

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 20, 2010

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 PM WORK SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Eric McDowell, Sheriff; Adam Ferre, Energy Division Director; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; John Hendrickson, City Administrator; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Jenalee Harper, Deputy Recorder; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Paul Jerome, Senior Accountant; Dave Norman, Assistant City Engineer; and Linda Peterson, Public Information Director.

Mayor Heather Jackson called the meeting to order at 4:11 p.m.

Lori Howes presented the Fire Department with awards.

1. DISCUSSION – Tiered Water Rates
2. DISCUSSION – Energy Efficiency Incentive Program
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.
5. 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 Cieslak 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 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.*

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

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

CITY STAFF PRESENT: Eric McDowell, Sheriff; Adam Ferre, Energy Division Director; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; John Hendrickson, City Administrator; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Jenalee Harper, Deputy Recorder; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Dave Norman, Assistant City Engineer; and Linda Peterson, Public Information Director.

6. CALL TO ORDER

Mayor Heather Jackson called the meeting to order at 7:05 p.m.

7. PLEDGE OF ALLEGIANCE

Bryan Free led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express Days will begin May 27 through June 5. All information for Pony Express Days is available on the City website. Tickets are also available online for most events. The PRCA Rodeo will be held May 27 – 31.
- The City is in need of 50 volunteers for a cleanup project with Cabella's on June 1 from 5 to 7 p.m. in the City center. For more information please contact Angie Ferre at angief@emcity.org.
- Volunteers are also needed for the City's annual cleanup of the Veteran's Memorial Park by Camp Williams on May 27 from 4 to 8 p.m. For more information please contact Bonnie Elhalta at belhalta@emcity.org
- Discounted trees available for purchase will be available at the Public Works building on April 24 from 8 a.m. to 1 p.m. They will be sold only on Saturdays until the trees are sold out. More information is available on the City website.
- Dumpsters are available at the Public Works building for spring cleanup until April 30. Larger items such as appliances are not allowed to be dumped. No dumping of garbage around the dumpster is allowed.

9. PUBLIC COMMENTS

Nikki Wickman, 2766 Fort Hill Road, would like to see the gravel on the road near the gravel pit cleaned up. She has had broken windshields and feels that it is dangerous to motorists. She asked that something be done to clean it up.

Jennifer Holdsworth, 4632 Independence Way, explained that where the trails meet the road there is no landscaping and that it is just dirt. She would like to see these landscaped so that children riding the trails don't get muddy when it rains.

Marci Taylor, Lake Mountain Road, thanked the City for the improvements that have been made to Lake Mountain Road. She also stated that people have been camping, building fires, and riding on people's private property on Lake Mountain Road. She explained that trash is also being dumped at the ends of Lake Mountain Road such as mattresses and oil. She asked if the City could put a notice in the newsletter to remind residents that this is private property and that no camping or trash dumping is allowed.

Mayor Jackson asked Linda Peterson to put this information in the newsletter.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

No comment.

Councilmember Ochsenhirt

No Comment.

Councilmember Painter

Councilmember Painter explained that he has spent a lot of time to try and balance several factors regarding the recreation center. He said that for him and his family it would get tremendous use. He stated that many times in his life he has been torn between something that he wanted and something that he could afford. He feels that there is a fine line between government involvement with the recreation center and the private sector.

Councilmember Cieslak

Councilmember Cieslak thanked the residents for coming to the meeting. He stated that he did not vote for the recreation center, but voted to give an opportunity to the residents to vote for or against it. He explained that he has received quite a few emails on this topic. He said that he had asked the Recorder's Office for election results for all of the municipal elections. He had put the information together into a report to see voter turnout results. He stated that an average turnout for a primary election is 19.5%. He feels that this report shows that when topics matter to the residents of Eagle Mountain they will show up to vote. He said that with a good plan to educate the populace you can get a higher voter turnout than normal. He requested that when people make public comment or send emails to the Council that they remain polite and stick to the facts. He stated that he does not appreciate it when people attack his family and say things like, shame on you, you're not a representative of me. He feels that when people do this it negates their opinion. He asked that residents stick to the facts and issues without personally attacking people. He said that the Mayor has been attacked on this issue even though she did not vote for it. He stated that if there is a concern with how the Council voted then the residents need to voice their concern with the Council.

