

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 17, 2008

Work Session at 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**

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

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak (arrived 5:48 p.m.), Ryan Ireland and David Lifferth. Councilmember Ochsenhirt was excused.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Economic Development Director; Jason Walker, Management Analyst; Eli Jones, Management Intern; Flint Menseh, Management Intern; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

**1. AGENDA REVIEW**

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

**2. DISCUSSION**

- A. Tiered Water Rates (*postponed to a future meeting*)
- B. UAMPS Resource Project (*Presented by Jackie Coombs, UAMPS*)

**3. CITY ADMINISTRATOR INFORMATION ITEMS**

- A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty, Public Works Director*)

**4. ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember Lifferth moved to adjourn to a closed executive session for the purpose of discussing reasonably imminent litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

The City Council adjourned to a closed executive session at 6:10 p.m.

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

Mayor Heather Anne Jackson called the meeting to order at 7:15 p.m. Adam Stock led the Pledge of Allegiance.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt (participated telephonically).

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant

### 8. INFORMATION ITEMS/UPCOMING EVENTS

- Linda Peterson presented a video recap of Pony Express Days.
- Mayor Jackson awarded an inflatable rubber ducky to Councilmember Lifferth for the funniest float in the parade.
- Weekly UDOT updates on the Redwood Road expansion will be posted on the City's website.
- Stakeholder meeting with Design Workshop for the Master Parks and Trails Plan, Wednesday, June 18, 6:30 p.m. in the City Council Chambers.
- Senior Advisory Council barbecue and eye clinic, Monday, June at 23, 5:00 p.m. at City Hall.
- Neighborhood Watch volunteers are needed.
- Mayor Jackson and City employee Sandy Reit will participate in the Pony Express Re-ride when it goes through Eagle Mountain on June 22. The event begins in Sacramento, California, tomorrow.
- A preferred contractor has been chosen by the Skate Park Committee. A bid award will be considered at the July 1 Special City Council meeting.
- A little boy was recently hit by a vehicle near Nolan Park, suffering a broken arm, cuts and bruises. Due to the heavy traffic and many children in the area, the speed limit will be reduced to 15 mph.

### 9. PUBLIC COMMENTS

Mr. Steve Conger, 1845 E. Cedar Trails Way, stated that Saturday, June 14, was Flag Day. A flag retirement ceremony was held at City Hall. As per tradition, grommets from the flags were retrieved and presented to attendees. Mr. Conger then presented grommets to the City Council.

### 10. CITY COUNCIL/MAYOR'S ITEMS

#### CITY COUNCIL COMMENTS

##### Councilmember Cieslak

Councilmember Cieslak attended his grandmother's funeral this afternoon. She and her family escaped from East Germany to live the American dream. He said everyone here is part of this American dream, can be part of the government and can speak out. He has read in her journal about times when people in

East Germany spoke out against the government and disappeared the next day. He was present when the little boy was hit by a car at Nolan Park and commended public safety workers for their professionalism in caring for the child, particularly Nathan Harris and Steve Conger. He asked Chief Andrus to pass on his comments. He also thanked everyone who helped with Pony Express Days, especially Angie Ferre, Linda Peterson and Donna Malakovich.

Councilmember Ochsenhirt

Councilmember Ochsenhirt echoed Councilmember Cieslak's comments about Pony Express Days. He expressed appreciation for the volunteer spirit in the city. He was pleased that the Mayor is taking action on the speed limit at Nolan Park.

Councilmember Ireland

Councilmember Ireland said Pony Express Days was awesome. He appreciated those who made it a success. He also complimented City staff on the quality of the fiscal year 2009 budget document.

Councilmember Lifferth

Councilmember Lifferth thanked those who were involved in the flag retirement ceremony and thanked Mr. Conger for the grommet. He also thanked those who helped with Pony Express Days, especially Angie Ferre, Linda Peterson and Donna Malakovich. He expressed appreciation to those who have made public comments in the past several weeks. He was touched by Councilmember Cieslak's reference to his grandmother, as he also has relatives from East Germany. He expressed appreciation for the many years of work from past public works boards and employees on the sewer plant.

