

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 3, 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

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

Mayor Heather Anne Jackson conducted the meeting.

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

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

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Senior Accountant; Donna Milakovic, Interim Public Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Mike Hadley, Senior Planner; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Deputy.

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. 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. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into 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.

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

The meeting was adjourned at 5:25 p.m.

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

Mayor Heather Anne Jackson conducted the meeting.

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

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Donna Milakovic, Interim Public Information Coordinator; Paul Jerome, Senior Accountant; 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.

4. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:01 p.m.

5. PLEDGE OF ALLEGIANCE

David Lifferth led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Library Story Time for children ages 3 – 5, Tuesdays 10:30 – 11:00 a.m., today through March 17.
- Princess Academy with Miss Eagle Mountain Kim Onions, February 14, 10:30 a.m. – 1:00 p.m. at City Hall, for girls ages 4 – 10, \$10 per child.
- Valentine's Day food drive, February 14, sponsored by the Alliance for Unity. Donations will be picked up door to door.
- Westlake Football Night, February 18, 6:00 – 9:00 p.m. at McDonald's in Saratoga Springs, to benefit the Westlake High School football team.
- Miss Eagle Mountain Pageant and Woman of Achievement Award, February 21, 7:00 p.m. at Eagle Valley Elementary School, \$7 per ticket.
- Tribute to a Hero Program in partnership with Alta Vista Homes. Nomination forms are available at the Eagle Mountain and Alta Vista websites. The presentation will be made at the Pony Express Days Pancake Breakfast, Saturday, May 30.
- Local Officials' Day at the Legislature last week was attended by Mayor Jackson, three members of the City Council, several members of the Youth City Council and their advisors.

7. PUBLIC COMMENTS

Nikki Wickman, 2766 E. Fort Hill Road, read the following statement: "I have two questions and some citizen feedback as a consistent user of the asphalt trail system in Eagle Mountain. Question #1: When we use the mixed-recycle bin, do we know for a fact that someone actually sorts through all that garbage and gets it to the right place to be recycled? Or do they perhaps just take

it to the nearest garbage dump and throw it in? Whenever I use the bin, I can see that some people are throwing their regular household trash in. Could we put up a big sign telling residents not to do that, maybe with the threat that they will be fined and/or lose the privilege of having a convenient place to take all their recyclables?

Question #2: This is not an Eagle Mountain issue at all, but Mayor Jackson, I'm hoping that, as someone who has personal interaction with many local politicians, you might be able to tell me if there is some way for Utah citizens to protest the way the Public Service Commission is proposing to overlay a new area code throughout northern Utah. I firmly believe the geographic district option would be a far more acceptable change. I have family in the Phoenix area and in-laws in the Los Angeles area, both of which went through this transition several years ago. When I spoke to several of my relatives recently about their phone service, they almost could not remember that their area code had changed at all. And it only makes sense to them (and to me) that when they call anyone within their same area code, it's a local call, and they only have to dial 10 digits for a long-distance call. As a local business owner, I'm on the phone A LOT. I do not want to have to dial 10 digits every time I make a call, even on my cell phone, and even to my next-door neighbor. I do not want to have to remember when a business started to determine whether it is an (801) call or a (385) call. This would be an inconvenience that will never go away, rather than a temporary transition, whose effect would not be noticed much after a while, rather like changing Eagle Mountain's zip code to 84005. Do you know how to show support for Legislative Bill HB 215 which Rep. Jim Dunnigan of Taylorsville has introduced?