Councilmember Ireland

Councilmember Ireland reminded residents that April 23rd is the deadline for opting out of the recycling program. He felt that there may be some confusion with the recreation center and stated that it is an outdoor aquatics facility only. He asked that the residents making public comment state whether they are for or against the recreation center and to stick to the facts such as the economic impact to the residents. He also asked that everyone be respectful to each other and concurred with Councilmember Cieslak's comments.

Mayor Jackson stated the Pony Express Parkway has been closed for more than a week. She said that there have been accidents every single day on S.R. 73 because of it. She reminded everyone to slow down and pay attention to avoid accidents. She said that UDOT has increased the time of the left hand turn light to allow more traffic to get through. She stated that Pony Express Parkway should be completed by June 3. She also explained that it is illegal to shoot within the City limits

and that it is very dangerous. She stated that late in late June/early July the widening of SR 73 should begin.

11. RECOGNITION

- A. Fire Department Awards – *This item was moved to 4:00 p.m.*
- B. Fionnuala Kofoed, Melanie Lahman – CMC Award

Mayor Jackson explained that Mrs. Kofoed and Mrs. Lahman had received their Certified Municipal Clerk Award. She congratulated them on this achievement.

Mrs. Kofoed explained that it generally takes three years of courses to receive this certification.

CONSENT AGENDA

12. MINUTES

- A. March 16, 2010–Regular City Council Meeting
- B. March 30, 2010–Special City Council Meeting, Budget Session

13. DEVELOPMENT AGREEMENT

- A. Jacob's Well, Plat C

14. CHANGE ORDER

- A. Professional Services for Wastewater Reclamation Facility - Rodco Construction

MOTION: *Councilmember Ireland moved to approve the consent agenda.
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.*

SCHEDULED ITEMS

15. PUBLIC HEARING – Proposed 2010 Recreation General Obligation Bonds.

On March 16, 2010, the City Council of Eagle Mountain adopted a resolution that authorized the calling of an election concerning the issuance of the City's General Obligation Bonds. The public hearing allows Public Comment regarding (1) the issuance of not to exceed \$7,000,000 General Obligation Bonds to finance costs of constructing a community recreation facility and related improvements and (2) any potential economic impact that the improvements, facilities or properties financed in whole or in part with the proceeds of the bonds may have on the private sector.

Mayor Jackson explained that this is not a full blown recreation center and that it is an outdoor aquatic center only. She stated that it is similar to the outdoor aquatics facility in Payson. She also explained that a prior meeting the Council voted 3 to 2 that the outdoor aquatics center should go to bond election to give the residents an opportunity to vote yes or no on the center. She said that a previous plan was estimated to be \$9,000,000 but that this would put the City in the red zone every year so the City chose the \$7,000,000 option which gave the City a better chance of breaking even each year. She explained that by voting yes to the recreation center this would increase property taxes so that the City could go after a loan to build the facility.

Mr. Kinghorn explained that the local government bonding act requires that the City Council hold a public hearing to receive comment from the public with respect to the issuance of the bonds. He said that the statute doesn't require the Council to take any action, but that they can place an action item on the next meeting if the Council wants to.

Mayor Jackson opened the public hearing at 7:50 p.m.

John Lala, 8389 Crest Road, said that the Daily Herald indicated that the Council had passed the bond issue. He thanked Councilmember Ireland for voting no to the recreation center. He explained that there are bankruptcy stories and job loss stories in the newspaper as well. He feels that the recreation center cannot survive in this economy and on Eagle Mountain's tax base. He said that there are 150 businesses in Eagle Mountain and wanted to know what these businesses have paid the City.

Mayor Jackson stated that the business license fee is \$75 for commercial businesses and some home based businesses. She said that it's \$25 for most home based businesses.

Justin Pinkham, 3874 Smith Ranch Road, stated that he goes to an indoor recreation center in Orem. He explained that Lehi struggles to meet operating and maintenance costs with their outdoor facility. He is opposed to an outdoor recreation facility.

