

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 21, 2009

Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Heather Jackson called the meeting to order at 4:08 p.m.

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Gordon Burt, Treasurer; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

1. AGENDA REVIEW
2. CITY ADMINISTRATOR INFORMATION ITEMS
  - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
3. **5:00 P.M. ADJOURN AND CONVENE AS THE BOARD OF EQUALIZATION FOR THE NORTH RANCH SPECIAL ASSESMENT AREA** – The City Council will adjourn and convene as the Board of Equalization for the North Ranch Special Assessment Area.

*\*Mayor Jackson appointed Councilmember Donna Burnham as Chairperson of the Board of Equalization.\**

4. RECONVENE AS THE EAGLE MOUNTAIN CITY COUNCIL – The City Council will reconvene as the Eagle Mountain City Council immediately following the Board of Equalization hearing.
5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the acquisition 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 acquisition of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. 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.*

The meeting was adjourned at 6:02 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Gordon Burt, Treasurer; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; Jason Walker, Management Analyst.

### 6. CALL TO ORDER

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

### 7. PLEDGE OF ALLEGIANCE

Sergeant Eric McDowell led the Pledge of Allegiance.

### 8. INFORMATION ITEMS/UPCOMING EVENTS

- On Monday, April 27<sup>th</sup> at 2:00 p.m. there will be a ground breaking ceremony for Coop's Market. This will be held on the North side of S.R. 73 at the Ranches Parkway intersection.
- April is spring clean-up month. Dumpsters will be available at the Public Works Building from 7:30 am to 5:30 pm, Monday through Friday. No hazardous materials may be put in the dumpsters.
- Trees are available for the residents to purchase at a discounted price in order to celebrate Arbor Day. More information on the next shipment of trees if available at [www.eaglemountaincity.com](http://www.eaglemountaincity.com).
- Pony Express Days will be held May 29<sup>th</sup> – June 6<sup>th</sup>. Registration and entry forms for events are available on the City website. May 7<sup>th</sup> is the submission deadline for most events. A brochure of events will be emailed to the residents in early May.

### 9. PUBLIC COMMENTS

James Pope, 859 Russell Road, explained that kids are stilling using the trail adjacent to the skate park and coming out into the road without watching for cars. He feels that the dirt berm has helped reduce the noise from the skate park but feels that it would help the neighbors if it was longer and taller. He is still hearing loud noises from the skate park.

Charles Cotton, 4391 N Major Street, lives south of the skate park. He explained that the noise from the skate park is very loud. He has seen skaters on top of the pavilion. He feels that the new fence installed does not do anything.

Councilmember Lifferth asked that a sound test be conducted.

Mayor Jackson explained that one had been completed already and that after public comment she would address the concerns.

Mark Mach, 4347 Major Street, asked his son to tell the Council what kind of words he has been hearing from the kids at the skate park. Nathan Mack stated that he is hearing swear words often. Mr. Mach does not like the skate park being located so close to his home and he asked what the Council is going to do about the problems that it has been causing. He asked the Council to give him specific answers.

Mayor Jackson explained that the fence around the skate park is not meant to sound proof the area. She stated that it is there so that if there are issues with the skate park and people breaking the rules, the City can close the park. She explained that the park will be open and closed during certain hours.

Jason Walker explained that the Health Department came out and performed a benchmark sound test before any sound proofing was applied to the ramps. The sound levels at the time were unacceptable, approximately 80 decibels.

Mr. Partridge explained that foam padding had been applied at the base and skirting of the ramps. He explained that foam padding was also hung underneath the ramps. He stated that by doing this it had brought the decibels down to approximately 60.

Mr. Walker explained that the City has done everything they have been asked to do and everything they have promised to do. He stated that they would be willing to test the sound levels again.

Mayor Jackson asked if a gate would keep kids from going onto the street.

Mr. Trust feels that kids will still go around this out into the street.

Mayor Jackson feels that the profanity problem is a big issue. She asked that the signage state that no profanity is allowed. She said that if the problem persists the park will close, a public meeting will be held in which the City will explain their expectations of the skate park to the skaters.

Mike Wren, 4109 N Major Street, explained that he lives too far away to be bothered by the skate park noise but is concerned that his neighbors are being disturbed by it. He feels that the City should do whatever it takes to make the residents happy. He asked that the reimbursement agreement item not be removed from the agenda. He explained that he will commit to getting the easement as quickly as possible.

