

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 19, 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

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; Gordon Burt, City Treasurer; Jason Walker, Management Analyst; Nick Camberlango, Management Intern; Jenalee Harper, Deputy Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; Kent Partridge, Building Official; Mike Hadley, Senior Planner; David Norman, Staff Engineer.

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

1. AGENDA REVIEW – The City Council reviewed the items on the Consent Agenda and Policy Session Agenda.
2. 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
 - B. Report on Capital Facilities Plan – *Discussion Item Only*
3. 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 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 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 meeting adjourned at 5:44 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; Gordon Burt, City Treasurer; Jason Walker, Management Analyst; Nick Camberlango, Management Intern; Jenalee Harper, Deputy Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; Kent Partridge, Building Official; Mike Hadley, Senior Planner; David Norman, Staff Engineer.

4. CALL TO ORDER

Mayor Heather Jackson called the meeting to order at 7:10 p.m.

5. PLEDGE OF ALLEGIANCE

Mr. Lee Morrison led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The Utah Veterans Memorial Park Project will be held Wednesday, May 29, 2009 at the Camp Williams Cemetery. Trees and bushes will be planted. Volunteers are welcomed.
- A Military Appreciation Concert will be held Friday, May 29, 2009 by the local 3rd Graders from Pony Express and Eagle Valley Elementary Schools.
- A Military Care Package Drive is being held. Donations boxes are located at City Hall and all Eagle Mountain schools. More information on this drive can be found at www.eaglemountaincity.com
- Pony Express Days will be held May 28 – June 6, 2009. A complete schedule of events is available on the website. Many events are free and residents are encouraged to attend.

7. PUBLIC COMMENTS

Jennifer Edwards, 5121 Lake Mountain Road, explained that the Friends In Need Animal Rescue is a nuisance. She stated that on May 12, 2009 the Planning Commission made revisions to the original conditional use permit that was issued to the Animal Rescue that jeopardize the safety of her children and neighbors. She explained that that the Animal Rescue has been in violation of their conditional use permit since 2004. She asked for an explanation as to why their conditions were never enforced. Mrs. Edwards explained that she, her husband and children have been attacked by the dogs and that she does not want the dogs to be allowed off the property.

Mayor Jackson explained that several residents that live near the Friends In Need Animal Rescue attended the Planning Commission meeting. She asked Mr. Mumford how many of those residents spoke against it.

Mr. Mumford stated that only one resident spoke against it. He also explained that 2 to 3 residents spoke in favor of the Animal Shelter. Mr. Mumford explained that the Planning Commission felt comfortable with the changes being made to the original conditional use permit.

Councilmember Lifferth asked what circumstances led the Planning Commission to re-visit the original conditional use permit and consider revisions.

Mayor Jackson explained that the applicant had submitted an application to revise the original conditional use permit so that they could come into compliance. She stated that it was then brought forward to the Planning Commission.

Mr. Mumford explained that a meeting was held to address some of the concerns. He stated that the applicant was told to come fully into compliance with the original conditional use permit conditions or submit an application to have their permit reviewed again.

Mayor Jackson explained that Mrs. Edwards has made several complaints over the past few years. She stated that she could not answer as to why nothing had been done about the non-compliance issues before she was in office. She stated that since it has been brought to her attention she has worked with the applicant to help them come into compliance. She explained that the Planning Commission originally objected to changing the original conditional use permit but because of positive comments made by the residents they felt that the changes would not have a negative impact on the surrounding residents.

Mr. Hendrickson explained that the City did not encourage the Friends In Need Animal Rescue to make application for revisions to their conditional use permit. He explained that when asked by the applicant for another option the City explained that the applicant could possibly make application for changes to the conditional use permit. He stated that the City only encouraged them to come into compliance.

Mr. Mumford explained that the Planning Commission unanimously approved the changes.

Mr. Ireland explained that because the applicant is on a large lot they are allowed to have up to 12 horses. He explained that they only needed a permit for the dogs, not the other animals.

Mr. Mumford explained that agricultural zoned lots are allowed to have an unlimited number of animals as long as it is not a nuisance to the neighbors.

Mayor Jackson explained that the ACO Officer conducted an inspection of the kennels at the Animal Rescue and that the applicant was in compliance.

Sergeant McDowell explained that the ACO Officer found that the kennel was in compliance with county restrictions and that it was one of the cleanest kennels the officer has seen for the number of dogs in the kennel.

Councilmember Cieslak asked what constitutes a public nuisance.

Mr. Kinghorn explained that something becomes a nuisance when a condition on a property becomes unhealthy or people next to you are unable to use their property because of the condition created. He explained that there are more specifics like weeds and garbage but that they are not relevant to the Animal Rescue.

