MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

February 6, 2010
9:00 a.m.
Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

***** This meeting may be held telephonically to allow an individual to participate *****

9:00 AM – BUDGET RETREAT WORK SESSION

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. Eric Cieslak arrived at 10:15 a.m.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Michele Graves, Librarian.

Mayor Heather Anne Jackson called the meeting to order at 9:11 p.m.

1. Review of FY 2010-2011 Goals – John Hendrickson
2. Review of Department Goals and Major Expenditures – Department Heads
3. Listing of Each Council Member's Goals and Priorities
4. Listing of Mayor's Goals and Priorities
5. Discussion of Goals and Priorities
6. Tentative List of Goals and Priorities (Limit to 10, if possible)
7. ADJOURNMENT

MOTION : ***Councilmember Cieslak moved to adjourn the Budget Work Session.***

The Work Session was adjourned at 11:41 a.m.

SPECIAL SESSION

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Michele Graves, Librarian.

1. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 11:42 a.m.

SCHEDULED ITEM

2. AGREEMENT – Consideration and Approval of an Agreement with Deon Duncan for Grant-Funded Artwork.

This item was presented by Councilmember Donna Burnham. Councilmember Burnham stated that placing the item on this agenda was a matter of timing. It was already a full agenda for the February 16 City Council meeting and waiting until March 2 wouldn't allow the sculptor enough time to complete the statue by the Pony Express Days deadline. The City had been notified on February 2 that the grant funds were available through the County and it wouldn't have been appropriate to have placed the item on the agenda prior to that notification. Councilmember Burnham added that members of the public and press generally attend these types of meetings even though none were present at this meeting.

Unlike other statue proposals, this was a community art project. The proposal was to create an opportunity for the community to focus on specific core values represented in the oath the Pony Express Riders took. The vision was to involve the residents in creating such a monument. Councilmember Burnham suggested that the City host an essay contest with the local schools and that the winners could have their essays read at Pony Express Days. Councilmember Burnham said that she would offer her assistance in this program and that it would be a great way to get the community involved in the fundraising event. There should be prizes as an incentive for the participants.

Councilmember Burnham explained that the contract was with Deon Duncan, a local artist, who has established herself over her 20-year career specializing in public art and community involvement. This would be the first of several phases of the project with this contract being phase 1. In this phase, the artist would produce a small .25 scale hydrostone sculpture of a Pony Express Rider taking the oath; the City and the Artist recognize that more detailed cost estimates and time deadlines for the community art options phases must be planned, however the City would be licensed to sell copies of the ¼ life size statue in fund raising efforts for the full community art project.

Under the contract, the city would pay $25,000.00 for the creative work and the ¼ life size hydrostone, patina-finished statues of the rider and horse. This fee will come from a grant received from Utah County for art in the community. If and when further funds were raised the City would proceed to the next phases of the contract which included enlarging the statue, the foundry process and final installation.

One item of concern that Councilmember Burnham discussed was the cost for the duplicate copies of the statue that would be sold to raise funds for the larger statue. Councilmember Burnham requested that staff be able to negotiate this cost as she believed that the $1,300 identified in the contract for additional copies was too much and would impede the fund raising process. Councilmember Burnham stated that the City's cost should be somewhere in the range of $500-$800 per duplicate.

Councilmember Nathan Ochsenhirt was concerned that the public would have a negative perception of the Council's voting on this contract at a special meeting. Mayor Jackson responded that it wasn't unusual for the City to conduct business after a special work session and pointed out that a bid had been awarded last year at a similar meeting.

Discussion ensued regarding the size of the statue and the duplicate statues. These items would need to be discussed with the artist and the specific dimensions included in the contract.

Councilmember Ochsenhirt believed that the City was paying too much for the initial statue and shouldn't be charged on the potential of what money could be raised. This was nothing negative towards the artist, but it was his opinion that the $25,000 was out of proportion for the first stage of the project and he didn't want the City Council viewed as mismanaging funds.

Mayor Jackson discussed the project costs and noted that the City was paying some up-front creative costs in this portion of the contract. The cost for the life and a quarter size statue would be $106,000 and $78,000 of this was a foundry fee. The artist wouldn't be making much of a profit on the second portion of the project.

Councilmember Painter raised a question regarding whether the base of the statue was included in the agreement for the ¼ size statue and what the final product would look like. Mayor Jackson explained that the base in the concept sketch was still conceptual and would be decided on at a later time. The base of the larger statue would include a plaque with the names of those individuals who donated funds.

Councilmember Burnham mentioned that the portion of the project that included the artist working with the local schools and instruction during the sculpting had been removed from this contract as it was not part of this phase of the project. Councilmember Burnham would have preferred to include the community education aspect of the project in this contract, as it would help the public understand why the first payment is as large as it is.

Councilmember Ochsenhirt stated that he would love to vote for art in the community, but can't find justification for this contract. He had a lot of support from the residents for his "no" vote on the previous statue that was voted down by the City Council.

Councilmember Burnham explained that the Council needed to be up-front about where the funds were coming from. It was a Restaurant Tax grant from Utah County specifically for this project and if the Council didn't approve the contract, the City would be walking away from the funds. This project would not be taken from Restaurant Tax funds that the City applies for on a yearly basis.

Councilmember Eric Cieslak believed that this was a good project for the City and that it would appeal to some people within the community. He added that the City had spent $300,000 on the skate park. He'd only visited it on two occasions and while he doesn't get direct benefit from it, others do. The statue was a good thing for the community, without any fiscal impact to the City

MOTION: ***Councilmember Eric Cieslak moved to approve an agreement with Deon Duncan for grant-funded Community Artwork in the amount of $25,000 and authorized the staff to negotiate the cost for the duplicate statues. Donna Burnham seconded the motion.***

Councilmember Ryan Ireland stated that this item should have been discussed in last year's budget work session or it should be placed on the City's budget priority list and planned for the future.

Councilmember Burnham pointed out the Restaurant Tax program would be going away.

Councilmember Ireland believed that this was the people's business and that the agenda item should be discussed in a meeting that was well attended by the public.

Councilmember Ochsenhirt stated that all items concerning the full project should be addressed in the proposed contract.

AMENDED MOTION: ***Councilmember Cieslak amended his original motion to include the provision that the base of the statue be included in the in the $25,000 cost for the project. Councilmember Burnham accepted the amendment.***

Councilmember Ireland questioned whether this was the best use of the taxpayers' money if the City was unsuccessful in raising the additional $80,000 for the larger statue. He was also concerned that raising funds for the statue would get in the way of the Pony Express Days fund raising efforts.

Mayor Jackson stated that the City raised $60,000 last year for Pony Express Days and it was her opinion that fund raising efforts for the statue wouldn't impact Pony Express Days donations.

Councilmember Cieslak reiterated that the City would be investing something that not everybody was interested in having, but it was a good investment that some residents could enjoy.

Councilmember Ireland believed that pursuing the statue was something that should be placed on the City's budget priority list. Mayor Jackson responded stating that not all grants were on the City's budget list and that we don't always know when the grants are available. This was a non-match grant and that type of grant didn't come along very often.

Councilmember Painter called the question.

Those voting yes: Eric Cieslak, Nathan Ochsenhirt, Donna Burnham, John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.

Councilmember Ochsenhirt stated that he voted yes because the funds had been approved by the County and if Eagle Mountain didn't spend the funds, someone else would. It was unfortunate that the City didn't have something else put together as he believed the City was paying too much for the statue.

3. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 12:30 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 16, 2010

Fionnuala B. Kofoed, City Recorder