## 10. CITY COUNCIL/MAYOR'S ITEMS

### **Councilmember Ireland**

Councilmember Ireland explained that UTA has now provided the Eagle Mountain/Saratoga Springs route with an improved bus. He thanked UTA and stated that the bus is mostly full now.

### **Councilmember Lifferth**

Councilmember Lifferth explained that he is excited for the Coop's Market groundbreaking and that he is also looking forward to Pony Express Days.

**Councilmember Burnham**

Councilmember Burnham stated that she was excited for Coop's Market to begin construction. She explained that residents would like to legally use the open space that the City currently owns but has not yet improved. She explained that she has investigated this idea in Eagle Park and that it may be possible to write an agreement with the residents to let them lease the property. She asked if the express bus is charging for the Wi-Fi.

**Councilmember Cieslak**

Councilmember Cieslak explained that a resident had expressed concern to him about the bike park. He stated that the email had been passed on and that the City had done a great job in getting signage in place. He thanked Chris Trusty, Jeff Weber, and John Hendrickson. He publicly recognized Darrin Garrett and Cougar Hall for their efforts as well. He reminded everyone about the transportation issues and asked residents to express concern to elected officials.

**Councilmember Ochsenhirt**

Councilmember Ochsenhirt encouraged residents to take care of their yards to make their neighborhoods a better place to live. He thanked residents for coming to the Council Meetings and expressed appreciation for their involvement.

Mayor Jackson encouraged residents to support local business and to support the new grocery store. Mayor Jackson feels that some progress is being made in regards to the transportation issues.

11. **APPOINTMENT**

A. Public Works Advisory Board – Allen Martin for a one-year term

**MOTION:** *Councilmember Cieslak moved to appoint Allen Martin to the Public Works Advisory Board for a one year term. 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.*

Mrs. Kofoed administered the oath of office to Mr. Martin.

Mayor Jackson asked that Mr. Ferre and Mr. Trusty get in contact with the board members to set up meeting times.

**CONSENT AGENDA**

12. **MINUTES**

A. April 7, 2009 – Regular City Council Meeting

13. **CHANGE ORDER**

- A. Capital Facilities Plan Change Order #2 – Horrocks Engineering
- B. South Service Area Waste Water Facility Change Order #3 – Nelson Brothers

14. **FINAL PAYMENT**

A. SR 68 Guy Wire Relocation Project – Probst Electric

*\*Item number 15 was removed from the consent agenda and placed under the scheduled items.*

**MOTION:** *Councilmember Lifferth moved to approve the consent agenda subject to the removal of item number 15, Reimbursement Agreement. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Erick Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**SCHEDULED ITEMS**

15. REIMBURSEMENT AGREEMENT

A. Reimbursement Agreement with Eagle Mountain Development for the Rerouting of a Storm Drain Located within the Sweetwater Subdivision without an Easement.

**MOTION:** *Councilmember Ireland moved to approve a Reimbursement Agreement with Eagle Mountain Development for the rerouting of a storm drain in the amount of \$62,809.00 subject to the following conditions:*

- 1. That the easement is completed and approved by the City.*
- 2. That the legal description is submitted.*
- 3. That the work is completed according to City standards.*

*Councilmember Lifferth seconded the motion.*

Councilmember Lifferth asked for a time frame of when this project would occur.

Mr. Wren explained that it would be completed as soon as possible.

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

**PUBLIC HEARING**

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending and Reenacting Title 17 of the Eagle Mountain City Municipal Code Concerning Residential Group Homes.

The proposed Ordinance amends Title 17 of the Eagle Mountain City Municipal Code, adding a separation requirement between group homes within the City.

Mr. Mumford explained that clustering of group homes may have a negative impact on neighborhoods. Eagle Mountain City has a fairly unique situation in that there are large lot areas, and small lot areas. He explained that in Sandy, Lehi and other cities here in Utah there is a half mile, quarter mile and three quarter mile separation between group homes. He explained that staff and the Planning Commission recommend a minimum buffer of one mile between group homes.

Councilmember Lifferth stated that this is something that could possibly stand up in court.

*Mayor Jackson opened the Public Hearing at 7:49 p.m.*

No public comment was made.

