

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

April 1, 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 4:08 p.m.

CONDUCTING: Mayor Heather Anne Jackson

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

**DISCUSSION/REVIEW ITEMS**

1. DISCUSSION – Building Use Policy – Mayor Jackson requested that the Council review the Building Use Policy and get their comments back to Jerry Kinghorn by April 15, 2008. The policy would be placed on the May 6, 2008 City Council agenda for consideration and adoption.

**AGENDA REVIEW**

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

**CITY ADMINISTRATOR INFORMATION ITEMS**

3. DISCUSSION – Update on the sewer treatment facility – Chris Trusty, Public Works Director

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

Councilmember Cieslak **moved** to adjourn to a closed executive session. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

The City Council adjourned to a closed executive session at 5:32 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.

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

Mayor Heather Anne Jackson called the meeting to order at 7:09 p.m. Logan Freeman led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant

#### INFORMATION ITEMS/UPCOMING EVENTS

- Meeting with the PTA and principal of the new elementary school, April 9, 6:00 p.m., Pony Express Elementary School
- UDOT open house on 10<sup>th</sup> South East-West connector final road design, April 10, 5:00 – 7:00 p.m., Snow Springs Elementary School, Lehi
- Volunteer recruitment meeting for Pony Express Days, April 10, 6:30 p.m., City Hall
- Garage sale fundraiser for Sadie Huish, a 5-year-old diagnosed with a brain tumor, April 12, 8:00 a.m. – 12 noon, Ranches Academy
- “Pimp My Pooch” dog fair, fundraiser for Humane Society, April 12, 1:00 p.m. – 6:00 p.m., Nolan Park
- Town Hall meeting, April 23, 6:30 p.m., City Hall. Questions and answers with Commissioner Ellertson, Rep. Sumsion, Sen. Madsen, and a representative from Congressman Cannon’s office
- Mayor Jackson attended a meeting this morning regarding the City’s contract with the Sheriff’s Office.
- Sgt. Gordon Ewell received his Purple Heart this afternoon. The key ceremony for the house his family will receive from the “Home for a Hero” program will be on May 30 at 11:00 a.m.
- The City has held two DRC meetings regarding the proposed bike park. The developer has proposed solutions for approximately 20 issues brought up by residents, including parking, dust, liability, financing, security, safety, and erosion.

#### 4. PUBLIC COMMENTS

Chris Bowerbank, 3339 Castle Cary Cr., had the following concerns about the cost of the proposed bike park. The estimated \$40,000 to \$50,000 cost is planned to be paid by donations and City funds.

- Is there enough resident interest to justify the City’s financial investment?
- Is the park a top priority over other recreational facilities such as a recreation center, parks, playground equipment and facilities for basketball, baseball, tennis and soccer?
- Does the City have the funds to maintain the park without going into further debt?
- What is the detailed cost breakdown? If the project goes over budget, how much is the City willing to pay?
- How would the City respond if the project goes over budget?
- Would the City Council consider requiring the park builders to place all the funds needed to build the park in escrow before construction begins?
- Does the City have the tax revenue to fund this project now, or should the City wait until more businesses come to Eagle Mountain and provide more tax revenues?

- Would the funds used for the bike park be better used to attract more businesses?
- Since the park would be located on a utility easement, has the City thought about the cost of losing the investment in the park if the company which owns the utility needs to remove park facilities to work in the easement?
- With a high rate of foreclosures in Eagle Mountain, and a slower rate of building, does it make sense to build the park, which is a luxury, when future city revenues may be reduced because of the economic situation?

He also had the following concerns about sanitation:

- It is proposed that bike park users use the restroom facilities at Nolan Park. A typical boy will use a nearby tree.
- How will trash be picked up if it isn't put into trash cans? Will the adjacent residents have to do it?
- How will animals be prevented from getting into trash?

Brad Fausett, 3288 Golden Eagle Rd., commented on traffic and parking at the bike park. He said other bike parks in Utah and surrounding states are not within city limits. He does not see a parking area for the bike park other than in the street. Golden Eagle Rd. is too narrow for safe on-street parking. The stop sign at the intersection of Golden Eagle and Sparrow Hawk is often ignored, which adds to the safety problem.