Doug McLaughlin, 3168 E Snowy Owl Road, explained that a home in his neighborhood located at 3174 E Snowy Owl Road has become a nuisance. He stated that two months ago the individual living in the home put up signage advertising to sublet rooms in her home. He explained that she was successful and that about a month ago two of her rooms were rented out to two single guys & their girlfriends. He explained that Len Whitney has contacted them several times telling her that she is in violation because these are non-family members that she is renting to. He stated that once she was aware that she was no longer in compliance she changed her story and is now telling people that she is just renting to family members. He continued to explain that loud parties are now being held at the residence and that individuals are getting drunk and driving. He feels that the area is now unsafe for his family and his neighbors. He asked the Council for help in taking action to make this individual come into compliance.

Michael Wheat, 3179 Snowy Owl Road, explained that the home Mr. McLaughlin spoke about is across the street from him. He stated that on May 13 a party was held at the previously mentioned residence and that around 11:00 p.m. the party became out of control. He explained that the police were called out to the residence 3 times that evening. He stated that an individual became drunk and got into a fight with others at the party and then proceeded to get into a car and leave the neighborhood. He also felt that the neighborhood was now unsafe for his family and neighbors. He asked the Council for help in taking action to make the neighborhood safe again.

David Tiek, 7524 N Snowy Owl Road, feels that the previously mentioned home is violating the noise ordinance. He feels that they are also violating the subletting ordinance. He would like to see this situation taken care of.

Mayor Jackson asked what the definition of a family is.

Mr. Kinghorn stated that it is no more than 3 related individuals. He also asked to see the police reports and Mr. Whitney's reports so that he can determine what type of action the City can take.

Sergeant McDowell explained that the woman who left the party drunk was arrested and transported to jail for a DUI.

Councilmember Lifferth asked if the appropriate step for residents to take is to call the police in a situation like this.

Mayor Jackson explained that it is and that the DUI issue would most likely be a 911 call. She thanked the residents for taking the proper steps and stated that the City would do what they could to fix the problem.

Councilmember Cieslak explained that he lives in the area as well and he too heard the party on May 13.

8. **CITY COUNCIL/MAYOR'S ITEMS**

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland explained that he was reminded of the frustrations of heading westbound on S.R. 73 in the evenings and thanked the Council for letting him attend his daughter's graduation.

Councilmember Lifferth

Councilmember Lifferth stated that he was looking forward to Pony Express Days.

Councilmember Burnham

Councilmember Burnham encouraged everyone to attend the service project at the cemetery on May 20th. She also encouraged residents to attend the events at Pony Express Days.

Councilmember Cieslak

Councilmember Cieslak encouraged everyone to contact their elected officials about the road conditions in Eagle Mountain. He stated that he would like the City to look into the renting and subletting issues. He asked that when the carnival for Pony Express Days arrives that the Sheriff's Department increase their patrol of the area.

Mayor Jackson

Mayor Jackson explained that several of the appropriation requests that have been made have moved forward from the Senator's office to specific committees. She explained that the following projects were those that moved forward to the specific committees: The BLM Trail Project, CUP Water Line, and Reuse Project for Engineering and the Library Project. She explained that Senator Bennett and Hatch both sent off the Library and BLM Requests and that only one office sent the CUP Water Line Request and the other the Reuse Project.

Councilmember Ireland asked what the BLM Trail Project was.

Mayor Jackson explained that it will be an area designated specifically for ATV trails, Equestrian trails and bike trails by Lake Mountain.

Mayor Jackson explained that a portion Bobby Wren Boulevard was included in the preliminary budget as a capital project. She stated that it will be a 2 lane road up to the first street that meets it from the Pioneer Subdivision. She also explained that a transportation meeting was held and that a request will be made to the County Commissioners Office to discuss a 3.4 million dollar allocation towards a one mile stretch of road in Eagle Mountain. She explained that this means that in the future Eagle Mountain will need to work with Saratoga Springs to acquire the right of way for the 5 lane roads.

Mr. Hendrickson explained that roads are expensive and that because Eagle Mountain is a newer City it is hard to get the funds allocated because Eagle Mountain is low on the priority list. He explained that it has taken 2 years worth of work just to be heard.

9. **PROCLAMATION**

A. Cancer Awareness Weeks – May 31 through June 13, 2009

Mayor Jackson read the Proclamation for Cancer Awareness Weeks and encouraged residents to attend the event in Payson City.

