

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 6, 2009

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

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

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

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Coordinator; Donna Milakovic, Interim Public Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Deputy.

1. PRESENTATION – Fiscal Year 2008 Audit Approval (*Presented by Ron Stewart, City Auditor*)
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This item was moved to the Policy Session.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION

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

The City Council adjourned to a Closed Executive Session at 6:16 p.m.

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

5. CALL TO ORDER – Mayor Jackson called the meeting to order at 7:14 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Coordinator; Donna Milakovic, Interim Public Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Deputy.

6. PLEDGE OF ALLEGIANCE – Boy Scout Troop 856 led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Recreation Center public meetings will be held on January 10, 12:30 p.m. at City Hall; January 14, 7:00 p.m. at Pony Express Elementary; and January 15, 7:00 p.m. at Rockwell H.S.
- A Master Parks and Trails Master Plan public meeting will be held on January 21, 6:00 p.m. at City Hall.
- The snow removal priority list is as follows: (1) arterial roads; (2) collector roads, bus routes, school zones, hills and curves; (3) residential alleyways and cul-de-sacs; (4) unimproved roads. Trails leading to schools will be added to the priority list.
- A transportation summit will be held tomorrow evening with various entities throughout the state and region.

8. PUBLIC COMMENTS – No public comments were received.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham said that she was looking forward to a good year and hoped that the Council would continue to work well together. She appreciated the comments that residents have given her about the positive manner in which the Council is working together.

Councilmember Cieslak

Councilmember Cieslak asked about enforcement of winter parking regulations. Mayor Jackson responded that tickets can be issued. He was looking forward to another positive year. He asked that the Council continue to push state and federal officials for more money to finish roads.

Councilmember Ochsenhirt

Councilmember Ochsenhirt was frustrated with some of the organizations in the city regarding snow plowing, particularly Rockwell H.S. Its poor plowing created safety problems for students. He asked people who park on the street during the winter not to do it, as it causes safety problems. He also asked that residents shovel their sidewalks. He complimented City staff for their professionalism in keeping roads safe. He would like to see the City address the size of the staff for future snow plowing needs.

Councilmember Ireland

Councilmember Ireland thanked Troop 856 for presenting the flag ceremony. He asked if the City enforces the winter parking ordinance. Mayor Jackson responded that it does, but it's a complicated issue involving county and city statutes and courts.

Councilmember Lifferth

Councilmember Lifferth wished everyone a happy new year and thanked the Council, Mayor and City staff for their hard work and ethical behavior. He congratulated the University of Utah Utes on their 13-0 season. He pointed out that the street in front of Rockwell H.S. was not plowed by the City, which created huge problems.

Mayor Jackson

Mayor Jackson presented the State of the City address. A copy of the address is attached.

10. PROCLAMATION – “Silver Star Banner Day” requested by the Silver Star Families of America

Mayor Jackson read a proclamation declaring May 1, 2009, “Silver Star Banner Day” in honor of the sacrifices of U.S. military personnel and their families. The proclamation is attached.

***MOTION: Councilmember Burnham moved to approve a proclamation declaring May 1, 2009, “Silver Star Banner Day.” 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. APPOINTMENTS

A. Mayor Pro Tem

***Mayor Jackson recommended that Councilmember Burnham be appointed Mayor Pro Tempore. Councilmember Lifferth moved that Councilmember Burnham be appointed Mayor Pro Tempore. 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.***

- B. Library Board – Nathan Osborn and Brenda Park
- C. Parks and Recreation Advisory Council – Doug Comeau
- D. Senior Advisory Council – Joyce Hauber

***MOTION: Councilmember Cieslak moved that Nathan Osborn and Brenda Park be appointed to the Library Board for 3-year terms, Doug Comeau be appointed to the Parks and Recreation Advisory Board for a 3-year term, and Joyce Hauber be appointed to the Senior Advisory Council for a 4-year term. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.***

Deputy City Recorder Melanie Lahman administered the oath of office to Mr. Osborn. The others were not present and will receive the oath at another time.