Stephanie Rocssello, 1963 Revere Way, does not want a June bond election for the recreation center. She feels that it would be in the City's best interest to hold the election in November. She feels that it will waste tax payers money and that more people will turn out to vote if it is held in November.

Mayor Jackson explained that there will be a primary election because of the number of people that have put in for the school board position.

John Hooser, 1583 Tumwater North Drive, explained that he had done some quick figuring and has found that it will cost each residence \$33.33 per month to have a recreation center. He feels that it is not right to charge residents who do not want the recreation center. He said that once the taxes are raised they will never go away.

Bryan Free, 7654 Red Kite Way, feels that it is the residents responsibility to vote for or against the recreation center. He wants people to get out and vote and to become educated on the topic. He wants to see the bond election held in June.

Gilbert Taylor, 7299 N Ute Drive, feels that all major projects including the recreation center should be tabled for now, because of the general economic situation. He also said that this recession is going to devastate families.

Bryan Free read comments on behalf of Amanda Hammond, 3714 Summer Way. He read "I have heard it said that we are letting 10% of the population vote on a seven million dollar bond. If we don't let the ballot go to the ballot in June we are letting 10% decide for us. By putting it on the ballot in June we are inviting 100% of the population to have a voice in regards to the Eagle Mountain recreation center."

James Stock, 2099 E Hickock Way, stated that to his knowledge the Mayor and Council Members are all Republicans. He read three paragraphs from the Utah County Republican Party Platform. He feels that the government should not own things such as golf courses and recreation centers. He stated that this is a massive government spending project that the government has no business getting in to. He feels that there are many things within the City that need to be completed before the City builds a recreation center. He encouraged the Council to re-read the Republican Party Platform and then re-examine their votes on this issue.

Gary Caulkin, 1758 American Way, explained that he supports privately owned, constructed and operated recreation centers. He feels that the City should offer incentives to private parties to build a recreation center rather than taxing the citizens of the community for a place.

Jennifer Webb, 7639 Sparrow Hawk, expressed appreciation for being allowed to vote on the issue. She feels that whether the election is held in June or November should be up to the citizens to decide. She said that there will be a cost savings if the election is held in June. She explained that people will vote whether the election is in November or June.

Elaine Duke, 2156 E Sunrise Drive, feels that it is important to hold the bond election in June to save on costs of construction, loan fees and loan interest if the recreation center would pass. She stated that if there isn't an election in June nothing would be possible until 2012. She feels that time and gas costs would be saved from not having to drive to and from the Lehi recreation center.

Lynnette Rose, 2135 Ranch Road, loves to see residents coming out to comment on this topic. She feels that the recreation center will keep residents interested and help keep the tax dollars within the City. She said that it will save money on gas, time, food, etc. She likes the idea of allowing residents to vote on this issue, because not all Cities allow their residents to voice their opinions and are simply forced to comply with decisions made. She feels that waiting until November to vote will allow costs to stack up and rise making it more expensive to build a recreation center in the long run.

Casey Jones, 3299 Appaloosa Way, thanked the Mayor and Council and snow removal crew for doing a good job. He stated that last year there were four months that there was no snow and doesn't see that the pool will make enough money only being open for that long during the year. He explained that with the wind out in Eagle Mountain the pool will have to be closed. He said that the City does not need any more debt and should be putting money aside for hard times.

Erin Madsen, 9776 N Oquirrh View Drive, said that she considers the Councilmembers to be her friends. She feels that not everyone will vote on this issue. She explained that she does not want to see a recreation center built and that she does not believe in socialized recreation. She doesn't want the bond election to be held in June she would like to see it in November.

James Pope, 859 Russell Road, would like the bond election to be in November. He doesn't want to see less than a 90% turnout during the bond election. He feels if there was a reserve and a great economy he may be in favor of the recreation center. He does not want to see the City go into debt for this. He said that the City is not in the position to be wasting money on things such as statues. He would like to see a reserve built up before money is spent.

Charlotte Ducos, 9328 N Deerfield Circle, would like to see a pool but feels that the issues of taxation, small government and the roles of government have made her feel that the City should

not bond for a want. She feels that in this economy the City should not be spending this kind of money. She sees no reason why people can't vote in June and does not see a reason why the turnout can't be the same regardless of when the election is. She said that some people act as if something is barring them from voting in June. She stated that the polls will be opened the same number of hours whether the election is in June or November.