Leanne Dalton, 7468 Castle Rock Rd., lives adjacent to the proposed park location, which is on a utility easement. She has spoken to Doug Gibbons of the Kern River gas company regarding regulations for easements. He told her the Kern River Developers' Handbook, found online, says the best use of easement property is open space trails. The City must maintain vegetation and no erosion is allowed. No invasive weeds or fill can be placed on the easement. No jumping is allowed. Any construction equipment requires a Kern River employee on site. If the City does not enforce these regulations, Kern River can shut down the park. Kern River can tear out anything in the way of their work in the easement. Restoration would be at the City's expense. Ms. Dalton asked Mr. Gibbons about the use of ATVs on the easement, which he said was not permitted. She felt that the park would increase vehicle traffic on trails. The lack of fees or enforcement will increase the problems. Youth may endanger themselves climbing on power poles. She spoke to Kevin Mulvey of Rocky Mountain Power, who said the cost of fencing along the easement would be borne by the City.

Fred Peeples, 7572 Kidwelly Ct., lives adjacent to the proposed park location. He addressed the following issues with placement of the park:

- The bike park in Vancouver, Canada, is adjacent to a skate park, allowing shared restroom facilities, parking and trash facilities. It is not located next to an easement.
- Sandy City allows bikes to use its skate park.
- Wildland fires are increasing each year. The bike park is located in a transition area between homes and wildland. Bringing people into the area increases the chance of fires. He asked Chief Andrus to address this.

He requested that the City require a full height fence between the park and homes. He also asked that the bike park be constructed using dust control materials.

Peggy Henrie, 3356 Castle Cary Cr., discussed liability issues the bike park would create for the City and adjacent land owners. She mentioned the Recreational Land Use Immunity Act and the Landowners' Liability Act. Failure to exercise due care eliminates protection under the Land Use Immunity Act. Mrs. Henrie requested that a requirement for maintenance records and who is

responsible for the facilities be included in the written agreement for the park. She asked the following questions:

- Will standards for playground equipment be followed?
- Will signage identifying park rules for each skills and trails area be installed?
- Have attractive nuisances been identified, such as utility poles and steps leading to the easement?
- Could planned sharing of the current trail by pedestrians and bikers result in injury?
- Could on-street parking result in children darting out from between parked cars?
- Are landowners protected by the cited Acts? Her research indicates that landowners would have to prove enforcement of no trespassing.

Mrs. Henrie cited the bike park in Vancouver as a model for the Eagle Mountain bike park.

Kara Badger, 7518 Darnaway Ct., lives adjacent to the proposed park location. She said misperceptions and assumptions from the builders have led residents to feel they are being misled. These include comments in the slide presentation presented to the City Council. For example, the fence mentioned as a barrier between the bike part and the residential property is a two-rail pasture fence, not one that would prevent access. Parking is a concern, as park users who take a shortcut to their cars would cross private property. The amount of money contributed by The Ranches HOA was not accurately stated. She asked that the City Council exercise due diligence and examine the proposal closely. She also said that WAFTA was said to be a nonprofit organization, but it has not been granted that designation yet. She also stated, in behalf of her son, that he is opposed to the bike park because the deer won't visit him any more.

Chris Woodbury, 7512 Darnaway Ct., appreciated those who proposed the bike park and said they have a good vision and want to create positive press for the city. They have been willing to meet with residents to discuss their concerns. She asked that decision makers step back and consider residents' concerns: location, cost, liability, accessibility, parking, safety, construction restrictions, effect on nearby residents and enforcement of rules.

Rick Thompson, 4669 Osprey Way, expressed appreciation for the Council and the great job they do. Regarding the skate park, he said Salt Lake County sometimes closes a skate park due to problems. He is for kids and extracurricular activities. Many of these activities are paid for by individuals, so he suggested the City charge a small fee for use of the skate park to help with maintenance and/or supervision. He has taken his son to a skateboard park which charges a fee. The Lehi swimming pool also charges a fee. Perhaps there could be a league, which would provide supervision. The City may open a Pandora's Box when paying for facilities for special interests. Regular parks, by contrast, serve everyone.

