reinstated.
- Pony Express Days will be held on May 27 – June 5. Information is available on the City's website, including events, sponsorship opportunities and ticket sales.
- The City's first PRCA Rodeo will be held from May 27 – May 31, except for Sunday. The Rodeo Pageant will be held on May 27. A rodeo arena was just built at Pony Express Park.
- The City is looking for volunteers for a community clean-up project with Cabela's on June 1 and a clean-up/landscaping project at the Veterans' Memorial Park on May 27.
- The Military Care Package drive will be May 10 – 21, as well as during Pony Express Days.

7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*

Nikki Wickman, 2766 Fort Hill Road, was shocked that the SR 73 road project has been delayed and asked that everyone do something to help get the project constructed.

Bryan Free, 7654 Red Kite Way, supported voting on the recreation center in November.

Jen Morrison, read a statement opposing the rodeo, due to the stresses experienced by the animals used in the events.

Tiffany Ulmer, 1320 Harrier Street, announced that a school board candidate debate will be held in the City Council Chambers on Wednesday, May 19 at 7:00 p.m. Residents can email questions to be considered for debate to [schoolboardrace@gmail.com](mailto:schoolboardrace@gmail.com).

Charlotte Ducos, 9328 Deerfield Cr., thanked Chris Trusty and the others who worked on the proposed tiered water rates. A large lot can't be watered with the same amount of water as a small lot. She was glad to hear the City is going to fight for the SR 73 widening project.

Mayor Jackson offered some information on road projects. The UDOT projects constructed in the last two years improve traffic flow only as far as Saratoga Springs, which has a much smaller population than Eagle Mountain. Pony Express Parkway is not a UDOT project. UDOT Region 3 has been responsive to Eagle Mountain, but UDOT administration and the Transportation Commission have not. Utah County has contributed \$190 million to road projects, which no other county has done, but 68% of the delayed projects are in Utah County. Davis County transportation projects have been fully funded.

8. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. (*Comments are limited to three minutes each.*)

Councilmember Ireland

Councilmember Ireland thanked residents, especially the youth, for attending the meeting. He reminded residents that their grass doesn't need to be watered yet. He said the City has trees for sale at a discounted price on Saturdays from 8:00 to 1:00 at the Public Works Building.

Councilmember Burnham

Councilmember Burnham said the school board debate is important to everyone, not just people with children, because Alpine School District gets a large percentage of everyone's property taxes. She asked everyone to watch out for children, including walking behind their vehicles before backing out of driveways.

Councilmember Ochsenhirt

Councilmember Ochsenhirt mentioned the kinds of trees available to be purchased from the City. He asked residents not to water their lawns yet, to watch for small children and to slow down while driving. He thanked residents for coming to the meeting.

Councilmember Painter

No comment.

Councilmember Cieslak

Councilmember Cieslak thanked residents for coming to the meeting and taking an active interest in government. He asked residents to contact officials about transportation and ask their neighbors to do the same. He also asked them to slow down when driving.

Mayor Jackson

Mayor Jackson announced that the May 18 City Council meeting will be a joint meeting with Saratoga Springs. They'll discuss a boundary agreement, the Camp Williams joint land use study and other issues affecting both cities. The City Council meetings in June will be held on the 8<sup>th</sup> and 22<sup>nd</sup>. Planning Commission meetings will be held on the 15<sup>th</sup> and 29<sup>th</sup>.

9. PROCLAMATION

A. Municipal Clerk/Recorders Week, May 2 through May 8, 2010

**MOTION:** *Councilmember Cieslak moved to approve a proclamation designating May 2 through May 8, 2010, Municipal Clerk/Recorders Week. Councilmember Painter*

*seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

10. PRESENTATION – Utah Municipal Clerks’ Association Presentation of Certification to Fionnuala Kofoed and Melanie Lahman

UMCA President Donna Weaver, Mary Kate Christensen, Dan Wright and Susan Farnsworth presented Certified Municipal Clerk certificates to Fionnuala Kofoed and Melanie Lahman.