MOTION: *Councilmember Cieslak moved to approve the Proclamation designating the weeks of May 31 through June 13, 2009 as Cancer Awareness Weeks as read by Mayor Jackson. 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.*

CONSENT AGENDA

10. MINUTES
 - A. May 5, 2009 – Regular City Council Meeting
11. CHANGE ORDER
 - A. Porter's Crossing Change Order #4 – Skip Dunn
 - B. Well #1 & #5 Change Order #3 – Clear Construction Company
12. REVISED BOND LETTER
 - A. Antelope Meadows Phase 1
13. LANDSCAPING BOND LETTER
 - A. Antelope Meadows Phase 1
14. FINAL PAYMENT
 - A. Well #4 HVAC Line – Clear Construction

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. 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.*

SCHEDULED ITEMS

15. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Acknowledging and Approving Assignment of Banked Water Entitlement.

This Resolution approves the Assignment of Certain Banked Water Entitlements to Zions Bank as collateral. The City will hold title to the water right and recognize the interest of Zions Bank to authorize use of the banked water for development purposes and as otherwise authorized by the City Code.

MOTION: *Councilmember Cieslak moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, Acknowledging and Approving Assignment of Banked Water Entitlement. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

16. BID AWARD – Consideration and Award of Bid to Skip Dunn for the Mid Valley Regional Park Turn Lane.

The City Council approved the improvements to the Mid Valley Regional Park, Phase 1 last year. It is anticipated that the park will be used for City sports events this fall. This project will allow for the installation of a turn lane which will allow southerly traffic flow to continue uninterrupted toward the City Center. The current construction of Sweetwater Road makes it difficult to make a left-hand turn when leaving the park and the installation of the turning lane will alleviate that problem.

Mr. Hendrickson explained that the amount to be awarded is actually \$27,867 not \$9,837 as shown on the agenda summary. He also explained this was budgeted to come out of the \$600,000 in grant funds that was received but that the grant does not allow the funds to be used for roads. He stated that the funds would have to be taken from capital projects and recommended that if the Council approves this they state that it is contingent upon those funds being available.

Councilmember Ireland asked if any of the \$27,867 could be taken from those grant funds.

Mr. Hendrickson explained the full \$27,867 would have to come out of the capital project fund and that none could be taken from the \$600,000 in grant money.

MOTION: *Councilmember Ireland moved to table the item. 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.*

17. BID AWARD – Consideration and Award of Bid to Skip Dunn for the Mt. Airey Park Storm Drain.

The City has collected park fees-in-lieu for improvements to the Mt. Airey Park. In discussions with Mt. Airey residents, it was determined that rerouting the storm drain to allow the pass-through of nuisance water would provide for a more practical use of the open space in this park. Once the storm drain is relocated, it is anticipated that neighborhood residents and City staff will make recommendations for the distribution of volunteer labor and remaining funds to best complete amenities within this park.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Skip Dunn for the construction of the Mt. Airey Park Storm Drain in the amount of \$9,837.00. Councilmember Lifferth seconded the motion.*

Councilmember Lifferth asked what the time frame for this project would be.

Mr. Trusty explained that they will begin construction the next day even though the bonds are not yet in place.

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

18. AGREEMENT – Consideration and Approval of Restatement of Firm Transportation Service Agreement Between Eagle Mountain City and Kern River Gas Transmission Company.

The proposed Amended Agreement incorporates by reference a number of terms that are under regulation by the Federal Energy Regulatory Commission, which regulates interstate natural gas transmission pipelines; the Amended Agreement is not intended to increase or lower the City's costs for natural gas.

MOTION: *Councilmember Lifferth moved to approve a Restatement of Firm Transportation Service Agreement Between Eagle Mountain City and Kern River Gas Transmission Company as presented. 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.*

19. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Lifferth

No comment.

Councilmember Burnham

No comment.

Councilmember Cieslak

Councilmember Cieslak reminded residents to email elected officials about the transportation issues in Eagle Mountain.

Councilmember Ochsenhirt

Councilmember Ochsenhirt encouraged residents to attend Pony Express Days.

Councilmember Ireland

Councilmember Ireland stated that a resident had asked him to pass thanks along to staff and those who assisted in getting the sewer tunnels covered up in a timely manner. He stated that he is looking forward to working with the scout troop at the cemetery project.

Mayor Jackson

Mayor Jackson explained that she attended the Utah County Sheriff's Departments Award Ceremony and wanted to recognize all of those from Eagle Mountain that were given awards. She also stated that it was wonderful to see the girl from Eagle Mountain receive an award for saving her brother.

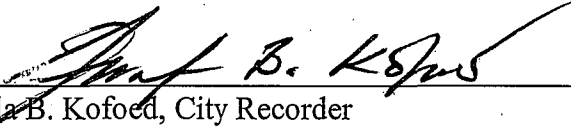
20. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report
- C. Lobbyist Report

21. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 8:08 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 19, 2009

A handwritten signature in black ink, appearing to read "Fionnuala B. Kofoed", written over a horizontal line.

Fionnuala B. Kofoed, City Recorder