

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 18, 2011

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*** 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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Chris Trusty, Public Works Director; Ifo Pili, Assistant City Administrator; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Eric McDowell, Sergeant.

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

1. PRESENTATION – Kern River Gas Pipeline Replacement Project.
2. PRESENTATION – Utah County 2040 Metropolitan Transportation Plan – Mountainland Association of Governments.
3. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
4. 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.
5. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and Ryan Ireland. The motion passed with a unanimous vote.*

The meeting adjourned at 6:01 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Chris Trusty, Public Works Director; Ifo Pili, Assistant City Administrator; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Eric McDowell, Sergeant.

6. CALL TO ORDER

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

7. PLEDGE OF ALLEGIANCE

Bryan Free led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- Miss Eagle Mountain, Hartley Lojik, will be holding a winter clothing drive through Friday, January 12, 2011. Coats, scarves, gloves, hats, etc. in all sizes in new or used condition are being accepted. Drop off locations are at City Hall, all Eagle Mountain Schools, Vista Heights Middle School, & Westlake High School. Donations will be given to a local shelter to help those in need this winter.
- The 2nd annual Dancing Up a Storm is being held Saturday, January 22, 2011 at 7:00 p.m. at the Westlake High School. Proceeds will benefit the Westlake High School Ballroom Dance Team. More information on this event can be found on the City website.
- A Town Hall meeting will be held in the City Council Chambers on Wednesday, January 26 at 7:00 p.m. The purpose of this meeting is primarily to give residents of the White Hills subdivision an opportunity to ask any questions that they may have regarding the City's Pole Canyon annexation.
- Youth baseball registration is now open through February 14th. Online registration and information is available on the City website.
- Tickets are now on sale for the Pony Express Days 2011 Concert and Fireworks starring Clint Black at the SilverLake Amphitheater. Tickets are \$15, with children 2 years and under admitted free. Tickets are available for purchase on the city website. Beginning in February tickets will be available at City Hall.

9. PUBLIC COMMENTS

Nikki Wickman, 2766 Fort Hill Road, explained that several roads in Eagle Mountain have been in need of repair for years. She felt that the existing roads need to be redone before any future roads are built. She said that taxpayer money should not be spent on future bridges, freeways or newsletters. Mrs. Wickman also distributed a letter to the Council.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham thanked staff members and the councilmember who participated in Dancing Up a Storm. She felt that some civility between the Council has been lost. She stated that she was okay with the Council disagreeing and asked that personal attacks not be attached to disagreements.

Councilmember Celaya

Councilmember Celaya thanked Councilmember Burnham for her comments.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt acknowledged Councilmember Burnham's comments and apologized to anyone that he may have offended.

Councilmember Ireland

Councilmember Ireland explained that with the warmer weather and the snow melting trucks are tracking mud all over SR 73 when leaving the excavation area near the SR 73 Ranches Parkway intersection. He asked if something could be done about this. He also asked that something be communicated to the residents to let them know how road repair is handled and prioritized.

Mayor Jackson

Mayor Jackson explained that her job is to do what the Council asks her to do. She said that there have been several letters directed toward her stating that she does what she wants to. She stated that this is not accurate. She said that there was a comment in the letter received that the City needs to main public utilities such as phone and computer service. Mayor Jackson explained that the City does not own these facilities because they were sold in 2006, therefore it is no longer the City's problem. She said that the City has never spent money on the Utah Lake bridge project. She also explained that she has worked diligently to get money to expand SR 73. She stated that it goes out to bid this week and is scheduled to commence once the bid has been awarded.

11. APPOINTMENTS

- A. Planning Commission – Tom Maher
- B. Library Board – Lesley Jackman
- C. Cemetery Advisory Board – Elena Jennings
- D. Economic Development Board – Susan Vanderhoef
- E. Parks & Recreation Advisory Board – Bryan Free and Mark Trotter
- F. Public Works Advisory Board – Clint Moser and D. Kent Withers
- G. Senior Citizen Advisory Council – Carroll Johnson
- H. Yellow Ribbon Committee – Marie Frandsen
- I. RESOLUTION – Consideration and adoption of a resolution appointing Steve Olsen as an Alternate to the Utah Associated Municipal Power Systems Board.