### CONSENT AGENDA

11. MINUTES
  - A. April 20 – Regular City Council Meeting
12. DEVELOPMENT AGREEMENT
  - A. Jacob’s Well, Plat C
13. CHANGE ORDER
  - A. Wastewater Reclamation Facility – Stantec Consultants
14. FINAL PAYMENT
  - A. Tank 5 Waterline Project – Silver Spur Construction

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

### SCHEDULED ITEMS

15. RESOLUTION – Consideration and Adoption of a Resolution Repealing Resolution No. R-05-2010 Adopted on March 16, 2010, and Providing for a Special Bond Election to be Held on November 2, 2010, for the Purpose of Submitting to the Qualified Electors of Eagle Mountain City, Utah, a Proposition Regarding the Issuance of Not to Exceed \$7,000,000 General Obligation Bonds to Finance the Costs of Constructing an Outdoor Aquatic Center and Related Improvements; Providing for the Publication of a Notice of Public Hearing; Approving the Form of and Directing the Publication of a Notice of Election and the Ballot Proposition; and Related Matters.

This item was presented by City Attorney Jerry Kinghorn. On March 16, 2010, the City Council of Eagle Mountain adopted a resolution that authorized the calling of an election concerning the issuance of the City’s General Obligation Bonds. After the public hearing on April 20, 2010 the City Council requested that the resolution be addressed at the May 4, 2010, meeting and that the original resolution calling for a bond election in June be repealed. It was the Council’s opinion that a November election would have a higher voter turnout. The proposed resolution repeals the resolution adopted on March 16, 2010 and provides for a Special Bond Election to be held on November 2, 2010.

**MOTION:** *Councilmember Cieslak moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, repealing Resolution No. R-05-2010 adopted on March 16, 2010, and providing for a special bond election to be held on November 2, 2010, for the purpose of submitting to the qualified electors of Eagle Mountain City, Utah, a proposition regarding the issuance of not to exceed \$7,000,000 general obligation bonds to finance the costs of constructing an outdoor aquatic center and related improvements; providing for the publication of a notice of public hearing; approving the form of and directing the publication of a notice of election and the ballot proposition; and related matters. Councilmember Painter seconded the motion.*

Councilmember Cieslak said he is voting to approve this motion to allow residents the opportunity to vote on the issue, and asked residents to vote and encourage their neighbors to vote.

Councilmember Ireland objected to the City going into debt to fund a nonessential service such as a swimming pool.

Councilmember Painter felt that the City should minimize taxes, not create an additional, permanent tax. New businesses moving into the city will not reduce this tax appreciably for residents. The City's bond rating is not as good as it could be.

Mayor Jackson said that no city builds recreational facilities with cash. Other cities build them through bonds paid for by sales tax. The residents don't have a chance to vote on it. The bond that would be paid for by this bond would end with the payoff of the bond. Sales taxes received by the city are primarily distributed by the state based on population.

Mr. Hendrickson explained that the City's bond rating has just been raised from A to AA-. An AAA rating can only be achieved by a city that has been in operation for a very long time and has a high per-capita income in relation to its debt amount. An AA rating is a very good rating. He also explained that the City has no general obligation bond debt at all.

Councilmember Ochsenhirt stated that residents should be allowed to vote. The issue should not be controlled by the Council only.

Councilmember Burnham asked if there was a way to prevent a bond election, rather than moving it from June to November. City Attorney Jerry Kinghorn responded that tonight's motion should be voted on as listed on the agenda. The Council can place an item on a future agenda rescinding this resolution.

*Those voting yes: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah Repealing Ordinances O-09-2005, O-18-2004, O-15-2004, O-03-2003 and O-14-2002 and Enacting Section 13.30.010 of the City Code of Eagle Mountain City.

This item was presented by City Attorney Jerry Kinghorn. The proposed ordinance repeals all ordinances that regulate outdoor sprinkler operation by alternate day use and restricts irrigation to certain hours of the day. The new ordinance only limits the hours of sprinkler operation, during the day, between the hours of 10:00 a.m. and 6:00 p.m. every day.