Councilmember Burnham

Councilmember Burnham expressed condolences to the Cieslak family and to the family of Brian Miner, an Eagle Mountain firefighter who was seriously injured today and transported by Life Flight. She congratulated Pony Express Days workers, especially Angie Ferre, Linda Peterson, Donna Malakovich and Fionnuala Kofoed; also Adam Ferre for doing without his wife during Pony Express Days. She reminded residents to vote in the primary election. She requested that City staff work on an ATV ordinance and hold more town hall meetings.

Mayor Jackson

Mayor Jackson mentioned that the ATV ordinance is being studied and discussed by City staff and agreed that the City needs to hold more town hall meetings. She mentioned that she is still available to meet with residents during Mayor's hours, the 2<sup>nd</sup> & 4<sup>th</sup> Tuesdays from 6:00 – 8:00 p.m., although no one has yet asked to meet with her.

**CONSENT AGENDA**

**MOTION:** *Councilmember Lifferth moved to approve the consent agenda, with the exception that items 14 A & B be removed and made separate action items. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**11. MINUTES**

A. June 3, 2008 – Regular City Council Meeting

**12. FINAL PLAT APPROVAL**

A. Skyline Ridge 1A Final Plat

13. **POLICIES AND PROCEDURES MANUAL UPDATE – RESOLUTION 17-2008**

A. Section II: Employment Classifications/Compensation: Overtime Pay, D (3)

B. Section II: Employment Classifications/Compensation: After-Hour On-Call/Call-Out

15. **AGREEMENTS**

A. UAMPS Resource Project Agreement

16. **WARRANTY RELEASE**

A. Showdown at Eagle's Gate Plat A

**SCHEDULED ITEMS**

14. **PROFESSIONAL SERVICE AGREEMENTS (moved from Consent Agenda)**

A. 1.2 mgd Wastewater Treatment Facility

B. Fire Station No. 2 Construction Contracts

**MOTION:** *Councilmember Lifferth moved to approve a bid award of \$9,073,000 to Nelson Brothers Construction for construction of a 1.2 mgd wastewater treatment facility. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Lifferth moved to approve a bid award to Entelen Design Build LLC for construction of an addition to Fire Station #2. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

17. **PUBLIC HEARING - Consideration and Adoption of Final Amendments to the Fiscal Year 2007-2008 Budget.**

City Administrator John Hendrickson presented final amendments to the fiscal year 2007-2008 budget. The Utah Code requires that any final increases to the budget be adopted after a public hearing and prior to the fiscal year end. The amendments cover all anticipated expenditures through the fiscal year ending June 30, 2008. The amended budget should cover all eventualities so that the City will not be cited by the auditor for budgetary non-compliance. The proposed amendments include the following:

- General Fund – increases in attorney's costs, overtime for Public Safety and Street Department workers, and Parks Department equipment and supplies, totaling \$192,500. The new General Fund expenditure limit, which must be approved by the City Council, will be \$8,588,455.
- Special Improvement Districts – increased expenditures in the amount of \$1,845,000, primarily due to some early bond calls. The City has already received these funds, so there will be no fiscal impact.
- Impact Fee Fund – increased impact fee reimbursement agreements totaling \$1,091,840.

- Capital Projects Fund – increase of \$359,600 for road projects and other expenditures.
- Enterprise Funds – increase of \$140,000 in the Solid Waste Fund.

*\*\*Mayor Jackson opened the public hearing at 8:00 p.m. Hearing no comments, she closed the hearing.\*\**

**MOTION:** *Councilmember Burnham moved to adopt Ordinance 13-2008, amending the fiscal year 2008 budget, and authorize the City Administrator to use the unreserved fund balances in the General Fund to cover a potential shortfall in net income or to transfer to the Capital Projects Fund any unreserved balance fund over the 18% limit allowed by State statute. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**18. PUBLIC HEARING – Consideration and Adoption of the Fiscal Year 2008-2009 Budget.**

The proposed City budget for fiscal year 2009 was presented by City Administrator John Hendrickson. The Utah Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The tentative budget was accepted by the City Council on May 6, 2008. After a public hearing, the City Council can move to adopt the final budget as proposed or with amendments. The final budget will be the document that governs the expenditures for the FY 2008-2009.