MOTION: *Councilmember Burnham moved to approve the following board appointments:*

- *Tom Maher to a 4 year term on the Planning Commission expiring 12/31/2014.*
- *Lesley Jackman to a 3 year term on the Library Board expiring 12/31/2013.*
- *Elena Jennings to a 4 year term on the Cemetery Advisory Board expiring 12/31/2014.*
- *Susan Vanderhoef to a 3 year term on the Economic Development Board expiring 12/31/2013.*
- *Bryan Free and Mark Trotter to a 3 year term on the Parks and Recreation Advisory Board expiring 12/31/2013.*

- *Clint Moser and D. Kent Withers to a 4 year term on the Public Works Advisory Board expiring 12/31/2014.*
- *Carroll Johnson to a 4 year term on the Senior Citizen Advisory Council expiring 12/31/2014.*
- *Marie Frandsen to a 2 year term on the Yellow Ribbon Committee expiring 12/31/2012.*

and to also appoint Steve Olsen as an alternate to the Utah Associated Municipal Power Systems Board. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

CONSENT AGENDA

12. MINUTES
 - A. December 7, 2010—Regular City Council Meeting
13. BOND RELEASE
 - A. Scenic Mountain
14. EASEMENT
 - A. UDOT Slope Easement

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

SCHEDULED ITEMS

15. A. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Ordinance O-33-2008.

The proposed ordinance amends the Cemetery Advisory Board allowing employees of Eagle Mountain City to be appointed to the board.

Mayor Jackson explained that the proposed ordinance would amend the Cemetery Advisory Board allowing employees of Eagle Mountain City to be appointed to the board. She stated that it is sometimes difficult to fill seats on boards and that by amending this ordinance it would allow Steve Conger, a City employee to participate on the board.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Ordinance O-33-2008, allowing City employees to be appointed to the board. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

- B. MOTION – Consideration and Approval of an Appointment to the Cemetery Advisory Board.

MOTION: *Councilmember Celaya moved to appoint Steve Conger to a 4 year term on the Cemetery Advisory Board which expires December 31, 2014. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

16. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Adopting the Mountainland Association of Governments Pre-Disaster Hazard Mitigation Plan.

Federal regulations require MAG to create a Pre-Disaster Hazard Mitigation Plan which identifies, categorizes and offers possible mitigation suggestions to possible hazards throughout the three-county area covered by MAG. This includes Utah County and Eagle Mountain City. It does not supplant the City's adopted Hazard Mitigation Plan but rather complements and supports that plan. It provides information that may assist in guiding any amendments to the City's plan.

Mayor Jackson stated that this can also help the City be eligible to receive funding that may be necessary if a disaster were to occur, as well as funding to help prevent disasters.

Mr. Hendrickson explained that the City does not need to change their current plan in order to adopt this.

Councilmember Ireland asked if it made sense to modify the pre-disaster and mitigation plans.

Mr. Hendrickson said that if this is adopted it will allow the City to go in and change the mitigation plan if necessary. He stated that he did not see any apparent conflicts in the City's plan and MAG's plan. He explained that as the City grows and plans change the City may need to change the plan in order to accommodate growth.

Councilmember Ireland asked if fire buffers would need to be added in some areas to prevent fires from spreading from subdivision to subdivision.

Mr. Hendrickson stated that if the City needs to change standards and goals to make the plans work together they will. He said that the City has very little seismic activity and that it is one of the safest places to be in the County. He said that flooding is also very minimal compared to other areas. He explained that overall Eagle Mountain is one of the safest places you can be if a hazard was to occur. He felt that the highest threat to the City was wildfires.

Councilmember Celaya said that the City would not be obligated to anything and that the City can do as they see fit.

Mr. Hendrickson said that there can be limitations due to cost therefore MAG realizes that some cities may not be able to follow the timeline.

MOTION: *Councilmember Celaya moved to adopt a resolution of the City Council of Eagle Mountain, Utah, adopting the Mountainland Association of Governments Pre-Disaster Hazard Mitigation Plan. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Amending and Approving the Eagle Mountain City Policies and Procedures Manual.

