

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 17, 2012

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. Councilmember Ochsenhirt was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Jeremy Cook, acting for City Attorney Jerry Kinghorn; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Senior Accountant; Jason Walker, Human Resources Coordinator; Chris Trusty, Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

Mayor Heather Anne Jackson called the meeting to order at 4:09 p.m.

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. DISCUSSION – FY 2012-2013 Budget, Enterprise Fund.

Treasurer presented the tentative budget for the enterprise funds. He expects the revenues over all enterprise funds will exceed expenditures by \$1M. The \$1M will go to fund balances.

Councilmember Painter questioned the doubling of the water equipment & supplies budget. Public Works Director explained that the City plans to upgrade the well maintenance procedures.

Councilmember Burnham asked why \$50,000 was budgeted for water meters. Mr. Hendrickson said it was for growth and for replacements.

Mayor Jackson explained changes in insurance costs.

Increases to the Capital Outlay fund are due to maintenance and remodeling for the Public Works and sewer buildings.

The Electric Fund has a deficit due to the most recent bond. Councilmember Ireland asked if the debt service listed in the Electric Fund covers all of the debt payments on the gas and electric bond. Mr. Hendrickson said that it only covers the electrical share.

Mr. Pili pointed out that the Gas Fund subsidizes the Electrical Fund somewhat. The City is currently doing a rate study to make the rates more accurate.

The Solid Waste Fund should transfer \$95,000 to the General Fund to cover funds owed to the General Fund.

The Storm Drain Fund will increase its transfer to the General Fund, which is closer to correct, but is still under-transferred.

Councilmember Burnham asked why materials, supplies and services seem to be underfunded. Mr. Jerome said the higher amounts were due to unexpected issues like flooding.

Councilmember Painter asked about administration charges. Mr. Jerome said the change was to reflect more accurate numbers.

Mr. Jerome will correct some errors that were found by the Council and will provide a corrected version to the Council.

3. 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.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned 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.

**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 Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:50 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt (connected by telephone at 7:47 p.m.), John Painter and Richard Steinkopf.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Jeremy Cook, acting for City Attorney Jerry Kinghorn; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Senior Accountant; Jason Walker, Human Resources Coordinator; Chris Trusty, Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

#### 5. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:07 p.m.

#### 6. PLEDGE OF ALLEGIANCE

Ashleigh O'Connor led the Pledge of Allegiance.

Mayor Jackson introduced the new Miss Eagle Mountain, McKilee Brunger; her first attendant, Ashleigh O'Connor; and second attendant, Lizzie Coltharp, who were crowned at the Miss Eagle

Mountain Pageant on April 7. McKilee introduced her platform, which is creating support for children and families affected by autism.

## 7. INFORMATION ITEMS/UPCOMING EVENTS

- **Town Hall Meeting** – April is Alcohol Awareness Month and, as part of a nationwide campaign, Eagle Mountain and Saratoga Springs' Communities That Care coalition, SAMHSA, and Parents Empowered are hosting a Town Hall Meeting on Thursday, April 19th, at 7:00 PM at Vista Heights Middle School in Saratoga Springs.
- **Spring Street Fair** – The Spring Street Fair was rescheduled due to an inclement weather forecast from last Saturday to this coming Saturday, April 21 from noon to 4 p.m. The fair will be located on Peregrine Road behind the Chevron.
- **Community Safety Program Meeting** -- A meeting will be held on Tuesday, April 24 at 6:30 p.m. at Fire Station #2 in The Ranches for members of the Community Safety Program and others who are interested in being involved. Topics include an after-action report for the Great Utah Shakeout earthquake exercise held on April 17.
- **Spring Cleaning Dumpsters** -- Dumpsters for yard and general waste will be available for the month of April. They are located by the Public Works building (2545 N. Pony Express Parkway - about 2 miles south of City Hall) in front of the wastewater treatment facility.
- **Pony Express Days** – Pony Express Days will be held May 25-June 2. Tickets are on sale now for the Pony Express Days Concert & Fireworks with Chris Cagle and Charley Jenkins, as well as the Demolition Derby and Rodeo. Tickets may be purchased online via the City website, Pony Express Days page, or in person at City Hall during business hours.

## 8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Sam Allen, 1914 Juniper Drive, was concerned about the lack of transparency in City financial reporting. He objected to the City mentioning Utah's low utility rates in its budget, when the City's costs are much higher. The fiscal year 2011 audit report was missing from the City's website. He questioned the fiscal year 2010 interfund transfer from the Utility Fund to the General Fund.

Mayor Jackson stated that the audit report had been filed with the State when it was due, and she would see that it was added to the website. She referred Mr. Allen to Assistant City Administrator Ifo Pili to discuss his other concerns.

David Benight, 3648 Scotsraig Drive, represented the Parks and Recreation Advisory Board. He spoke about the agenda item on the off-highway vehicle ordinance. He said that the Board has been working carefully on this issue for a year and a half. He thanked City staff for their assistance on the project and recommended the ordinance for approval.

