

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 2, 2010

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

ELECTED OFFICIALS PRESENT: Councilmembers 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; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Dave Norman, Assistant Public Works Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

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

1. PRESENTATION – BYU Sound Study for the Eagle Mountain City Skate Park.

This item was not discussed.

2. PRESENTATION – UDOT SR-73 Widening Project (second eastbound lane from Ranches Parkway to 800 West in Saratoga Springs).

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.

This item was not discussed.

5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing security, 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 security, 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, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:05 p.m.

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

ELECTED OFFICIALS PRESENT: Councilmembers 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; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

6. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:13 p.m.

7. PLEDGE OF ALLEGIANCE

John Hendrickson led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- At Westlake High School's Dancing Up a Storm competition, Eagle Mountain won the team trophy for winning second, third and fourth places.
- Woman of Achievement nominations may be submitted to Angie Ferre by February 15.
- An elementary school walking trails open house will be held on February 3, 6:00 p.m. at City Hall.
- The library is closed while moving materials into the new addition. The ribbon cutting will be held on February 15th and the library will open on the 16th.
- During Work Session, the City received a certificate of appreciation from the Lehi Area Chamber of Commerce for a donation which helped them to upgrade the Chamber's website.

9. 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.)*

Paula Veblungsnes, 9029 Torrey Pines Loop, objected to rezoning land in Stonebridge subdivision to Mixed Use Commercial. Her family moved here for quiet and open space and would like the open space to remain. Garbage trucks come to and from the Maverik gas station at 2:00 a.m. and wake her family up and they don't want any more noise from additional commercial development.

10. 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 Cieslak

Councilmember Cieslak expressed appreciation to those who came to participate tonight. He appreciated UDOT's presentation at Work Session and their upcoming transportation projects for the City. He mentioned that City Recorder Fionnuala Kofoed made it possible for the Council to more efficiently access their meeting materials on the website. Ms. Kofoed said that Linda

Peterson and Jenalee Harper helped with that. Councilmember Cieslak also said that Linda Peterson promptly corrected an error on the website when it was pointed out to her. He appreciated City employees being committed to providing quality work.

Councilmember Burnham

Councilmember Burnham congratulated the Eagle Mountain team on their performance at Dancing Up a Storm. She encouraged residents to be patient during this summer's road construction and to attend the walking trails open house. She was excited about the library expansion. She would like to see school districts pay part of the costs of busing so they make better boundary decisions.

Councilmember Ochsenhirt

Councilmember Ochsenhirt had no comment.

Councilmember Painter

Councilmember Painter said that a resident told him that the recycling bin in City Center was fairly inaccessible because of mud and ice. Public Works Director Chris Trusty said a sewer plant trench is the problem, and it should be finished in a day or two.

Councilmember Ireland

Councilmember Ireland had no comment.

Mayor Jackson

Mayor Jackson said UDOT has allocated \$8.8 million for the widening of SR 73 from Ranches Parkway to 800 West. Construction will begin in June. UDOT is working on getting more snow fencing on SR 73. Chris Trusty met with Saratoga Springs this afternoon about the Pony Express extension project. Construction will begin in March or April. The Pioneer Crossing and SR 92 projects are on schedule.

11. APPOINTMENTS

- A. Eagle Mountain City Recorder – Fionnuala B. Kofoed
- B. Eagle Mountain City Treasurer – Gordon Burt
- C. Parks and Recreation Advisory Board –
 - Kyle Burdette (3-year term)
 - Leigh Morrison (completion of term vacated by Doug Comeau)

MOTION: *Councilmember Ireland moved to appoint Fionnuala Kofoed to the office of City Recorder. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

MOTION: *Councilmember Ireland moved to appoint Gordon Burt to the office of City Treasurer. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

MOTION: *Councilmember Ireland moved to appoint Kyle Burdette to a three-year term on the Parks and Recreation Advisory Board and Leigh Morrison to complete the term vacated by Doug Comeau, ending in December 2011. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan*

Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

Mayor Jackson administered the oath of office to Ms. Kofoed and Mr. Burt. Ms. Kofoed administered the oath of office to Mr. Morrison. Mr. Burdette was not present at the meeting.

CONSENT AGENDA

12. MINUTES

A. January 19, 2010 – Regular City Council Meeting

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. 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.*

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the City's General Plan for the Future Land Use and Transportation Corridors Map.

