

**MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING**

January 8, 2008

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 4:07 p.m.

CONDUCTING: Mayor Heather Anne Jackson

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; DeAnna Whitney, Human Resources Coordinator; Ifo Pili, Management Analyst; 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, City Engineer; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Steve Olsen, Energy Division; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Cory Wride, Sergeant.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Warranty adjustments for subdivisions.

PRESENTATION – FY 2007 audit report – Ron Stewart, Gilbert & Stewart CPAs

AGENDA REVIEW

The City Council reviewed items on the consent agenda and policy session agenda.

CITY ADMINISTRATOR INFORMATION ITEMS

ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council recessed into a closed executive session at 6:06 p.m. for the purpose of discussing reasonably imminent litigation and the purchase of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

ADJOURNMENT

Mayor Jackson adjourned the work session at 6:06 p.m.

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

Mayor Heather Anne Jackson called the meeting to order at 7:07 p.m. Boy Scout Troop 1038 led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; DeAnna Whitney, Human Resources Coordinator; Linda Peterson, Public Information Coordinator; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, City Engineer; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Cory Wride, Sergeant.

INFORMATION ITEMS/UPCOMING EVENTS

Mayor Jackson announced the following upcoming event:

- Christmas tree pickup, January 14th through 17th

PUBLIC COMMENTS

Ms. Tiffany Ulmer, 1320 Harrier Street, welcomed the new Mayor and Council. She also congratulated UDOT for promptly filling in potholes on S.R. 73.

Mr. Brian Free, 7654 Red Kite Way, commented on the lack of street lighting around Nolan Park. The area is so dark it has the potential to allow predators to endanger pedestrians after dark. He was very pleased with the new street lighting in City Center. Needs more, but City Center lighting is great. He asked that contact information for the new Council members be updated on the City's web site. Mr. Free offered to volunteer in any way the City needed. He was especially interested in City events like the 5K run during Pony Express Days, arts events and the Economic Development Board. He welcomed the new Council members.

CITY COUNCIL/MAYOR ITEMS

CITY COUNCIL COMMENTS

Councilmember Lifferth

Councilmember Lifferth welcomed the new Council members. He has been very impressed with their intelligence and love of the city.

Councilmember Ireland

Councilmember Ireland thanked the public for the opportunity to serve on the Council.

Councilmember Cieslak

Councilmember Cieslak expressed appreciation for the many people in attendance at the meeting. He said he strongly believed in representative government and encouraged residents to contact the Council with questions or concerns. He looked forward to honorably discharging his duties on the Council. He recognized the National Guard members in attendance and thanked members of the armed services for their service to our country.

Councilmember Burnham

Councilmember Burnham expressed appreciation for the opportunity to serve the city. She asked for the residents' patience while the new Council members become more familiar with how to serve the city. Councilmember Burnham encouraged residents to come to the Council with their concerns.

Mayor Jackson

Mayor Jackson echoed the sentiments expressed by the other Council members. She stated that the City has signed a contract with a new web site provider, which is expected to have the new web site operational within a month. The Council's contact information will be posted on the current web site until the new one is in place. She was excited to have the new Council members in place and to serve as Mayor. Mayor Jackson brought up the issue of poor trash pickup and asked Mr. Hendrickson to contact the city's trash contractor.

BOARD APPOINTMENT – Craig Larrabee, Planning Commission

Mayor Jackson recommended the appointment of Mr. Craig Larrabee to the Planning Commission. Councilmember Cieslak **moved** to approve the appointment of Mr. Craig Larrabee to the Planning Commission. Councilmember Burnham **seconded** the motion.

Councilmember Lifferth asked Mr. Larrabee if he had attended previous Planning Commission meetings. Mr. Larrabee responded that he had attended the last meeting. Councilmember Lifferth thanked him for his willingness to serve.

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

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Larrabee.

BOARD APPOINTMENT – Deborah Malay, Library Board

Mayor Jackson recommended the appointment of Ms. Deborah Malay to the Library Board. Councilmember Cieslak **moved** to approve the appointment of Ms. Deborah Malay to the Library Board. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

Ms. Malay was unable to attend the meeting. She will receive the oath of office at another time.

BOARD APPOINTMENT – Steven Barlow, Library Board

Mayor Jackson recommended the appointment of Mr. Steven Barlow to the Library Board. Councilmember Burnham **moved** to approve the appointment of Mr. Steven Barlow to the Library Board. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Barlow.