*Mayor Jackson closed the Public Hearing at 7:49 p.m.*

**MOTION:** *Councilmember Cieslak moved to adopt an Ordinance of Eagle Mountain City, Utah, Amending and Reenacting Title 17 of the Eagle Mountain City Municipal Code Concerning Residential Group Homes to include a one mile separation requirement between group homes. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

### **PUBLIC HEARING**

17. MOTION – Consideration and Approval of the Simpson Springs Final Plat Amending and Vacating Lots 4 and 5.

The Simpson Springs Final Plat was a 17-lot subdivision that the City Council approved on July 20, 1999. Later in 2006, the City Council approved a Site Plan for an LDS church site for lots 4 and 5. The two lots were not combined at the time of approval. This application proposes to vacate Simpson Springs Plat A lots 4 and 5 and combine the vacated lots as the Simpson Springs Road Church.

*Mayor Jackson opened the Public Hearing at 7:51 p.m.*

No public comment was made.

*Mayor Jackson closed the Public Hearing at 7:51 p.m.*

**MOTION:** *Councilmember Lifferth moved to approve the Simpson Springs Final Plat Amending and Vacating Lots 4 and 5. 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.*

18. BID AWARD – Consideration and Award of Bid to AGEC for Geotechnical Services for Soil Testing at the Wastewater Treatment Facility.

When the City bid the SSA Wastewater Treatment Facility, there was confusion as to who was responsible to pay for the concrete and material testing for this project. Nelson Brothers, the contractor for this project, solicited bids from three geotechnical companies: AGEC, Geo Strata, and Earthtec. Nelson Brothers has suggested that they will cover the costs for the concrete testing if Eagle Mountain City will pay for the soils testing. All trip charges for soils testing only will be billed to Eagle Mountain City, while trip charges for concrete testing only or concrete and soils testing will be billed to Nelson Brothers.

Councilmember Ireland thanked Mr. Trusty for providing a total fiscal impact budget.

**MOTION:** *Councilmember Cieslak moved to award a bid to AGECE for Geotechnical Services for Soil Testing at the Wastewater Treatment Facility in the amount of \$24,000.00. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

19. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Authorizing Natural Gas Transactions with UAMPS.

Earlier this year, Eagle Mountain City entered into a Natural Gas Project Master Agreement with UAMPS which provided the City with a mechanism to participate with UAMPS to purchase gas. This Resolution formalizes the Agreement and allows the City to purchase gas through UAMPS if the need arises.

Councilmember Lifferth asked what percentage of the annual usage is 500 dekatherms.

Mr. Hendrickson stated that it is slightly more than the City's annual amount.

Mr. Ferre explained that this amount allows for growth adjustment if necessary.

**MOTION:** *Councilmember Lifferth moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, Authorizing Natural Gas Transaction with UAMPS subject to the following conditions:*

1. *The amount of gas purchased under the agreement may not exceed 500,000 dekatherms in any calendar year.*
2. *The term of any transaction may not exceed five years, unless it is for the purchase of prepaid gas, in which case the term may not exceed thirty years.*
3. *The expected price for gas purchases in a calendar year shall not exceed \$6.00 per dekatherm.*

*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.*

20. AGREEMENT – Consideration and Approval of an Agreement Between Eagle Mountain City and Elite Grounds for Open Space Maintenance.

The Eagle Mountain City Council awarded a bid for open space maintenance to Elite Grounds at the April 7, 2009, City Council meeting. The proposed agreement sets the terms, specifications and special conditions for the maintenance of the open space.

**MOTION:** *Councilmember Ochsenhirt moved to approve an agreement between Eagle Mountain City and Elite Grounds for Open Space Maintenance. Councilmember Cieslak seconded the motion.*

Councilmember Lifferth asked what budget impact this had to the regular grounds maintenance budget.

Mr. Hendrickson explained that this will reduce the maintenance budget by approximately \$20,000.00.

Councilmember Lifferth asked what the opt out clause would be.

Mr. Kinghorn explained that it is 48 hours.

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

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

**Councilmember Ochsenhirt**

Councilmember Ochsenhirt reminded residents to be patient with the road construction going on.

**Councilmember Ireland**

No comment.

**Councilmember Lifferth**

Councilmember Lifferth stated that Eagle Mountain is a wonderful place to live.

**Councilmember Burnham**

No comment.

**Councilmember Cieslak**

Councilmember Cieslak encouraged residents to email the elected officials about the transportation issues. He thanked residents for participating in the Council meetings.

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

23. ADJOURNMENT

Councilmember Lifferth moved to adjourn the meeting at 8:00 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 5, 2009

  
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Fionnuala B. Kofoed, City Recorder