**MOTION:** *Councilmember Ireland moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, repealing Ordinances O-09-2005, O-18-2004, O-15-2004, O-03-2003 and O-14-2002 and enacting Section 13.30.010 of the City Code of Eagle Mountain City. Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Amending the Water Rate for Water Delivered Through the Eagle Mountain City Municipal System.

This item was presented by Public Works Director Chris Trusty. The proposed resolution establishes a tiered water rate structure to promote water conservation in Eagle Mountain. There are two separate rates, one for lots less than half an acre and one rate for lots larger than half an acre. Residents will need to submit an application to the City showing that their lot is larger than half an acre to qualify for the larger lot rate. The usage for the proposed rate system is based on the state recommendation for outdoor irrigation which is 2.4 gallons per square foot per month. For half acre lots, the first tier will be up to 65 kgal/month. For lots larger than a half acre, the first tier will be up to 120 kgal/month. The first tier will be based on the City's current rate for water usage of \$0.80/kgal. Subsequent tiers will be added for every additional 50 kgal of use, with an escalating rate increase of \$0.05 per tier.

Councilmember Cieslak asked why this should be done now, rather than after the water rights study is completed next year. Public Works Director Chris Trusty responded that by repealing the watering restrictions, the City has nothing in place that encourages residents to conserve water. Councilmember Cieslak asked if a note could be placed on utility bills informing residents that they've exceeded standard watering rates, or a general note placed on all utility bills that rates will go up when standard watering amounts are exceeded. Finance Director Gordon Burt said he would find out if the billing software can do so.

Councilmember Burnham objected to the base rate for water use, saying it gives residents on large lots a better overall per-unit rate than those on smaller lots. She said that large lots have a larger system impact than smaller lots and that every household should just pay for the water it uses. She approved of the tiered water system, but not the differential between prices for large and small lots.

Mayor Jackson stated that the flat fee doesn't include usage. She also stated that large lots have to provide more water rights before they can be built on than smaller lots do.

Councilmember Ireland said that schools and churches are going to have excessive water costs if the tiered system is adopted and pointed out that watering by the City is exempt and sometimes wasteful. He said that the dividing point between large and small lots is arbitrary. He would like to see the City encourage water conservation by education rather than by billing.

Councilmember Ochsenhirt stated that the tiered plan needs to include a commercial tier.

Councilmember Painter compared water rates to gasoline prices. Drivers of larger vehicles pay more for gas because they use more, but they don't pay a different price than drivers of smaller vehicles do.

**MOTION:** *Councilmember Ireland moved not to adopt a resolution amending the water rate for water delivered through the Eagle Mountain City municipal system. Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham and Ryan Ireland. Those voting no: Eric Cieslak, Nathan Ochsenhirt and John Painter. The motion failed with a 2:3 vote.*

**MOTION:** *Councilmember Cieslak moved to adopt a resolution amending the water rate for water delivered through the Eagle Mountain City municipal system, as follows, effective no sooner than July 1.*

| <i>Small Lots Usage</i> | <i>Large Lots Usage (1,000 gallons)</i> | <i>Rate (per 1,000 gallons)</i> |
|-------------------------|---|---------------------------------|
| <i>Up to 65 kgal</i>    | <i>Up to 120 kgal</i>                   | <i>\$0.80</i>                   |
| <i>65-115 kgal</i>      | <i>120-170 kgal</i>                     | <i>\$0.85</i>                   |
| <i>115-165 kgal</i>     | <i>170-230 kgal</i>                     | <i>\$0.90</i>                   |
| <i>Over 165 kgal</i>    | <i>Over 230 kgal</i>                    | <i>\$0.95</i>                   |

*Councilmember Painter seconded the motion. Those voting yes: Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting no: Donna Burnham and Ryan Ireland. The motion passed with a 3:2 vote.*

Councilmember Cieslak asked if the water conservation goal reflected in the tiered system would help Eagle Mountain attract the kinds of businesses it was looking for. Economic Development Director Ifo Pili responded that it would.

18. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Amending the Consolidated Fee Schedule.

This item was presented by Public Works Director Chris Trusty. The proposed amendment to the Consolidated Fee Schedule reflects the Tiered Water Rates. All lots will be charged the rate for smaller lots (less than half an acre) unless an application is submitted to the City to qualify for the rate for larger lots (one acre or larger).