CONSENT AGENDA

***MOTION: Councilmember Ireland moved to approve the Consent Agenda as follows, with the removal of items 15 and 17D. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.***

12. MINUTES
  - A. December 2, 2008 – Regular City Council Meeting
13. PLAT
  - A. Vacation and Amendment of the Recorded Plat of Eagle Point I and Final Plat of the Eagle Point Plat I Chapel.
14. FINAL PAYMENT
  - A. Clear Construction – Wells #2 and #4
15. REIMBURSEMENT
  - A. Reimbursement to Ames Construction for Work Done Without Contract but Required by City Engineer – Mt. Airey/Clubhouse Dry Utilities and Paving.  
*\*This item was removed from the agenda*
16. AUDIT REVIEW – FY 2008 Audit Report
17. FINAL BOND RELEASES – Entering Into Warranty
  - A. Eagle Point Plat F Phase 1
  - B. Eagle Point Plat I
  - C. Northmoor Phase 1
  - D. Southmoor Phase 1

*\*This item was removed from the agenda.*

### **SCHEDULED ITEMS**

18. PUBLIC HEARING & ORDINANCE – Consideration and Approval of an Ordinance Amending the General Plan Regarding Scenic Mountain.

This item was presented by Planning Director Steve Mumford. The 39-acre Scenic Mountain area, located along SR-73 in the northeast area of the City, was recently the object of a boundary adjustment that took place with Saratoga Springs, and has been officially annexed into Eagle Mountain City. The Master Development Plan has also been approved. This item designates the area as Mixed Use Residential on the City's Future Land Use Map.

*Mayor Jackson opened the public hearing at 7:50 p.m. Hearing no comments, she closed the hearing.*

***MOTION: Councilmember Ireland moved to adopt an Ordinance amending the General Plan regarding Scenic Mountain. 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.***

Councilmember Lifferth mentioned that some of the Council had concerns regarding Scenic Mountain and asked that any future reviews or approvals make sure that this development is safe and compatible with its surrounding environment.

19. PUBLIC HEARING & ORDINANCE – Consideration and Approval of FY 2009 Budget Amendments.

This item was presented by City Administrator John Hendrickson. Administration of the adopted budget includes monitoring and amending the budget document from time to time. The budget process is a continuous effort to ensure that revenues are collected as project and that expenses do not exceed appropriate funds. The City Council must approve any amendments which alter the total expenditures of a fund.

There were two corrections to the amendments. The Chemicals and Fertilizers line item will be for the Sewer Division rather than the Water Division. The Pony Express Irrigation line item will be reduced from \$240,000 to \$136,000.

*Mayor Jackson opened the public hearing at 7:55 p.m. Hearing no comments, she closed the hearing.*

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

20. MOTION – Consideration and Approval of a Resolution of Eagle Mountain City Appointing a Successor Trustee for Special Improvement District 98-1 and 2000-1.

This item was presented by City Attorney Gerald H. Kinghorn. Certain property owners within the boundaries of Special Improvement District No. 2000-1 and No. 98-1 have failed to pay the annual assessments due and owing for their properties. As a result, Eagle Mountain City is proposing that Eagle Mountain City Attorney Gerald H. Kinghorn be appointed Successor Trustee for the purpose of foreclosing on properties in default of the annual assessment payments.

***MOTION: Councilmember Lifferth moved to approve a Resolution appointing City Attorney Gerald H. Kinghorn Successor Trustee for Special Improvement Districts 98-1 and 2000-1. 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.***

21. MOTION – Consideration and Approval of a Resolution of Eagle Mountain City Amending the Policies and Procedures Manual.

This item was presented by City Administrator John Hendrickson. The amendments being proposed will clarify the City's policy on volunteer service and holiday hours for firefighters.

***MOTION: Councilmember Lifferth moved to approve a Resolution amending the Policies and Procedures Manual regarding volunteers and fire fighters' holiday pay. 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.***

22. MOTION – Consideration and Approval of an Agreement with UAMPS for the Natural Gas Project.

This item was presented by City Administrator John Hendrickson. Entering into the Natural Gas Project with UAMPS will provide Eagle Mountain City with an additional source for the purchase of natural gas.

***MOTION: Councilmember Cieslak moved to approve an agreement with UAMPS entering into the Natural Gas Project. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.***

23. BID AWARD – Consideration and Approval of a Bid Award to Skip Dunn Construction for the Porter’s Crossing Extension.

Presented by Public Works Director Chris Trusty. The extension of Porter’s Crossing will allow for an additional access onto Pony Express Parkway from Smith Ranch Road. The lowest responsible bidder for this project was Skip Dunn Construction.

Discussion ensued regarding traffic speed.

***MOTION: Councilmember Ochsenhirt moved to approve a bid award to Skip Dunn Construction for the Porter’s Crossing Extension. 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.***

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

Councilmember Cieslak

Councilmember Cieslak asked that a definition of “collector road” be added to the snow removal priority list on the website.