Asphalt Trail Feedback: Right now the asphalt trail in front of The Ranches Fire Station is being torn up to fix the water lines. As the City begins to replace this trail and to plan for new trails throughout the City, please bear the following in mind. I cannot speak for the baby walkers and dog walkers, but as for the runners, the bike riders, the skateboarders and the drivers of snow plows, the straighter the trail is and the fewer dips there are, the better. Trails that meander and twist gracefully around may be aesthetically pleasing to the eye, but they are simply a pain in the neck for some of us. The snow plows have taken out big chunks of grass in several places along Ranches Parkway and Pony Express Parkway, and in the dark, it's very easy to run, ride, or skate off the trail. In the places where the street lights don't quite reach, it's particularly easy to trip or fall, especially when there is black ice. As for dips and low spots, these are always full of water in the summer and covered with black ice in the winter. And why does every intersection have to have 8-10 panels of concrete? Doesn't it make more sense to keep the trail asphalt all the way through the intersections? Concrete is not pleasant to run or ride on because of the hard surface, the expansion joints and the inevitable cracks and breaks. The northwest corner of Ranches Parkway and Pony Express Parkway is a particularly bad example, and the snow plows tend not to plow there at all, making it necessary for runners and riders to use the street. There is also a problem when the trail is running parallel to the street, but the concrete driveway, for some reason, points out into the street, making it necessary for snow plow drivers, runners and riders to all go out in the street if they don't want to get caught on the "lip" of the concrete, which is very easy to trip or wipe out on. This happens in the Highlands, both where Braxton and Barton Creek Drive enter Ranches Parkway. And, one last side note. If it is ever an option, a bicycle lane on the edge of the road is preferred by most exercising pedestrians because roads are, in general, better maintained than trails. And they are always plowed first by the snow plows and kept clean by the street sweepers. Of course, there is a safety issue with children, and I do understand the limitation. However, I wish you would point this out to UDOT as they plan for the eventual (and long-anticipated) widening of SR 73.

Thank you for your time and attention.”

Mayor Jackson responded that she would provide Ms. Wickman with an email address for District 56 Republican Party Legislative District Chair Ken Smith, who is opposing the area code overlay. She also recommended that Ms. Wickman contact Sen. Madsen and Rep. Sumsion. She stated that the recycling bin is taken to the recycling plant for sorting. The bin was moved to the Public Works Building to reduce the amount of household trash being placed in it. She asked Chris Trusty to explain the concrete installed at street intersections. He stated that truncated-dome inserts are required by law to alert visually-disabled people when they're approaching traffic areas, and the inserts don't install well into asphalt.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Cieslak

Councilmember Cieslak thanked everyone for coming out and participating in local government. He asked everyone to petition state and federal officials by emails and newspaper articles about transportation to get higher on the transportation priority list.

Councilmember Ochsenhirt

Councilmember Ochsenhirt welcomed everyone to the meeting. He thanked Brian Haskell for talking to him personally and working with The Ranches HOA. He looked forward to working with him in the future.

Councilmember Lifferth

Councilmember Lifferth echoed Councilmember Cieslak's comments on transportation. He thanked the Recorder's Office for the extra effort in typing parts of the minutes of the last meeting verbatim. He expressed appreciation to everyone who is involved in local government.

Councilmember Burnham

Councilmember Burnham stated that this was the first year the Youth City Council attended Local Officials' Day at the Legislature. She said the youth represented the city well. Kim Onions has also represented the city well as Miss Eagle Mountain. Eagle Mountain has good teenagers who make a difference in the community.

Mayor Jackson

Mayor Jackson echoed Councilmember Burnham's comments about the youth. She also said that she will be traveling to Washington, D.C., next week to lobby federal representatives. She will not be lobbying about transportation, as that will be addressed in Congress later. She will probably go to Washington again at that time. She stated that the City Managers and Administrators of Eagle Mountain, Lehi and Saratoga met last week with MAG and will take a regional transportation plan to county, state & federal officials.

9. APPOINTMENTS

A. Public Works Board – Robert Clegg

MOTION: *Councilmember Lifferth moved to appoint Robert Clegg to the Public Works Advisory Board for a term of four years. Councilmember Ochsenhirt seconded the motion.*

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

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

CONSENT AGENDA

10. MINUTES

- A. January 20, 2009 – Regular City Council Meeting
- B. January 24, 2009 – Special City Council Meeting

11. REDUCED BOND

- A. Meadow Ranch Phase 4

12. FINAL BOND RELEASE – Out of Warranty

- A. Pony Express Parkway (Street Project)

13. CHANGE ORDER

- A. Porter's Crossing Extension Change Order # 1 – Skip Dunn Excavating
- B. Porter's Crossing Extension Change Order # 2 – Skip Dunn Excavating