This item was presented by Planning Director Steve Mumford. This applicant-proposed amendment changes the future land use designation for a 2.41-acre parcel of land located on the southwest corner of Stonebridge Lane and Ranches Parkway from Mixed Use Residential to Mixed Use Commercial. The land across the street is zoned Commercial, Rockwell Charter High School is northwest of the property and five or six residential lots abut the property, one of which is City-owned and will be a detention pond. Uses will be required to be compatible with surrounding property. A golf course cart path will have to be relocated. A twenty-foot buffer with trees and a fence will be required between this property and the adjacent residential lots.

Mayor Jackson opened a combined public hearing for items 13 and 14 at 7:51 p.m.

Larry Veblungsnes, 9029 Torrey Pines Loop, said he is a real estate broker who has seen the impact of commercial development on residential property. He said that if Council members don't have commercial development in their back yards, then it's not fair for them to put more commercial property in his back yard. He will probably sell his house if the rezone is approved.

Roger Shirin, 8966 Jefferson Ct., was against the rezone. He said that Rockwell High School students use the golf course tunnel to go across the street. The reconstruction of the cart path would put it too close to his property.

Mayor Jackson closed the public hearing at 7:55 p.m.

The distance of the rezone from the residential properties was discussed, as well as the time limit for reconstructing the cart path.

MOTION: *Councilmember Ireland moved to adopt an ordinance amending the General Plan for the future land use and transportation corridors map designating 2.41 acres as*

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

PUBLIC HEARING

14. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Rezoning Property from Golf Course Open Space to Commercial.

This item was presented by Planning Director Steve Mumford. This item is a proposal to rezone a 2.41-acre parcel of land located on the southwest corner of Stonebridge Lane and Ranches Parkway from Golf Course Open Space to Commercial.

MOTION: *Councilmember Ireland moved to adopt an ordinance rezoning 2.41 acres from Golf Course Open Space to Commercial, with the following conditions:*

- a. It complies with the Future Land Use Plan*
- b. It is compatible with surrounding uses*
- c. Appropriate buffering is addressed with the Site Plan process*
- d. Staff designates a fence line and the fence prevents pedestrian access to the golf course.*

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.

Mayor Jackson excused herself to attend another meeting by telephone and asked Mayor Pro Tem Eric Cieslak to conduct the City Council meeting.

PUBLIC HEARING

15. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending Title 17.80, Sign Regulations and Sign Permits, of the Eagle Mountain City Code.

This item was presented by Planning Director Steve Mumford. The proposed ordinance is an amendment to Chapter 17.80, Sign Regulations and Sign Permits, specifically adding a section regulating yard/garage sale temporary signs. The item was tabled from a previous meeting. The City Code currently prohibits all temporary signs. The Planning Department recommended that residents go to the City website, register their yard sale, pay a small fee, and have signs posted in the ground – not on sign posts or light poles – for up to two days.

The Council discussed whether the amendment should apply to non-sale signs, such as those for lost pets, whether a fee should be charged, and how the amendment should be enforced. After extensive discussion, Mayor Pro Tem Cieslak reminded the Council that a public hearing needed to be held.

Mayor Pro Tem Cieslak opened the public hearing at 8:25 p.m.

Larry Veblungsnes, 9029 Torrey Pines Loop, thought it was absurd that the City Council thought it was worthwhile to regulate or charge a fee for temporary home garage sale signs. He said the City has bigger priorities than managing open house signs.

Mayor Pro Tem Cieslak closed the public hearing at 8:27 p.m.

Mayor Jackson returned and Mayor Pro Tem Cieslak returned conduct of the meeting to her.

MOTION: *Councilmember Cieslak moved to table an ordinance amending regulations on temporary signs. Councilmember Ireland seconded the motion.*

Councilmember Burnham asked that the amendment be brought back to the Council quickly, as it's already been tabled once. Mayor Jackson said it could be discussed on March 2.

Councilmember Cieslak called the question.

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

Councilmember Ireland asked if the item will have to be brought back to the Planning Commission. Mr. Kinghorn said the changes the Council is discussing are substantive enough that it will need to go back to Planning Commission.

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 14, General Specifications for Electrical Services, of the Eagle Mountain Construction Standards and Specifications for Public Improvements.