Councilmember Ochsenhirt

Councilmember Ochsenhirt had no comments.

Councilmember Ireland

Councilmember Ireland had no comments.

Councilmember Lifferth

Councilmember Lifferth distributed a flyer from the Utah Lake Commission and expressed hope that he will be able to persuade the Council of the importance of belonging to the Commission.

Councilmember Burnham

Councilmember Burnham had no comments.

Mayor Jackson

Mayor Jackson stated that Mr. Leon Harward visited her recently about the proposed causeway over Utah Lake. He asked for a letter of support for this project. UDOT has tentatively approved the causeway provided that it is a private road, meaning a toll road. Mayor Jackson will meet with UDOT and MAG this week for more information.

25. 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. The City has received a letter from Utah County approving the Pole Canyon annexation. The City Recorder's Office will send a letter certifying the annexation petition. The City will not be liable for the delay because the City acted on the original action by Utah County.

B. The agreement with UTA was submitted with the understanding that the City might propose some changes. UTA has agreed to the changes. The revised agreement has been executed by the Mayor and has been sent to UTA for signature.

B. The sewer treatment plant contractor has completed the floor on the oxidation ditch, built the first clarifier, completed the floor of the second clarifier, has begun the excavation for the Cannibal system and has begun the excavation for the rapid infiltration basin.

26. COMMUNICATION ITEMS

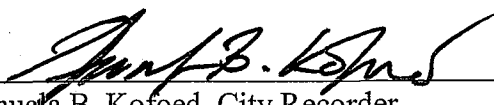
A. Upcoming Agenda Items

27. ADJOURNMENT

***MOTION: Councilmember Ochsenhirt moved to adjourn to a Redevelopment Agency meeting at 8:13 p.m. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.***

Mr. Comeau arrived during the City Council meeting. After the Redevelopment Agency meeting, he received the oath of office for his term on the Parks and Recreation Advisory Board from Deputy City Recorder Melanie Lahman.

APPROVED BY THE CITY COUNCIL ON JANUARY 20, 2009

  
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Fionnuala B. Kofoed, City Recorder

**Proclaiming May 1, 2009, as Silver Star Banner Day**

Whereas, Eagle Mountain City has always honored the sacrifices of the men and women in the Armed Forces; and,

Whereas, the contributions and sacrifices of military personnel are vital to maintaining America's freedoms and way of life; and,

Whereas, It is important to recognize the sacrifices, support and dedication of these men and women and their families; and,

Whereas, the Silver Star Families of America provides Silver Star Banners to the wounded and their families in order that everyone who sees them remember those who have sacrificed for this nation;

Now therefore I, Heather Anne Jackson, Mayor of Eagle Mountain City, and the Eagle Mountain City Council, do hereby proclaim May 1, 2009, as Silver Star Banner Day in Eagle Mountain and urge all citizens to recognize and honor the sacrifices of the members of the United States Armed Forces.

Dated this 6<sup>th</sup> day of January, 2009.

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Heather Anne Jackson, Mayor

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Councilmember Ryan Ireland

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Councilmember Donna Burnham

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Councilmember David Lifferth

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Councilmember Eric Cieslak

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Councilmember Nathan Ochsenhirt



## 2009 State of the City Address

Wow, I can hardly believe it has been a year since I took the oath of office. Eagle Mountain has experienced unprecedented growth this year. I know you are all thinking "what are you talking about?" Well, I am not talking in new home construction. We have done that every year since we started. No, this year I am talking about major capital improvement projects investing in our infrastructure. We have taken charge of our destiny and are starting to see the image of Eagle Mountain turn around. I say "starting" because changing the image is like changing the course of an aircraft carrier. To change the direction takes considerable time and expertise to keep from "rocking the boat" and spilling all of our "dirty laundry." Wait, I think we may have moved past the "dirty laundry" stage in our history. We have a city council that works diligently for the betterment of our community. We have a staff that works tirelessly in their effort to keep our city "on course." I hope that as citizens you are seeing the changes that I am seeing. I am always hearing good things about our progress when I attend meetings with other elected officials from our state.