APPOINTMENT – Mayor Pro Tempore

Mayor Jackson recommended the appointment of Councilmember David Lifferth to the office of Mayor Pro Tempore. The purpose of the office of Mayor Pro Tempore is to act for the Mayor when she is unavailable. She recommended that the position of Mayor Pro Tempore be rotated among Council members on an annual or semi-annual basis to give all members of the Council the experience of serving in that office.

Councilmember Cieslak **moved** to approve the appointment of Councilmember David Lifferth to the office of Mayor Pro Tempore, with the recommendation that the position be rotated on an annual or semi-annual basis. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak and Ryan Ireland. Those voting present: David Lifferth. The motion **passed** with a unanimous vote.

PRESENTATION OF AWARD TO EAGLE MOUNTAIN FROM THE NATIONAL GUARD

Colonel Burton of the Utah National Guard attended the meeting, accompanied by Sgt. First Class Wilcox, a resident of Eagle Mountain and the local recruiter, and Staff Sgt. Hill. Col. Burton said 106 Guardsmen live in Eagle Mountain, approximately 72 are on active duty orders and approximately 15 are deployed at the moment. He expressed appreciation for all the support the military receives from local communities and said that Eagle Mountain was outstanding in its support. He mentioned Sgt. Gordon Ewell, who suffered traumatic brain injury while deployed and will receive a home in Eagle Mountain, partially contributed by the City. He then presented a certificate of appreciation signed by General Tarbett to Mayor Jackson.

Mayor Jackson pointed out that Staff Sgt. Hill is also a resident of Eagle Mountain. His wife is the president of the Eagle Valley P.T.A. and both of them are very active in the community.

CONSENT AGENDA

Councilmember Lifferth **moved** to approve the following items on the consent agenda:

MINUTES

November 20, 2007 – Regular City Council Meeting

December 4, 2007 – Regular City Council Meeting

FY 2007 AUDIT – Acceptance of the FY 2007 financial audit

FINAL PAYMENT REQUEST – Tasco Engineering – Final payment for installation of streetlights for the Community Development Block Grant project

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

Councilmember Lifferth asked if all the minutes are approved. Ms. Kofoed responded that she had directed the Deputy Recorder to research that and make sure all minutes have been approved. Ms. Kofoed will bring any unapproved minutes to the Council.

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING – Saratoga Springs boundary adjustment

ORDINANCE – Consideration and adoption of an ordinance adjusting the common boundary between the City of Saratoga Springs and Eagle Mountain City and zoning the land to be annexed by Eagle Mountain City

City Attorney Jerry Kinghorn presented the ordinance adjusting the boundary between the City of Saratoga Springs and Eagle Mountain City. The 29.47-acre parcel is located south of S.R. 73 and at the existing eastern boundary of Eagle Mountain City. The public hearing was continued from the November 20, 2007, City Council meeting. No written protests to the proposed boundary adjustment were received by Eagle Mountain City prior to the November 20, 2007, deadline. Two other properties contiguous to the property in question are expected to be annexed to Eagle Mountain after Saratoga

Springs approves an additional boundary adjustment. The ordinance includes maps, notices and amended articles of incorporation to be executed by Mayor Jackson.

Councilmember Lifferth asked if any protests to the boundary adjustment had been filed. Mr. Kinghorn responded that none had been received.

Mayor Jackson opened the public hearing at 7:34 p.m.

Ms. Jen Cooper, 2086 Cedar Trails Way, said that she had been unable to make her comments during the earlier public comment period. She has spoken to Mr. Hendrickson about the City gifting or leasing a piece of land at the intersection of Saddle Horn Drive and Cassidy Way where the homeowners' association could install a swimming pool. She asked the Council to consider and vote on that item. Ms. Cooper stated that she is the Parks Committee chair for Pioneer Addition subdivision. Several residents have contacted her regarding the land between Frontier Street and Saddle Horn Drive asking the status of the park planned for the property. Mayor Jackson asked Ms. Cooper to forward the information to her email address so she could discuss the issue with Mr. Hendrickson.

Mayor Jackson closed the public hearing at 7:37 p.m.

Councilmember Cieslak **moved** to adopt Ordinance O-01-2007, adjusting the common boundary between the City of Saratoga Springs and Eagle Mountain City and zoning the land to be annexed to Eagle Mountain City. Councilmember Lifferth **seconded** the motion.

Councilmember Lifferth mentioned that there was a significant discussion during work session about the area not included in the ordinance which was expected to be annexed in the future, as well as the water issues which were not yet resolved. However, he supported the ordinance as written because it would be much easier for Eagle Mountain than for Saratoga Springs to provide utilities to the property.