Jennifer Konold, 9467 N Sunset Drive, said that she is concerned that the Council is even considering building a recreation center in this economy. She figured that it will be a 34.29% tax increase to each residence if the recreation center is built. She feels that in June people's minds are on vacationing and that they will be more focused in November so the bond election should be held then. She would like to see the aquatics center presentation posted on the website for citizens to review. She thinks that the cost far exceeds the economic impact. She feels that the skate park was a waste of money and that it looked cheap and worries that the recreation center will be the same way. She stated that it's not the government's job to entertain residents.

Royce VanTassell, 3659 Royal Troon Drive, stated that he was the Vice President of the Utah Tax Payers Association. He feels that the bond election should be moved to November. He said that the turnout for elections is greater in November rather than June. He said that for this reason this critical topic should be moved to November.

David Benight, 3648 Scotsraig Drive, feels that Eagle Mountain will not grow in the future because there is nothing for families to do. He said that there are many negative comments about the recreation center. He explained that he was tired of hearing that tax officials know better than others and he wants the opportunity to vote in June. He said that the vast majority of residents have kids that would benefit from a recreation center. He also said that construction costs to build a recreation center will be 25% less than next year. He feels that more business will come to the City because their employees will want to live here and have something to do.

Media Burton, 2441 Ranch Road, stated that she was against the recreation center. She thinks that the City should be focusing on attracting businesses to Eagle Mountain and that the recreation center should be privatized. She said that if the recreation center is built it will increase her property taxes 3 to 4 times more than other properties. She feels that it would be better to base the increase per capita or only tax those who will be using it. She stated that holding the election in June is deceptive to the residents and makes them feel as if this issue is trying to be pushed under the table. She wants the election to be in November.

Dee Scott, 2167 Weeping Willow Way, feels that the majority of Eagle Mountain citizens should be given the opportunity to vote.

Mayor Jackson stated that some individuals had to leave the meeting so she would read their comments.

The following comments were read by Mayor Jackson.

Daniel & Carlene Hishoni, 3945 E Comanche Street, are opposed to the recreation center because of additional taxation. They feel that there have been too many foreclosures and that the recreation center will not pay for itself.

Mackenzie Casey, 8614 Hancock Circle, feels that it is important for the residents to vote and is

thankful for the opportunity that the Mayor and Council are giving to the people to let their voices be heard.

Zac Huish, 3564 James Street, feels that the recreation center decision should be made by the citizens. He would vote for the increase so that his kids would stay close to home in the future. He feels that it would be more convenient than using the Lehi recreation center. He also feels that it is a great opportunity for residential and business and growth.

Charles Carlile, 7657 Sparrow Hawk Way, is concerned with raising taxes to fund an aquatic center. He feels that many people might not use it and would like to see a private enterprise fund it.

End of comments read by Mayor Jackson.

Mayor Jackson closed the public hearing at 8:48 p.m.

Mayor Jackson said that the bond amount is for 20 years. She said that if the City does not grow at all and it keeps the same taxable value it currently has, it would not go up. She explained that if property values go down then the tax rate would go up. She said that the dollar figure would remain the same because the obligation is still the same. She stated that in the initial estimations that were given to the City by Lewis, Young, Robertson and Burningham, if the bond election were to move until November it would cost the City an additional \$305,000.

Mr. Hendrickson explained that the \$305,000 amount is based off of a 15 year bond.

Mayor Jackson feels that the process of the bond election needs to be fixed. She would like to see the public hearing held first so that the Council can take the public's comments into consideration.

Councilmember Ireland thanked the residents for sharing their comments. He requested that the bond election resolution be brought back before the Council at the next meeting for a vote.

Councilmember Cieslak felt that if a plan was put together it could be possible to get a high voter turnout for the June election but that he just can't argue with the voter turnout from past elections. He would also like an opportunity to vote for the bond election resolution again.

Councilmember Painter stated that several months ago the City conducted an online survey regarding the recreation center and that over 600 people participated. He said that over 60% of these people were in favor of a facility and in favor of paying for it. He feels that the 25 people who made public comment should be added to this total number.