MOTION: *Councilmember Ochsenhirt moved to approve the Consent Agenda. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

14. MOTION – Consideration of a Reimbursement Agreement for the Valley View Tank.

This item was presented by Public Works Director Chris Trusty. The development agreement for the Valley View water tank stipulated that the developer of this project was required to build a 0.6 million gallon tank for the upper Valley View subdivision. This tank was designed not only to accommodate the higher pressure zone in the Valley View subdivision, but would also include the upper North Ranch subdivision in a new pressure zone, and would provide for additional fire protection for the City with the installation of a pressure reducing valve. The developer for this project already had a reimbursement agreement with the City which allows him to be reimbursed as impact fees are collected by the City. However, because of the excess capacity that has been built into the tank, he is asking to renegotiate this reimbursement agreement to be structured such that an initial payment be made by the City for that portion of the tank which is providing a benefit to the current system, specifically that portion that was allocated to upper North Ranch and for fire suppression.

Discussion ensued on funding of the agreement. Mr. Pili explained that funds are available for a number of projects. This project can be added to the list.

MOTION: *Councilmember Ochsenhirt moved to approve a reimbursement agreement for the Valley View water tank project. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

15. MOTION – Consideration and Approval of an Amendment to a Tolling Agreement Between Cedar Valley Water Company, LLC, and Eagle Mountain City, Extending the Expiration Date to September 5, 2009.

Eagle Mountain City entered into a tolling agreement with Cedar Valley Water Company on October 21, 2008. Cedar Valley Water Company has requested that the agreement be extended until September 5, 2009 to explore a settlement of their claims against Eagle Mountain City.

The motion is reported verbatim at the request of Councilmember Lifferth.

MOTION: *Councilmember Lifferth made the following motion:*

“Madame Mayor, I would like to make a motion.

I would like to extend the tolling agreement with Cedar Valley Water Company. My initial proposal was to extend the tolling agreement by two months. I wanted to give Cedar Valley Water Company the necessary amount of time to complete their due diligence without an inappropriate delay. My objective is to resolve this issue and bring this issue to closure as soon as is prudent.

However, at the recommendation of Jerry Kinghorn and understanding his request to be accommodating of the scheduling needs of legal counsel for the Cedar Valley Water Company, I make the following motion: I move that Eagle Mountain City approve the amended tolling agreement with the Cedar Valley Water Company to extend the termination date of the tolling agreement by three months to Friday, June 5th, 2009.”

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

16. BID AWARD – Consideration and Award of Bid for the 2 Million Gallon Tank for the Well #5 Construction Project.

The City operates three existing water tanks with a total capacity of 4 million gallons (MG). Eagle Mountain City’s Capital Facilities Plan recommended that a new 1.0 MG water storage tank be built in 2007, in addition to the Valley View tank, which has a capacity of 0.6 MG. It then recommended that a 2.0 MG tank be built in 2010. Because the 1.0 MG tank was never built and to take advantage of the economy of scale, the City elected to design the 2 MG tank to be built in the 2008-09 time frame. Earlier this year, the City Council approved a contract with Horrocks Engineering to locate and design this tank. The City prequalified several contractors for the construction of this project, and is recommending that the bid be awarded to Build, Inc.

MOTION: *Councilmember Cieslak moved to approve a bid award to Build, Inc., for a two million gallon water tank for well #5 in the amount of \$1,216,600.00. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

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

Councilmember Lifferth

No comment.

Councilmember Burnham

No comment.

Councilmember Cieslak

Councilmember Cieslak requested that everyone email their elected officials.

Councilmember Ochsenhirt

Councilmember Ochsenhirt wished everyone a good night.

Mayor Jackson

Mayor Jackson asked Miss Eagle Mountain Kim Onions to stand up. She thanked her for her service as Miss Eagle Mountain and wished her well in the Miss Utah pageant.

18. COMMUNICATION ITEMS
A. Upcoming Agenda Items

19. ADJOURNMENT

MOTION: *Councilmember Lifferth moved to adjourn the meeting at 7:39 p.m.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 17, 2009



Fionnuala B. Kofoed, City Recorder