I wanted to take a few minutes and share with you some of the highlights of the city's accomplishments for 2008. We have passed and implemented the largest capital improvement budget in our city since the initial infrastructure was put in. We have been fiscally conservative and have kept our property taxes the same. In fact, we have the second lowest city property taxes in the county. We completed a new 138kv power line through our city, we are currently under construction on; our new sewer treatment plant in the South Service Area, well#1 expansion, fire station #2 and well #5. We have helped to start the North County Library Cooperative along with Lehi, Pleasant Grove, and American Fork. We have completed our first skate park and it is packed even on freezing cold days. We added phase 1 of the Mid-Valley Regional Park so there will be more playing fields for our children in the summer and to accommodate even more youth sports. The North and South areas of the city are connected not only by a road but also by our new trail. We have two brand new schools in our city Hidden Hollow Elementary, and Rockwell High School. We completed the path on both sides of Pony Express Parkway to get children to and from school. We also remembered Pony Express Elementary and added sidewalk that was necessary to complete the gap along Smith Ranch Road. We are in a partnership with WAFTA to complete the bike park which is also under construction and should be completed in the spring. We are finishing up the North Ranch Gas line and connections to the city gas utility.

We have moved forward in the area of economic development in our city. New commercial business sites were added in 2008. The Maverik gas station, Dr. Hart's medical/dental office, Wasatch Deli, Jaguar Sport Karate and the new Prairie Gate office building is just finishing. I personally attended the ICSC Conference in Las Vegas to promote our city for retail businesses. The Economic Development Board is re-instated and better than ever before. The city created the first community development area which will be home to the city's first grocery store. Groundbreaking should be sometime this spring. We received a grant for the implementation of economic development marketing tools and packets and are moving forward with those items in hand.

We implemented a new equal bill pay program this year in the utility department. Look for that program to expand through this next year. We have thoroughly investigated a recycling program to implement with garbage collection. Unfortunately, we did not receive good feedback from the local carriers for the bid process. We will not be able to implement this program until we renew our garbage collection service contract early in 2010. Please know that the council and I are sad that we are unable to do something sooner, however, we did not want to tie the city into a long term contract where we did not receive any competitive bids. We also installed glass in our utility office which makes the area much more secure. We felt it important for you to know that we take our fiduciary duty very seriously and want to protect your privacy and your finances to the best of our ability.

Our library continues to grow and be a shining star in our city. Everywhere I go outside of the Eagle Mountain boundaries people talk about how amazing it is that we have a library. We held several

library programs this year that were well attended and successful. We are continuing to increase our collection as well as our registered users.

Public Safety as always is a concern for our city. Our new fire station will be complete sometime in February. We increased our fire staffing due to receiving a grant. As well as a new 4X4 heavy brush fire truck. We also refurbished one of our ambulances so it is like brand new! We also would like to thank the Utah County Sheriff's Department for continuing to provide us with fantastic service. We have 15 sworn officers and one full and one part time office staff as well.

This year we have had some staff members move on to other places. Some are moving to be with their families who have been working out of state. Some went back to school. Some found greener pastures elsewhere. We wish them all well in their future endeavors. We have tried to be very careful in the process of filling these positions. We realize the economy we are facing and where possible we have tried to "make do" with what we have to keep our staffing levels low. This will help us weather the storm of our current economic future.

We have added some new programs – or brought back some old programs...the youth council is flourishing, our senior council is doing well, we added a parks & recreation board, we had a special skate park committee, our economic development board is back, the cemetery board will have its first meeting in January and we are looking to fill spots on our new and improved public works board. We value input from our citizens and are using these boards as tools for working together and getting information from the public.

Pony Express Days was bigger and better than ever. We had over 100 entries in our parade, we enjoyed our new events basketball and softball tournaments. We added a free family fun night on Monday night and brought back the pancake breakfast. Our safety fair was great as well as the concert and events in Nolan Park. We hope you enjoyed these events, we sure did. Look for next year to be even bigger and better. We are already working on it. We also added a benefit for our military families in our area. We instituted a parade for each soldier that comes home from the war on terror. Please let us know when your family members might be coming home. Please watch for the flags and yellow ribbons around town. When they are out on a day that is not a holiday they are probably there to welcome a soldier home. Please come out and wave to our soldiers as they come home.

This next year we hope to provide more amenities in our wonderful city, but the one that is coming soon is the completion of Porter's Crossing to Pony Express Parkway. This road should be complete by June 1. We plan on working on what we call Tickville Park (the area between Pony Express Elementary and the LDS Church on Smith Ranch Road) it will not be completed, but we will start phasing in areas of the park. We also plan on working on phase II of Mid-Valley Regional Park. We hope to see great things in the area of economic development for this New Year. We hope you will all have a great year.

One last thing to mention, the Jackson household will again be adding a new member this year around the end of April. I hope your holidays were great!!

Sincerely,

Mayor Jackson