Councilmember Ochsenhirt stated that they have been discussing the recreation center for a long time. He expressed appreciation for those who commented and feels that this should be the resident's decision. He thanked everyone for being respectful.

Councilmember Burnham echoed Councilmember Ireland and Councilmember Cieslak's comments. She feels that the opportunity to vote should be given to the majority of residents not the minority. She stated that she is not sure why less people turn out to vote in June. She wants to see the election held in November. She also stated that many comments suggested that there was nothing to do here in Eagle Mountain and that her kids always have something to do.

Councilmember Ochsenhirt stated that he initially supported the June election because there is thousands of dollars at stake. He feels that if the residents care enough that they will come out and vote. He said that if people don't come out and vote it shows that they don't care enough. He feels that you also can't argue with the voter turnout facts.

Councilmember Painter stated that there may have been some confusion regarding Councilmember Ireland's request and Councilmember Cieslaks request.

Councilmember Cieslak stated that he would like to rescind the resolution so that the Council can have an opportunity to move the election to November.

16. **PUBLIC HEARING – Community Development Block Grant (CDBG) Seniors' Transportation.**

Mayor Jackson explained that Eagle Mountain City submitted an application for a CDBG grant fund for the purchase of a van for transportation for Eagle Mountain seniors. She explained that the grant was awarded and the City is required to hold a public hearing to receive comments from the community concerning the project that was awarded under the 2010 CDBG program. She explained that the grant is for \$56,352.00 and the City's contribution would be \$9,450.00 which is 15%. She stated that the van will be wheelchair accessible.

Mrs. Kofoed stated that the original van that the City had looked at was a 16 passenger van with the capacity for two wheelchairs. She said that the cost is significantly higher for ADA accessible vehicles. She explained that back in November the City found a van that cost approximately \$64,000.00. She said that the City is not sure of what is available on the market right now and that they would have to wait until June before anything was brought back before the Council.

Mayor Jackson explained that there is a very active senior community and Senior Council, and that all of their events and activities are listed on the City website. She feels that this van will help those seniors that are unable to leave their homes on their own.

Mayor Jackson opened the public hearing at 9:08 p.m.

Casey Jones, 3299 Appaloosa Way, asked who pays for the upkeep of the vehicle, gas and driver of the vehicle.

Mayor Jackson explained that all of those expenses would be paid for by the City. She stated that the funds have been included in the fiscal year 2010-2011 budget.

Ron De Robles, 2065 Jordan Way, feels that this is a great idea.

Donna Milakovich, 4261 N Saddle Horn Drive, commended staff who wrote the grant and thanked the City for reaching out to do something for the Seniors. She is grateful that the City received this grant.

Mayor Jackson closed the public hearing at 9:13 p.m.

17. **RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Amending the Policies and Procedures Manual.**

The proposed amendment to the Policies and Procedures Manual reflects the new title of Public Information Director and clarifies how media requests should be handled by staff. Also proposed is an amendment regarding donation of leave to include maternity leave and limits the number of donated hours received by an employee on maternity leave to 160 hours. It is also proposed that the position of the fire captain be removed from the list of employees not eligible for appeal rights.

Councilmember Painter asked for clarification for who an eligible recipient is.

Mr. Hendrickson explained that it is for people on maternity leave, or for those who have an unusually grave or unsuspected illness or accident. He explained that employees cannot receive donated long term sick leave if they have long term sick leave of their own. He also stated that those donating leave must keep at least 96 hours of long term sick and their donations cannot take them under that amount. He explained that the individual receiving time does not know who donates time to them. He stated that individuals are not allowed to solicit for time.

Councilmember Ireland asked what would happen to an individual if they ran out of all of their long term sick leave.

Mr. Hendrickson explained that in that type of a situation an employee would be provided with FMLA leave which means the employee would have a job to come back to but that it would be unpaid leave.

Councilmember Ireland asked if 160 hours of donated leave was excessive.

Mayor Jackson said that this donation is for someone who is ill and unable to come to work to try and help mitigate some of their costs if other employees are willing to donate their time.