This item was presented by Energy Division Manager Adam Ferre during Work Session. The proposed amendment to the General Specifications for Electrical Services clarifies the safety standards and training requirements that contractors shall follow when installing electrical infrastructure within Eagle Mountain City.

MOTION: *Councilmember Ireland moved to adopt an ordinance amending the Eagle Mountain City Standards and Specifications. 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. AGREEMENT – Consideration and Approval of an Agreement for Professional Services between Eagle Mountain City and Rodney K. Erickson D/B/A Rodco Construction Management for Construction Management and Startup Services for the Wastewater Reclamation Facility.

This item was presented by Assistant Public Works Director Dave Norman during Work Session. Rodco Construction provided construction management services through Stantec Consulting during the construction of the Wastewater Reclamation Facility. This proposed agreement will contract directly with Rodco for additional construction management, start-up services and training for City treatment plant operators. Rodco Construction has approximately 30 years' experience in the construction and operation of treatment systems. They will be able to provide hands-on and in-depth training for City operators during the first few months of start-up. By contracting directly with Rodco, the City will receive a reduced rate and will be able to monitor the project more closely.

MOTION: *Councilmember Ochsenhirt moved to approve an agreement with Rodco Construction Management Company in the amount of \$13,000 for additional construction management services and treatment plant start-up training and authorize the Mayor to sign the agreement. 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.

18. AGREEMENT – Consideration and Approval of a Subdivision Improvement Completion Agreement between Eagle Mountain City and the SilverLake Village at SilverLake Homeowner Sub-Association, Inc.

This item was presented by City Attorney Jerry Kinghorn during Work Session. The proposed agreement allows Eagle Mountain City to work with the SilverLake Homeowner Sub-Association to complete specific subdivision improvements that should have been completed by the original developer. The agreement grants a temporary easement to the City, and those acting on behalf of the City, to complete specific improvements. The City holds collateral for the improvements under the terms of the Development Agreement with the developer and will demand payment by the surety to complete the improvements. The City will consult with the homeowner association to prioritize the improvements to be completed.

MOTION: *Councilmember Ireland moved to approve a subdivision improvement completion agreement between Eagle Mountain City and the SilverLake Village at SilverLake Homeowner Sub-Association, Inc. Councilmember Ochsenhirt seconded the motion.*

Councilmember Painter asked if this developer had any chance of trying to develop again in Eagle Mountain City. Mr. Kinghorn said they're out of business and have a number of debts being collected. Councilmember Ochsenhirt said that if the bond is called, it will be very hard for them to get another one.

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

19. 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 reported that the Public Works Board met recently. He thanked them for their work and Ifo Pili for the leadership he provides to the board. He looked forward to presenting information from the board to the City Council at the next meeting.

Councilmember Burnham

Councilmember Burnham said the Planning Commission meeting was cancelled. She suggested to the Council that if they can't agree on a specific issue, like the signage amendment, after lengthy discussion, maybe they should agree to disagree and make a motion.

Councilmember Ochsenhirt

Councilmember Ochsenhirt agreed with Councilmember Burnham that the signage amendment needs to be finished. He was pleased to see that more residents are shoveling snow. He reminded them to move their vehicles during snow storms and shovel their walks as well as their driveways.

Councilmember Painter

Councilmember Painter congratulated Leigh Morrison on being appointed to the Parks and Recreation Advisory Board.

Councilmember Cieslak

Councilmember Cieslak appreciated Mr. Morrison's willingness to serve and all the board members who serve the City. He was pleased with the plans for transportation for the City and encouraged residents to continue to contact elected officials so the plans become reality.

Mayor Jackson

Mayor Jackson said the ribbon cutting for the water reclamation facility will be held on February 16. The marketing campaign will also be launched that evening. There is a Town Hall meeting scheduled for February 25, but she will be out of town. She asked Councilmembers to think about whether they would like to reschedule the meeting or hold it without her, and let her know later.

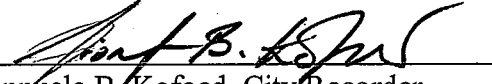
20. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Reports were made during Council comments.

21. COMMUNICATION ITEMS
A. Upcoming Agenda Items
22. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:04 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 16, 2010.


Fionnuala B. Kofoed, City Recorder