Brandon Watters, 3965 Dodge Street, spoke about a park improvement project. The Porter's Crossing Park has a sand volleyball court which has become an eyesore and fills with water during rain storms. The HOA has spent several thousand dollars to address the problems. He asked that the City partner with the HOA to convert the volleyball court into a basketball court. The HOA will donate part of the funds for the project, which will cost a total of \$10-12K. About a dozen people in the audience were there to support this project.

Mayor Jackson referred Mr. Watters to the Parks and Recreation Advisory Board.

Toby Simmons, 1763 E. West Pinion Circle, introduced himself and said he was interested in being involved with the City. He asked why the City's utility rates are so high. He felt that if he has questions about City government, he should attend City Council meetings.

Mayor Jackson said that the City is studying utility rates right now and will hold a town hall meeting when the results of the study are available.

9. **CITY COUNCIL/MAYOR'S ITEMS** – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Burnham

Councilmember Burnham thanked everyone who participated in the Great Utah ShakeOut, the statewide earthquake drill held earlier in the day. She appreciated the manner in which the budget was being discussed this year. Normally, it's been done in budget meetings, which are publicized but not as well-known as City Council meetings. This year, each section of the budget is being discussed in a City Council Work Session.

Councilmember Steinkopf

Councilmember Steinkopf appreciated the City's work on the ShakeOut. He also complimented the staff and residents for winning the annual Blood Battle blood drive sponsored by Horrocks Construction.

Councilmember Painter

Councilmember Painter recognized the Parks and Recreation Advisory Board for their efforts in developing the City's proposed off-highway vehicle ordinance. He hoped that the City will take the next step, which is emphasizing safety so that the ordinance doesn't have to be rescinded in the future.

Councilmember Ireland

Councilmember Ireland thanked those who made public comments. Public participation is crucial to City government. The budget preparation period is a particularly important time for public input.

Mayor Jackson

Mayor Jackson echoed the comments that were made. She appreciated residents who come to meetings regularly, pointing out Nikki Wickman, and know what's going on in City government.

10. **PROCLAMATION** – National Municipal Clerks Week, April 29-May 5, 2012.

Mayor Jackson read the Municipal Clerks Week proclamation.

**MOTION:** *Councilmember Painter moved to approve a proclamation designating April 29-May 5, 2012, as National Municipal Clerks Week in Eagle Mountain. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

11. **APPOINTMENT** – Interim City Treasurer.

Gordon Burt recently resigned as City Treasurer. Mayor Jackson recommended that Paul Jerome, who has been the City's Senior Accountant, be named Interim City Treasurer.

**MOTION:** *Councilmember Burnham moved to appoint Paul Jerome as Interim City Treasurer. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Mr. Jerome was not able to attend Policy Session. He'll receive the oath of office at a later date.

## CONSENT AGENDA

### 12. MINUTES

A. April 3, 2012 – Regular City Council Meeting.

During Work Session, Councilmember Steinkopf requested that his comments be amended to clarify that off-highway vehicles will not be allowed on sidewalks or pathways. It was also noted that Councilmember Ochsenhirt led the Pledge of Allegiance, not Councilmember Painter.

### 13. CHANGE ORDER

A. South Substation, Phase 1 Construction – Black and McDonald, Inc.

**MOTION:** *Councilmember Painter moved to approve the Consent Agenda, with the minutes as amended in Work Session. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

### 14. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending Chapter 2.45 of the Eagle Mountain City Municipal Code, Youth City Council.

The proposed amendment to the Municipal Code was requested by the Youth City Council. It changes the Youth City Council election date from November to June. The current code requires the outgoing Council to conduct the elections; however, some students leave for college and are not available to fulfill their responsibilities in November. This amendment would allow the outgoing Youth Council members to complete their duties before any seniors leave for college.

In Work Session, Councilmember Ireland asked how a June election would be publicized, since the students will be out of school. Mayor Jackson said it can be advertised during the last month of the school year and at the City information booth during Pony Express Days.

**MOTION:** *Councilmember Steinkopf moved to adopt an ordinance amending Chapter 2.45 of the Eagle Mountain City Municipal Code, Youth City Council. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

*Councilmember Ochsenhirt connected to the meeting by telephone at 7:47 p.m. Mayor Jackson allowed him to register a vote for item 14.*

15. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the Eagle Mountain City Municipal Code, Chapter 5.05, Business Licenses.

This amendment changes the business license renewal date to the anniversary date of the license issuance rather than a June renewal for all licenses. The change will allow for renewals to be spread throughout the year, which will be more manageable and efficient on an administrative level. If current licensees wish to keep the June renewal date, they may.

**MOTION:** *Councilmember Painter moved to adopt an ordinance amending the Eagle Mountain City Municipal Code, Chapter 5.05, Business Licenses. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

16. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah, Amending the Consolidated Fee Schedule.