Mr. Hendrickson explained that the budget includes a number of funds, such as the General Fund, Debt Service Fund, Capital Facilities Fund, Enterprise Fund, Internal Service Fund, etc. The General Fund will total approximately \$8.4 million. Total City expenditures will be approximately \$40.5 million in fiscal year 2009. Expenditures by percentage of total budget are as follows:

- General Fund – 17%
- Debt Service – 10%
- Capital Projects – 42%
- Enterprise Funds – 30%
- Fleet – 1%

The approximate General Fund breakdown by percentage is as follows:

- Sales, property and use taxes – 40%
- Interfund transfers – 23%
- Planning, building and engineering fees – 15%
- Fines and miscellaneous revenues – 10%
- B & C road funds – 6.5%
- Other services – 3%
- Intergovernmental funds and grants – 1%
- Fees, taxes and grants – 1.5%

*\*\*Mayor Jackson opened the public hearing at 8:16 p.m. \*\**

Ms. Tiffany Ulmer, 1320 Harrier Street, asked that the City Center sewer fee be reduced as soon as the bonds are paid down. She suggested that the City use natural gas vehicles. She mentioned that Hawk

Way is having road failure. She requested lights at the park and the pavilion in Eagle Park. She suggested that the City's trash contractor, Allied Waste, consider using the Fairfield landfill to reduce residents' collection fees.

*\*\*Mayor Jackson closed the public hearing at 8:17 p.m.\*\**

Mr. Hendrickson thanked the budget committee – Jason Walker, Ifo Pili, Flint Menseh and Eli Jones – for their excellent work on a very difficult assignment.

Councilmember Lifferth asked Mr. Hendrickson to detail what percentage of property taxes the City receives. Mr. Hendrickson responded that 13% of residents' property taxes go to the City. The school district receives at least 55% , the County receives at least 20% and the rest goes to special service districts.

Councilmember Lifferth also asked about sewer rates in the North Service Area. The Timpanogos Special Service District needs an immediate \$15 million for infrastructure repairs, followed by approximately \$100 million in upgrades. That will create approximately a 40% increase in North Service Area sewer rates. Mayor Jackson mentioned that the new bond for the South Service Area treatment plant makes it unlikely that sewer rates in that area will be reduced anytime soon.

Councilmember Lifferth pointed out that this year's budget does not depend on growth. All expenditures will be accounted for by current revenues.

Councilmember Ireland commented that the percentage of the General Fund revenue that comes from interfund transfers has increased in each of the last three years. He hoped that with an increase in commercial growth, that percentage will decrease rather than increase.

**MOTION:** *Councilmember Lifferth moved to adopt Ordinance 14-2008, adopting the fiscal year 2009 budget. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

*\*\*Councilmember Ochsenhirt was excused at 8:30 p.m.\*\**

**19. PUBLIC HEARING – Consideration of an Amendment to the Eagle Mountain City Development Code Title 1, Chapter 5, Residential Zone; Title 1, Chapter 16, Sign Regulations; and Title 1, Chapter 20, Site Plan Reviews – Discussion Item Only.**

Planning Director Peter Spencer presented proposed amendments to the Development Code. The proposed amendments are as follows:

1. Title 1, Chapter 5 (Residential Zone) clarifying how the height of a structure is measured.
2. Title 1, Chapter 16 (Sign Regulations).
  - A. Allowing for independent monument signs for businesses that have stand-alone buildings.
  - B. Permitting changeable copy signs in commercial, airpark and industrial zones.
  - C. Requiring staff approval of all temporary event signage.
3. Title 1, Chapter 20 (Site Plan Reviews).

- A. Allowing for some flexibility in industrial master site plans, such that the Planning Director may waive some required information regarding buildable square footage, parking and storm drainage and utility information.
- B. Allowing for an industrial master site plan to serve as a preliminary plat if certain information is provided initially.

*\*\*Mayor Jackson opened the public hearing at 8:51 p.m. Hearing no comments, she closed the hearing.\*\**

Discussion ensued. This was a discussion item and did not require action by the City Council.

**20. MOTION – Consideration and Approval of a Temporary Site Plan for a Seminary Building.**

BACKGROUND: *(Presented by Planning Staff)* Eagle Mountain City has received an application from the LDS Church to install temporary Seminary buildings designed for the use of Rockwell Charter High School students. The site is located just east of the High School in the Saddle Junction subdivision, Lot 104. The proposal is to locate temporary trailers to use as seminary buildings for the Rockwell Charter High School. The temporary structures will be used to facilitate seminary students until a permanent building is built within the next two years. The Planning Commission approved the Conditional Use Permit for the temporary trailers at the June 10<sup>th</sup>, 2008, Planning Commission meeting.