Mayor Jackson explained to the audience that the goal of the boundary adjustments was to have all the land to the west of the power corridor annexed to Eagle Mountain because of the difficulty Saratoga Springs would have in providing utilities to the area. She stated that there is an issue as to whether the water associated with the property is part of the Cedar Valley area or the Utah County area, but that issue will be resolved. Mayor Jackson also said that two other properties contiguous to the property being annexed had been planned to be included in this action. They are expected to be transferred from Saratoga Springs to Eagle Mountain in the near future.

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

MOTION – Consideration and approval of a motion to authorize publication of notice of a City Council vacancy, set a deadline for submittal of statements of interest and schedule a meeting to appoint a new Council member

The Notice of Vacancy of a City Council seat was presented by City Attorney Jerry Kinghorn. State statute requires that the City Council set a deadline for applicants to fill the vacant City Council position created by the election of Heather Jackson to the Office of Mayor. The statute provides that the City Council may not set a deadline earlier than 14 days after the publication of the Notice of Vacancy. The statute requires the City Council to set the date and time of the meeting where the appointment to fill the

vacancy will be made. The earliest publication date available is January 13, 2008, and therefore the deadline may not be earlier than January 28, 2008, at 5:00 p.m. The City Council will need to decide whether to make the appointment at its regularly scheduled meeting on February 5, 2008, or to make the appointment at a special meeting prior to February 5, 2008. The blank in the notice will be filled in during the meeting when the Council decides when to make the appointment.

Councilmember Lifferth asked why the notice could not be published sooner than January 13th. Mr. Kinghorn responded that the State statute requires 14 days to pass between publication of the notice and the deadline for submission of statements of interest. The newspaper requires four days' lead time for publication of legal notices, so the first date available for publication will be January 13th.

Councilmember Burnham **moved** to approve a motion authorizing publication of notice of a City Council vacancy, setting a deadline for submittal of statements of interest of January 28, 2008, at 5:00 p.m. and scheduling a meeting to appoint a new Council member on January 31, 2008, at 6:00 p.m.

Councilmember Cieslak **seconded** the motion.

Councilmember Cieslak informed the audience that in work session, the Council discussed whether to hold a special meeting. The purpose of including a special meeting in Councilmember Burnham's motion is to have a full Council at the regular meeting on February 5th.

Councilmember Lifferth asked if any other business would be conducted at the meeting on January 31st. Mayor Jackson responded that the special meeting would be entirely focused on appointing a new City Council member.

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

RECOMMENDATION – Recommendation and approval to have Mayor Jackson send a letter of support to of two Lehi City road projects, as requested by Lehi City

City Administrator John Hendrickson presented the proposed letter of support regarding two Lehi City road projects. On December 4, 2007, Mayor Richardson, Mayor Elect Jackson, and City Administrator Hendrickson met with City Administrator Davidson of Lehi and the Lehi City Engineer to discuss Eagle Mountain's possible support of certain road projects for which Lehi City is seeking construction funding from Congress. The roads they have asked support for are 1) 2300 West from 2100 North to 1900 South and 2) a diagonal road connecting 1000 South to 1900 South.

Development of both of these roads would materially assist in aiding east-west movement for residents of Eagle Mountain. The 2300 West development would connect the 1000 South four-lane road to be built by UDOT with the Thanksgiving Point area and the 2100 North exit to I-15. The diagonal connection from 1000 South to 1900 South would provide an additional route for Eagle Mountain motorists wanting to reach I-15 and points south. In addition, Lehi and Saratoga Springs would both like to expand 1900 South, which lines up more directly with the Pony Express Boulevard Extension planned from Eagle Mountain through Saratoga Springs to Redwood Road. Therefore, It is recommended that the City encourage the development of these two roads.

Mayor Jackson told the audience that Lehi was requesting Eagle Mountain's support so that Lehi could go to Utah's delegation in Washington, D.C., to request funding for these projects. Lehi City will then

support Eagle Mountain's project to extend Pony Express Parkway to Redwood Road. The discussion at the meeting did not include the 2100 North corridor, which Lehi and Eagle Mountain disagree on.

Councilmember Lifferth said that, while he supports the road projects, he is concerned about a main road running next to Willow Springs Middle School. He hoped that the route would be adjusted. Mayor Jackson responded that Lehi plans to consider adjusting the alignment. Much of the road corridor is set aside to minimize its impact on adjacent areas.