The Consolidated Fee Schedule will be amended to incorporate the approved changes to the Business License renewal date. The business license fees will not change; however, the fee for the initial transition year will be prorated from July 1, 2012 to the anniversary date, unless the license holder prefers to remain with their original expiration date.

**MOTION:** *Councilmember Burnham moved to adopt a resolution amending the Consolidated Fee Schedule. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. BID AWARD – Consideration and Award of Bid to CO Building Systems for the Purchase of an 80' x 100' Steel Building.

The 80'x100' steel building bid is for the structural steel and insulation that are needed for the warehouse section of the new energy building. Typically, this type of structure is contracted separately from the rest of the project. Any structural steel that will be used in the office area is not considered part of a steel building and is therefore not part of this contract and will be presented for approval at a later date.

Councilmember Painter asked Energy Director Adam Ferre if this expense is part of those already budgeted. Mr. Ferre said it is.

**MOTION:** *Councilmember Painter moved to award a bid to CO Building Systems for the purchase of an 80' x 100' steel building in the amount of \$73,893.00 and authorize the Mayor to sign the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. MOTION – Consideration and Withdrawal of a Motion to Approve the 2012 Municipal Recreation Grant Project.

At its April 3, 2012 meeting, the City Council approved an application for County Recreation Grant funds for an equestrian warm-up arena at the Pony Express Regional Park. It has been proposed that the application be rescinded and the funds be rolled over to the 2013 budget year.

**MOTION:** *Councilmember Painter moved to withdraw a motion to approve the 2012 Municipal Recreation Grant project and request that those funds be rolled over until next year. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, for the Regulation and Operation of Off-Highway Vehicles in Eagle Mountain City.

Use of OHVs on City streets has been discussed for several years. The proposed ordinance will regulate the operation of off-highway vehicles on the streets and roads of Eagle Mountain City. The off-highway vehicles will be limited to operate on specific portions of paved trails and shall not be operated on SR 73; Ranches Parkway; Eagle Mountain Boulevard from the intersection of SR 73 to east right-of-way line of the intersection of Eagle Mountain Boulevard with Pony Express Parkway; and Pony Express Parkway. All persons operating off-highway vehicles on public streets or trails must have a valid Utah driver's license and shall not exceed twenty miles per hour. The ordinance will take effect on July 1.

Management Analyst Ikani Taumoepeau presented this item. Councilmember Ireland brought up the OHV crossing near the City Center roundabout. The Council decided to move the crossing slightly south to the access road to Overland Trails plat 3. The map of roads where OHVs are allowed will be slightly amended and returned to City Council.

Councilmember Steinkopf asked about access in the SilverLake/Kiowa Valley areas. Mr. Taumoepeau said City staff is working with landowners for access points.

Councilmember Steinkopf asked how OHV riders will know about the ordinance. Mr. Taumoepeau said notices could be placed in utility bills, the newsletter and the City website. Signage will also be installed before July 1.

Councilmember Painter asked if there would be an "OHV crossing" sign at each of the crossings. He was concerned about safety for not only OHV riders, but car drivers, as well. Mr. Taumoepeau said that would be a budget issue to be decided by the Council. Councilmember Ireland suggested that some of the City ladder sign slats could be used for OHV information.

Mayor Jackson discussed using the trail from Lone Tree to Hidden Hollow School on the south side of the road as an OHV trail. Mr. Taumoepeau said that issue has been postponed until a safe exit is determined.

Councilmember Ireland asked about crossings in White Hills. Discussion ensued, finally determining that the White Hills crossings should be reviewed by staff before the effective date of July 1.

**MOTION:** *Councilmember Ireland moved to adopt an ordinance for the regulation and operation of off-highway vehicles in Eagle Mountain City as amended during Work Session, with direction to staff to resolve the concerns in regard to the White Hills subdivision. Councilmember Painter seconded the motion.*

Councilmember Burnham thanked the City staff and Parks and Recreation Advisory Board for their hard work on this issue. Councilmember Ireland said he's spoken to several property owners, who complimented the staff on how well they worked with them on obtaining permission for off-highway vehicles on private property.

Councilmember Steinkopf asked if the ordinance should be amended to specify that off-highway vehicles will not be allowed on sidewalks. It was determined that the ordinance is sufficient as written. Councilmember Burnham reminded the Council that the ordinance doesn't apply to people plowing sidewalks.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

No comment.

21. 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.

None.

22. COMMUNICATION ITEMS  
A. Upcoming Agenda Items  
B. Financial Reports

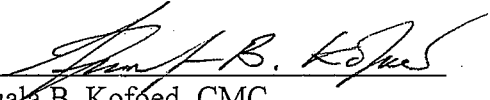
23. ADJOURNMENT



**MOTION:**

*Councilmember Ochsenhirt moved to adjourn the meeting at 8:14 p.m. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MAY 1, 2012.



Fionnuala B. Kofod, CMC  
City Recorder