**MOTION:** *Councilmember Cieslak moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule, based on the positive vote on the tiered water rates. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

Councilmember Burnham clarified that she only voted yes because the tiered rate resolution was already passed, so it makes sense for the change to be reflected in the Consolidated Fee Schedule.

19. 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 2010-2011 and Set a Public Hearing for Adoption of the Final Budget on June 22, 2010 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.

Councilmember Burnham asked when a decision had to be made as to where \$261,000 in Parks money should be spent. Mr. Hendrickson said that it would be decided some time before the final budget is adopted on June 22. Mayor Jackson suggested putting on the June 8 agenda. Councilmember Burnham asked that it also be discussed at the next Parks and Recreation Board meeting. Mr. Trusty will have some numbers ready for the board meeting to help them make a recommendation.

**MOTION:** *Councilmember Burnham moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, adopting the Eagle Mountain City tentative budget for fiscal year 2010-2011 and setting a public hearing for adoption of the final budget on June 22, 2010 at 7:00 P.M. Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

20. AGREEMENT – Consideration and Approval of an Agreement between T & B Equipment Company and Eagle Mountain City for Rental of Bleachers for the Pony Express Rodeo.

This item was presented by City Administrator John Hendrickson. The 1<sup>st</sup> Annual Pony Express Rodeo, a Professional Rodeo Cowboy Association (PRCA) certified rodeo, scheduled on May 27-31, is expected to draw at least 3,000 – 4,000 people per day over the 4-day event. This estimate is based on other rodeos in the area that regularly average 6,000 to 8,000 people per event. The City plans to rent approximately 4,000 bleachers from T & B Equipment Company to accommodate seating at the event.

**MOTION:** *Councilmember Cieslak moved to approve an agreement with T & B Equipment Company for rental of 3,966 bleacher seats, including the transportation, setup and removal costs and applicable sales tax, as determined by staff, and authorize the Mayor to sign the agreement and the addendum. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak and Nathan Ochsenhirt. Those voting no: Ryan Ireland and John Painter. The motion passed with a 3:2 vote.*

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

Councilmember Ireland

Councilmember Ireland asked that a motion be placed on the next Council meeting agenda to rescind the resolution passed tonight.

Councilmember Burnham

Councilmember Burnham noted that she and Mayor Jackson don’t always agree, but she was happy that Mayor Jackson fights for the City, specifically with UDOT over road projects that the City needs.

Councilmember Ochsenhirt

Councilmember Ochsenhirt echoed Councilmember Burnham’s comments. He said he also supported every member of the Council. He was very disappointed at the attempts to remove the bond resolution from the ballot.

Councilmember Painter



Councilmember Painter stated that he makes all his Council decisions based on research he has done and what he believes is best for the City. He always enjoys listening to different perspectives. He asked if the next action on the election would be a motion to rescind the bond resolution. Ms. Kofoed responded that two Council members need to request that it be put on the agenda.

Councilmember Cieslak

Councilmember Cieslak thanked the audience for staying until the end of the meeting. He restated what said at the last meeting: everyone should stick to the facts and vote. He respects everyone on the Council and appreciates the Mayor's willingness to fight for the transportation projects the City needs.

Mayor Jackson

Mayor Jackson suggested that any motion on the bond resolution wait until after the next City Council meeting, since it will be a joint session with Saratoga Springs.

City Administrator John Hendrickson said that the City received a letter from UDOT with the results of the speed limit study on SR 73. They recommend raising the speed limit to 60 near Cedar Pass Road and lowering it to 55 between 800 West and Ranches Parkway. If the City objects to either of these recommendations, it must notify UDOT by May 14.

22. 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.

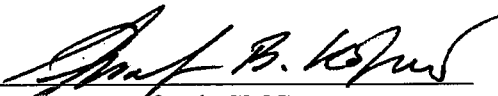
No reports were made.

23. COMMUNICATION ITEMS  
A. Upcoming Agenda Items

24. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 9:29 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 18, 2010.

  
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Fionnuala B. Kofoed, CMC  
City Recorder