Councilmember Ireland asked if there was a policy on maternity leave.

Mr. Hendrickson stated that there is a policy in place with FMLA.

Mayor Jackson explained that an employee may use what leave they have for maternity leave and that if something unexpected came up and the employee was out of their own leave, this would allow other employees to donate to them.

Mayor Jackson reminded the Council that not every pregnancy is planned and that maternity leave is being added to help the employees out.

Councilmember Painter asked who makes the determination if someone has an unusually grave illness and needs time donated to them.

Mr. Hendrickson explained that it is the administrator's decision and that the Mayor will also give input. He stated that doctor's evaluations are also required to help make determinations.

Councilmember Painter asked if the City participates in any long term or short term disability benefits.

Mayor Jackson stated that the City does not participate in any disability benefits, which is why they offer the long term sick leave donation.

Mr. Pili explained that an employee must be out of work for more than a week in order for their long term sick to kick in. He said that once it kicks in the employee must use their own long term sick before others can donate time to them.

MOTION: *Councilmember Cieslak moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, amending the Policies and Procedures Manual to reflect the new title of Public Information Director and to clarify how media requests should be handled, that the policy regarding donation of leave be amended to include maternity leave and to limit the number of donated hours received by an employee to 160 hours for any single occurrence of maternity leave or unexpected illness or accident, and that the position of fire captain be removed from the list of employees not eligible for appeal rights. Councilmember Ochsenhirt seconded the motion. The motion passed with a unanimous vote.*

Councilmember Ireland felt that 160 hours seemed excessive and asked why that number was chosen.

Mr. Hendrickson said that before this change it was unlimited and that a month was chosen because it seemed reasonable and not excessive.

Councilmember Ochsenhirt feels that a month is a reasonable amount of time for someone who needs help during extenuating circumstances.

Councilmember Ireland said that federal law says that the City has to keep the employee's job while they are out.

Mayor Jackson said that employees do not have to donate their time, it is only if they want to. She said that if someone was out of work for 4 weeks and had no leave and no short term disability it starts a downward financial spiral. She feels that by allowing employees to donate time to each other is a benefit.

Mrs. Kofoed explained that when she previously worked for the City she had an unexpected surgery that put her out for six weeks. She said that two weeks of leave was donated to her and that she could not have survived without it. She also stated that just because you can receive 160 hours of donated leave does not mean that you will always need that.

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

18. AGREEMENT – Consideration and Approval of an Agreement with Powder River for the Pony Express Days Rodeo.

The City has selected Powder River as a consultant rodeo producer to assist the City in the Pony Express Days Rodeo conducted as a City activity at the Pony Express Park in Eagle Mountain City. Powder River has the expertise to assist the City in the design of the rodeo arena and related chutes and stockholding pens, the provision of personnel to produce the rodeo, and to provide

consultant services to the City with respect to other services needed by the City in connection with the rodeo.

Mayor Jackson stated that the fiscal impact of this agreement would be \$98,368.20. She said that by approving this agreement it will allow the City to purchase the rodeo equipment. She explained that an agreement with Pole Canyon is still being worked out.

MOTION: *Councilmember Ochsenhirt moved to approve an agreement with Powder River for the Pony Express Days Rodeo in the amount of \$98,368.20 and authorize the Mayor to execute the agreement. Councilmember Burnham seconded the motion.*

Councilmember Cieslak said that based on financial information provided to the Council this rodeo will eventually allow the City to move away from subsidizing Pony Express Days.

Councilmember Ireland feels that the other agreement with the Pole Canyon individuals should be in place before this is approved.

Mayor Jackson said that the agreement will be put into place.

Councilmember Ochsenhirt felt that DAI had invested too much into the project to default on this agreement.

Councilmember Burnham feels that by approving this even if the developer does not pay his portion for five years it helps the City come ahead on costs for Pony Express Days.

Mayor Jackson said that with all of the projections on costs the City would be down \$20,000.00. She said that this year the developer has to pay the City \$25,000.00 per the current agreement they have with the City which puts the City at a gain of \$5,000.00.

Councilmember Painter hopes that the rodeo is extremely successful but feels that the City is trusting numbers that someone else is projecting. He explained that he does not support this because of the risk factor.