Logan Freeman, 1860 Juniper Dr. in The Landing, spoke about the entry to his subdivision. Residents have previously brought up the poor condition of the entryway but have not received a response from the City Council. Many residents are willing to donate time and materials for improving it, and some Scouts living in The Landing want to do Eagle Scout projects there. The subdivision is older and the residents often feel forgotten by the City. He also said there are empty lots, 3 unfinished rows of houses, and 2 roads that need to be finished. He hoped that something could be done to encourage the owners to take care of those lots.

Susan Hayward, 8466 Western Gables Dr., encouraged the City to institute curbside recycling. She works near Recycle America and takes her family's recycling there when she goes to work. She and her neighbors are interested in single-source curbside recycling.

Ammon Carter, 4223 N. West Pinion Cr., commented on the entryway to The Landing. He said that many residents of the subdivision are willing to donate time and materials. He has some trees he can donate.

## **CITY COUNCIL/MAYOR ITEMS**

### **5. CITY COUNCIL COMMENTS**

#### Councilmember Ireland

Councilmember Ireland thanked the residents for attending this meeting and expressing their concerns and suggestions. He asked those who had written their comments to email them to the Mayor and Council. He took a short poll of the audience, asking what their primary concerns are about the bike park. He commented on Mr. Thompson's question about how to allocate recreation funds, questioning how the Council should decide which sport to support.

#### Councilmember Lifferth

Councilmember Lifferth expressed appreciation for the audience's participation and well-thought-out comments. He wanted to see the details of the bike park proposal. He was pleased with the discussion of the building usage policy and hoped it would be implemented in such a way as to allow City Hall to be an asset to the residents. He commended Mayor Jackson on how effectively work sessions have been conducted.

#### Councilmember Burnham

Councilmember Burnham appreciated the audience's well-thought-out comments, saying that local government is the level at which residents can have the greatest impact. She reported that she attended the first meeting of the Youth City Council and invited more youth to come to the next meeting. She brought up the 35-mile-per-hour speed limit at the entrance to SilverLake, which is unsafe.

#### Councilmember Cieslak

Councilmember Cieslak thanked the audience for attending and making public comments. The City Council needs help with answers to issues. He would like to see town hall meetings held for the bike park, as they were held for the skate park. He agreed with Councilmember Ireland that the Council needs to consider how to decide which interest groups to support. Tax monies need to be used to benefit as many residents as possible.

#### Councilmember Ochsenhirt

Councilmember Ochsenhirt commended the audience for attending and commenting in an organized and respectful way. He said public comments are very important. He has received the same complaint as Councilmember Burnham about the speed limit at SilverLake. He has heard many comments requesting city-wide recycling. Cost is an issue at the moment, but he strongly endorses it and the cost should be investigated. He was looking forward to progress in parks and recreation.

#### Mayor Jackson

Mayor Jackson commented on preserving the history of the city. The pictures of previous mayors have been removed from display in City Hall, to be replaced by a new plaque with all mayors and their terms listed, as well as a picture of the current mayor. She called Lt. Castleberry and Sgt. McDowell of the Sheriff's Office to the podium and presented them with a picture of Eagle Mountain's deputies for display in their office. She announced proposed donations of a statue of one of the city's founders and a statue of a Pony Express rider.