**MOTION:**

*Councilmember Lifferth moved to approve the temporary LDS seminary building site subject to the following conditions:*

*Engineering Dept. –*

- 1. *SERVICE LATERALS. Use poly pipe for 2” service lateral and type “k” soft copper for ¾ inch laterals.*
- 2. *WATER LINE. Show on the plans the size of existing water line at the point of connection.*
- 3. *SEWER. City Engineer review and approval of all sewer lines, manholes and cleanouts.*
- 4. *ADA STANDARDS. Truncated dome on ADA ramp per ADA requirements.*

*Fire Dept. –*

- 1. *FIRE HYDRANT. The fire hydrant installed as marked.*
- 2. *LOCK BOX. A lock box purchased from Alpine Lock.*

*Planning Dept. –*

- 1. *SCREENING. That screening from SR 73 is provided using potted trees or other landscaping as approved by City Staff.*

*Building Dept. –*

- 1. *CLASSROOMS. Classrooms need to be labeled and occupant load labeled.*
- 2. *CODES. Meet all IBC and ADA guidelines.*

*Additional City Council conditions –*

- 1. *TEMPORARY USE. One year with a one year renewal*

*Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

**21. AGREEMENT – Consideration and Approval of an Encroachment Agreement with Kern River Gas Company and a Bike Park Construction Agreement with WAFTA.**

The City Council recently approved a plan for a bike park. In order to move forward, two agreements need to be executed: an encroachment agreement with Kern River Gas Company and a construction agreement with the Wasatch Area Freeride Trails Association (WAFTA).

**MOTION:** *Councilmember Ireland moved to approve a construction agreement with the Wasatch Area Freeride Trails Association. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Ireland moved to approve an encroachment agreement with the Kern River Gas Company. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

22. **RESOLUTION – Consideration and Adoption of a Resolution Authorizing The Issuance and Sale of Not More Than \$6,665,000 Aggregate Principal Amount of Sewer Revenue Bonds, Series 2008, of Eagle Mountain City, Utah; Fixing The Maximum Aggregate Principal Amount of The Bonds, The Maximum Number of Years At Which The Bonds May Be Sold; Providing For The Publication of a Notice of Public Hearing and Bonds To Be Issued; Providing for the Running of a Contest Period and Related Matters.**

The Utah Quality Board authorized a loan for the construction of a 1.2 mgd sewer treatment facility. The loan is to be secured by a revenue bond issued by Eagle Mountain City. The Utah Quality Board will require annual payments on the bonds.

**MOTION:** *Councilmember Lifferth moved to adopt Resolution R-16-2008, authorizing the issuance of no more than \$6,665,000 aggregate principal amount of sewer revenue bonds, series 2008, of Eagle Mountain City, Utah; fixing the maximum aggregate principal amount of the bonds, the maximum number of years at which the bonds may be sold; providing for the publication of a notice of public hearing and bonds to be issued; providing for the running of a contest period and related matters. Councilmember Erik Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

## **CITY COUNCIL/MAYOR'S BUSINESS**

### Councilmember Cieslak

Councilmember Cieslak stated that a fire hydrant at the corner of Windhover & Sparrow Hawk Drive did not have a red-painted curb. Mayor Jackson responded that fire hydrants in the city normally do not have red-painted curbs.

### Councilmember Ireland

Councilmember Ireland had no comment.

### Councilmember Lifferth

Councilmember Lifferth congratulated the Celtics on their fourth-quarter, 34-point lead.

### Councilmember Burnham



Councilmember Burnham said residents have requested a crosswalk at the traffic light on SR 73 near the new high school.

Councilmember Ochsenhirt

Councilmember Ochsenhirt was excused earlier in the meeting.

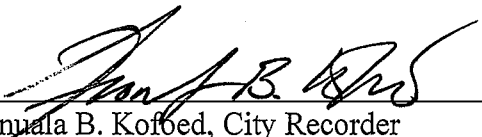
Mayor Jackson

Mayor Jackson had no comment.

**ADJOURNMENT**

Councilmember Ireland **moved** to adjourn the meeting at 9:28 p.m.

APPROVED BY CITY COUNCIL JULY 1, 2008

  
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Fionnuala B. Kofod, City Recorder