Those voting aye: Donna Burnham, Eric Cieslak and Nathan Ochsenhirt. Those voting nay: Ryan Ireland and John Painter. The motion passed with a 3 to 2 vote.

19. AGREEMENT – Consideration and Approval of an Agreement with The Ranches Homeowners' Association for the Safety Landscaping Improvements and Site Amenities Project along Ranches Parkway and Pony Express Parkway.

The proposed agreement is between Eagle Mountain City and The Ranches HOA to remove some median features as a safety precaution along Ranches and Pony Express Parkways. The proposal also includes additional landscape improvements along both corridors.

MOTION: *Councilmember Burnham moved to approve an agreement with The Ranches Homeowners' Association for the safety landscaping improvements and site amenities project along Ranches Parkway and Pony Express Parkway in the amount of \$68,795.68 and authorizing the Mayor to execute the agreement. Councilmember Ochsenhirt seconded the motion.*

Councilmember Cieslak noted that the Council has lengthy discussions on these items during Work Session and that the Council is not just going through and approving items.

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

20. AGREEMENT – Consideration and Approval of an Agreement with UAMPS for an Energy Efficiency and Conservation Block Grant.

Eagle Mountain City and participating members of UAMPS submitted a joint application to the Utah State Energy Office for an Energy Efficiency and Conservation Block Grant. The purpose of the grant was to retrofit existing streetlights with new LED streetlight lamps. The grant was awarded and proposed Memorandum of Agreement documents the terms of the agreement between the State Energy Office and the participating members. Eagle Mountain was allocated 114 LED streetlights for a total of \$51,300.

Mr. Ferre stated that this grant was so well put together that they didn't have to go through a lengthy review process.

MOTION: *Councilmember Cieslak moved to approve an agreement with UAMPS for an Energy Efficiency and Conservation Block Grant in the amount of \$51,300 and approve the mayor to execute the agreement. Councilmember Ochsenhirt seconded the agreement. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

21. BID AWARD – Consideration and Approval of a Bid Award for Underground Electrical and Natural Gas Services to Tempest Enterprises Inc. and Authorization of Mayor Heather Jackson to Sign an Agreement.

Mayor Jackson explained that Eagle Mountain City currently installs all the electrical and natural gas laterals within the City through a contract with Tasco Engineering. She said that the City has re-evaluated this contract and has taken it through the bid process. She explained that Tempest Enterprises was the lowest bidder and that Staff is recommending that the contract be awarded to them.

MOTION: *Councilmember Ireland moved to approve a bid award for underground electrical natural gas services to Tempest Enterprises Inc. and authorize the Mayor to sign the contract. Councilmember Cieslak seconded the agreement.*

Councilmember Ochsenhirt asked how long the contract was good for.

Mr. Ferre explained that it will be on a yearly basis and if everything is going smoothly they will renew it each year.

Mr. Kinghorn said that the one year agreement can be annually renewed for two subsequent one year periods for up to three years.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan

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

22. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Painter

Councilmember Painter explained that he had the opportunity to meet with the Youth Council at a leadership luncheon that they had. He said that it is a great group of youth and they represent the City very well. He was very impressed with them.

Councilmember Cieslak

Councilmember Cieslak thanked everyone for the respectful manner when making comments. He said that for the past year he has talked about the need to contact elected officials about transportation. He stated that he attended a UDOT meeting and that while projects were being moved off of their lists, the Eagle Mountain projects have stayed.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham thanked the residents for coming to the meeting.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the residents for coming to the meeting and asked people to be patients with their neighbors while the roads are closed. He asked people to be respectful and drive safely.

Mayor Jackson reminded everyone to slow down while driving and to be safe while driving to mitigate the amount of accidents occurring.

23. 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.

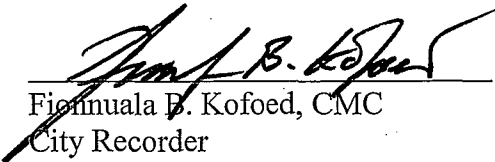
24. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Reports

25. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:53 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 4, 2010


Finnuala B. Kofoed, CMC
City Recorder