6. BOARD APPOINTMENTS

Parks and Recreation Advisory Board

Mayor Jackson recommended the appointment of Bryan Free to the Parks and Recreation Advisory Board for a term of 3 years, Susan Hayward for a term of 2 years, Chad Thueson for a term of 2 years and Jared McLaughlin for a term of 1 year. Councilmember Cieslak **moved** to approve the appointment of Bryan Free to the Parks and Recreation Advisory Board for a term of 3 years, Susan Hayward for a term of 2 years, Chad Thueson for a term of 2 years and Jared McLaughlin for a term of 1 year. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

Youth City Council Advisors

Mayor Jackson recommended the appointment of Alicia Hill and Robert Hill as Youth City Council Advisors, with Robert Hill as Chair. Councilmember Burnham **moved** to approve the appointment of Alicia Hill and Robert Hill as Youth City Council Advisors for one-year terms, with Robert Hill as Chair. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

City Recorder Fionnuala Kofoed administered the oath of office to Susan Hayward, Alicia Hill and Robert Hill. Bryan Free, Chad Thueson and Jared McLaughlin were not present and will receive the oath of office at a later date.

7. PRESENTATION – New city web site – Linda Peterson, Public Information Coordinator

**CONSENT AGENDA**

3. Councilmember Cieslak **moved** to approve the following item on the consent agenda:

MINUTES – March 18, 2008 – Regular City Council Meeting

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

**SCHEDULED ITEMS**

9. RESOLUTION – Consideration and adoption of a resolution amending the Eagle Mountain City Policies and Procedures Manual

City Administrator John Hendrickson presented a resolution amending the Policies and Procedures Manual. The Eagle Mountain City Council adopted the current Policies and Procedures Manual for City employees in January, 2008. This proposed resolution amends Section 1 of the Employee Code of Personal Conduct to require that employees speak English during working hours, unless a member of the public requires communication in another language.

Councilmember Lifferth **moved** to adopt Resolution R-11-2008, amending Section 1 of the Employee Code of Personal Conduct in the Eagle Mountain City Policies Manual to require that employees speak

English during working hours, unless a member of the public requires communication in another language. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

10. MOTION – Consideration and approval of temporary directional signage for a dog fair

An application for temporary directional signage was presented by Planning Director Peter Spencer. The applicant proposes to place twelve temporary signs at specified locations leading from major roads within Eagle Mountain to Nolan Park. The signs will advertise the “Pimp My Pooch” dog fair benefiting the Humane Society of Utah, which will be held on April 12 from 1:00-6:00 p.m. The proposed signs will be placed no sooner than 48 hours prior to the event and they will be removed no later than Monday, April 14, 2008.

Councilmember Ireland **moved** to approve a motion to allow directional signage for a dog fair, to be located per City staff recommendation. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## CITY COUNCIL/MAYOR’S BUSINESS

### Councilmember Ireland

Councilmember Ireland suggested that improving the entryway to The Landing be a priority.

### Councilmember Cieslak

Councilmember Cieslak referred to the public hearing about the Jax gravel pit, which was extremely emotional. He commended the audience for their professionalism in making public comments at tonight’s meeting.

### Councilmember Lifferth

Councilmember Lifferth mentioned that he received an email from Chief Andrus with items to be considered on the building use policy.

### Councilmember Burnham

Councilmember Burnham had no comment.

### Mayor Jackson

Mayor Jackson stated that she will be out of town from Wednesday afternoon until Thursday evening. Councilmember Lifferth will act as Mayor Pro Tem if Mayor Jackson cannot be reached. Councilmember Burnham will attend the Thursday evening’s MAG meeting in Mayor Jackson’s place.

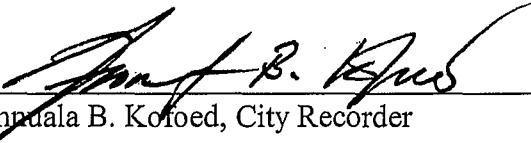
## CITY ADMINISTRATOR ITEMS

Mr. Hendrickson reminded the Council that a preliminary budget meeting will be held on Friday, April 4, at 4:00 p.m. He announced that he would be out of town next week at the Utah League of Cities and Towns convention. In his absence, Ifo Pili will be Acting City Administrator.

## ADJOURNMENT

Councilmember Cieslak **moved** to adjourn the meeting at 8:54 p.m.

APPROVED BY CITY COUNCIL APRIL 15, 2008

  
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Fionnuala B. Kofoed, City Recorder