The Eagle Mountain City Policies and Procedures Manual is being amended to add information specifying that non-exempt employees must take an unused holiday within 30 days following the scheduled holiday and that exempt employees must take an unused holiday within 90 days following the scheduled holiday; to require that computers shall be turned off daily at the end of the work shift with the exception of those computers used to monitor or run the SCADA system, weather system, the sewer plant or the water systems; and to modify the Fire Department work schedule from a 27-day work cycle to a 28-day work cycle.

MOTION: *Councilmember Burnham moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, amending and approving the Eagle Mountain City Policies and Procedures Manual. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland and John Painter. Those voting nay: Nathan Ochsenhirt. The motion passed with a 4 to 1 vote.*

18. MOTION – Consideration and Approval of Appointment of a City Councilmember as Mayor Pro Tempore.

Mayor Jackson stated that the City Council will need to appoint a Councilmember as Mayor Pro Tempore to cover for the Mayor in the event of her absence. She recommended that Councilmember Ireland be appointed as Mayor Pro Tempore.

MOTION: *Councilmember Painter moved to appoint Councilmember Ryan Ireland as Mayor Pro Tempore. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.*

19. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Amending the Contract Documents and Specifications for Eagle Mountain City Installation of Underground Electric and Natural Gas Services.

The proposed amendment to the Tempest Utility Lateral Agreement would increase the average length of the electrical service laterals for single family residences up to 400 Amp service size from 40 feet to 67 feet and increase the unit price per home based on the same price per linear foot.

Mayor Jackson asked if the Council would like to table this item or approve this as is with the stipulation that within 90 days a meeting is held with tempest to renegotiate some items.

Mr. Kinghorn recommended that the Council approve the contract agreement as proposed with a condition that Mr. Ferre bring back a proposal to renegotiate the contract with a basis that provides some type of lump sum per lot that reflects the actual cost of mobilizing from lot to lot. He said that this would reflect the actual cost of work rather than a measurement of footage per lot. He explained that if this is approved Tempest will need to be notified that this is contingent upon a renegotiation. He felt that if the City does not deal with Tempest in good faith on this contract the City would not be doing what they told tempest they would do 7 months ago.

Councilmember Ireland asked if part of the motion could state that the renegotiation of the contract

would need to be brought back before the Council before the first meeting in April.

Councilmember Ochsenhirt asked if the 67 feet would be negotiable afterwards.

Mayor Jackson stated that the contractor has been underpaid for 6 months and that if something can be worked out in a timely fashion she does not see a problem with working the number out after this is approve.

Councilmember Ochsenhirt stated that if the 67 feet is a short term thing he would feel more comfortable with approving this contract.

Councilmember Ireland said that according to the staff report the average cable length is 74. He said that this is still under the average but feels that 67 does not seem to be a reasonable number long term. He would like to see something before the first meeting in April.

Councilmember Celaya would like to see more detailed information on the numbers so that they can better determine what the long term number should be.

Mr. Kinghorn said that there will need to be some fixed cost tied to each installation plus the cost of materials. He recommended that this be approved and request that staff bring back a renegotiated fee with Tempest.

MOTION:

Councilmember Burnham moved to adopt a resolution of the City Council of Eagle Mountain City, Utah amending the contract documents and specifications for Eagle Mountain City installation of underground electric and natural gas services to the amount of 67 feet with the following stipulations, that the contract will sunset May 1, 2011, and fall back to the original contract if the City cannot renegotiate with Tempest and that a renegotiation be brought back to the Council before the first meeting in April 2011. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

20. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said that his son did a really good job at the Dancing Up a Storm competition. He said that Councilmember Painter and Steve Mumford also did a good job.

21. CITY COUNCIL BOARD LIAISON REPORTS

No reports were made.

- A. Economic Development Board, Cemetery Board – Councilmember Burnham
- B. Youth Council, Senior Council and Library Board – Councilmember Ochsenhirt
- C. Public Works Board – Councilmember Ireland
- D. Planning Commission – Councilmember Celaya
- E. Parks and Recreation – Councilmember Painter

22. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

23. ADJOURNMENT

Councilmember Burnham moved to adjourn the meeting at 8:14 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 1, 2011.



Fionnuala B. Kofoed, CMC
City Recorder