Councilmember Lifferth **moved** to approve a recommendation to have Mayor Jackson send a letter of support of Lehi City's request for federal funding of the two road projects discussed at this meeting. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

Councilmember Cieslak expressed appreciation for Mayor Jackson's engaging in dialog with Lehi City on these critical road projects, particularly since Lehi will support Eagle Mountain's Pony Express Parkway project. He said that discussions with nearby cities will be mutually beneficial.

MOTION – Consideration and approval of an amended supplementary agreement to the sewer treatment service contract with the Timpanogos Special Service District

City Administrator John Hendrickson presented the proposed amended supplementary agreement to the sewer treatment service contract with the Timpanogos Special Services District (TSSD) was presented by City Administrator John Hendrickson. In 1999, TSSD entered into agreements with Eagle Mountain to provide sewer services in their Utah County plant. However, some changes and additions in 2002, intended to be a part of those agreements, were not executed. TSSD recently reviewed its contract files and requested that these changes be executed. This amendment deals with the City's responsibility to remit required impact fees to TSSD on a timely basis. The agreement confirms the practice the City now generally follows, so major adjustments will not be required.

The key provisions are found in Article 1, Sections 203, 205 and 207. They direct when remittance must be made and the penalties if not payments are not made within the specified time, the options that TSSD may use if impact fees collected are not sufficient to cover the debt obligations or if they are greater than needed to cover the debt, and the requirements for the City's accounting of the collections.

The City has no obligation to provide additional funds for bond redemption other than those impact fees required to be collected. However, if the City fails to collect a required impact fee, the City must still pay the full amount required. Additionally, if the City fails to remit the required amount by the due date, the City will be charged a late fee at the rate of 12% per annum, calculated on a daily basis.

Councilmember Lifferth stated it is important that the City carefully monitor agreements and correct any errors in a timely fashion.

Councilmember Ireland **moved** to approve the amended supplementary agreement to the sewer treatment service contract with TSSD. Councilmember Cieslak **seconded** the motion.

Councilmember Lifferth asked if the agreement was revenue-neutral. Mr. Hendrickson responded that it would be revenue-neutral as long as all payments were made on time, preventing assessment of late fees.

Councilmember Burnham was concerned that some payments were made late in the past. She hoped staff would be diligent in getting the payments in on time so the City will not have to pay any penalties.

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 Ryan Ireland

Councilmember Ireland had no comment.

Councilmember Eric Cieslak

Councilmember Cieslak stated that City staff has done a great job. He looked forward to working with them. He wanted them to know that, while their jobs often go unappreciated, he appreciated their efforts.

Councilmember Burnham

Councilmember Burnham said one of her campaign issues was getting citizens involved in the community. She asked that the audience let others know that the City will be creating more opportunities for volunteer service. The city needs the efforts of all the volunteers it can get.

Councilmember David Lifferth

Councilmember Lifferth asked Mayor Jackson to take action on the recently-passed ordinance regulating use of City buildings. He expressed appreciation for everyone who attended this meeting and for the spirit of cooperation of the Council.

Mayor Heather Jackson

Mayor Jackson stated she intended to review the ordinance mentioned by Councilmember Lifferth. Until the ordinance is rewritten, the Mayor's designees permitting use of the building will be all of the Council members. The Council will also be working on activating the boards that have been inactive and acting on issues discussed in the members' election campaigns. Mayor Jackson asked Mr. Hendrickson to report on the progress on appointing a Public Works director. She also pointed out that the majority of the work this evening was completed by 8:00 p.m. While that will not always happen, she appreciated the cooperation shown by the Council tonight and intended that all Council meetings would be begun and conducted in as timely a manner as possible.

CITY ADMINISTRATOR ITEMS


Mr. Hendrickson stated that interviews for the position of Public Works Director have been held. Mr. Hendrickson recommended City Engineer Chris Trusty and Mayor Jackson agreed. Salary negotiations with Mr. Trusty are underway. Mayor Jackson is considering separating the Energy Division from the Public Works Department. Mr. Hendrickson recommended that be done and Mayor Jackson will make the decision.

Mayor Jackson commended Mr. Trusty for his patience during the several months the appointment was being considered. She recognized the excellent work of the new City Recorder and the Deputy Recorder for covering the office until a City Recorder was hired. She thanked all the staff, as well. She stated that Chief Andrus was absent from the meeting temporarily to work out some issues with management and billing of future wildfires.

ADJOURNMENT

Councilmember Lifferth **moved** to adjourn the meeting at 8:04 p.m.

APPROVED BY CITY COUNCIL JANUARY 22, 2008


Fionnuala Kofod, City Recorder



