

MINUTES
EAGLE MOUNTAIN CITY COUNCIL
SPECIAL MEETING

July 1, 2008

Policy Session at 7:00 p.m.

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

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

Mayor Heather Anne Jackson called the meeting to order at 7:04 p.m. Scout Troop 1085 led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Economic Development Director; Jason Walker, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Chris Trusty, Public Works Director; Eric McDowell, Sergeant; Gordon Burt, City Treasurer.

CONSENT AGENDA

1. **MINUTES**
 - A. June 17, 2008 Regular Meeting
2. **FINAL PAYMENT**
 - A. 2007 Ranches Parkway Improvements – Geneva Rock

MOTION: *Councilmember Ireland moved to approve the consent agenda, with the exception that item 3a, Pony Express Skate Park Design and Build, be removed and placed on the policy session agenda as an action 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.*

POLICY SESSION

3. **BID AWARD AND CONTRACT FOR PROFESSIONAL SERVICES – Pony Express Skate Park Design and Build (American Ramp Company).**

Management Analyst Jason Walker presented the Bid Award and Contract for the Pony Express Skate Park Design and Build. A Skate Park Committee was formed in the Spring of 2008 and was tasked with reviewing several bid designs for a skate park which will be located in the Pony Express Park. Funds for the skate park were approved in the FY 2008-2009 Eagle Mountain City Budget. The Committee is recommending to the City Council that the bid be awarded to American Ramp Company. The Committee felt that the ARC proposal held several distinct

advantages over the other bidders namely: 1) It gives the City the most park for the budget. 2) It comes with a 20 year warranty. 3) It has substantially lowered maintenance costs. 4) Since it is a modular option, the park can be expanded. 5) The park could also be moved if necessary. 6) The park could be completed by the end of summer 2008. The ARC plan is only for \$300,000, leaving \$50,000 for other park improvements including a pavilion, tot-lot, and other landscaping.

Mr. Walker explained that the American Ramp Company was the only one who presented and above ground skate park. He said that with this type of modular ramp system it will be easy to expand in the future, as well as change out the different ramps and features.

Discussion took place regarding lighting and fencing for the skate park. Mr. Walker suggested that these features not be included in the budget for the skate park. He said that he would like to see the Youth Council hold fund raisers to get the money for those things.

Nathan Emo explained that it is typical for skate parks to be built on a 4 inch pad. He said that if the Council feels it necessary, a thicker pad can be built.

Councilmember Ochsenhirt stated that Eagle Mountain had collapsible soils and that he would like to see something thicker than a 4 inch pad built.

Chris Trusty suggested that a 4 to 6 inch pad be built because of the soil conditions. He said that he would have to review the project in detail in order to give an exact thickness for the pad.

Mayor Jackson said that the 20 year warranty is a great feature that the American Ramp Company offers.

Nathan Emo explained that this type of setup is cheap to maintain. He said that there are no surface screws on the amenities, so skaters can not get hurt.

Councilmember Burnham felt that there would be better success for a fundraiser if there was something fun involved, instead of just the fencing and lighting.

Nathan Emo explained that the City's insurance may require that a fence not be installed because it can become an additional liability for the City.

Councilmember Lifferth asked if the location had sufficient access in case of an emergency.

Sergeant McDowell said that there should be no problem with accessing the site if there is an emergency. He also said that there will be a park curfew and that Sheriff's will be patrolling the park at night to make sure nobody is using it, he was unsure if the fence would be necessary.

Mr. Hendrickson said that the fence would not have an influence on insurance premiums.

Councilmember Lifferth felt that the fence would be uninviting and that it could become a problem for emergency services getting in and out of the park. Because there are no ditches or holes that someone could fall in just a concrete pad, there is no need for a fence.

Nathan Emo said that the amenities could not be moved and that they are put together with tamper resistant tools, which means household tools cannot be used to take the amenities apart.

Mayor Jackson explained that the funds for this park were coming from impact fees collected for improvements to the regional park.

Councilmember Ireland asked if the gravel road going to the park would be paved. Mayor Jackson said that it would remain as is.

MOTION: *Councilmember Ireland moved to approve the Bid Award and Contract for the Pony Express Skate Park Design and Build to American Ramp Company, subject to the following conditions:*

- 1. That a fence is not included in the bid.*
- 2. That lighting is not included in the bid.*
- 3. That the concrete pad be approved by the City Engineer.*

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.

Councilmember Ochsenhirt was excused from the meeting at 8:09 p.m.

4. **RESOLUTION – Consideration and Adoption of Resolution No. R 18-2008, a Resolution of the City Council of Eagle Mountain City, Utah, Acknowledging and Approving Assignment of Banked Water Entitlement.**

The Oquirrh Mountain Ranch, LLC has banked water rights for use within the City on various projects. The Assignment before the Council for approval is an Assignment to Central Bank & Trust of the banked water entitlement which will be held as collateral by Central Bank & Trust. The Assignment has been reviewed and is in proper form.

MOTION: *Councilmember Cieslak moved to approve Resolution No. R 18-2008, a Resolution of the City Council of Eagle Mountain City, Utah, Acknowledging and Approving Assignment of Banked water Entitlement. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth. The motion passed with a unanimous vote.*

5. **IMPACT FEE REPORTS**

A. **MOTION - Consideration and Approval of Filing of Multiyear Impact Fee Receipt, Expenditure and Pending Projects Reports for Eagle Mountain City Capital Facilities.**

City Attorney Jerry Kinghorn and Economic Development Director Ifo Pili presented the Multiyear Impact Fee Receipt Expenditure and Pending Project Reports for Eagle Mountain City Capital Facilities. Utah law requires the filing of the income collected by the City as impact fees and the expenditure of impact fees on an annual basis. The reports prepared for execution and filing by the City Treasurer after approval of the City Council are the first

reports filed by Eagle Mountain City and begin with the initial impact fees collected by the City and end with the impact fees collected and expended by June 30, 2007.

Mr. Kinghorn explained that the impact fee reports are a compilation of years of data on the collection of impact fees.

Mr. Pili said that there were a lot of discrepancies on these spreadsheets and because of this the City has gone back and scanned in every building permit the City has ever issued. These permits were sent over to Lewis and Young who then compiled a spreadsheet of data.

Mr. Hendrickson explained that all expenditures had to comply with the Capital Facilities Plan.

Mr. Kinghorn explained that these reports will influence the Capital Facilities Plan Amendment.

Mr. Hendrickson said that the City had met with the Auditor and that the Auditor will make the necessary adjustments to the Audit based on of the reports that have been compiled.

Councilmember Lifferth stated that on the transportation fee report under 2006 there was an asterisk by Bobby Wren Boulevard and Porter's Crossing Road. He asked why those items had an asterisk by them.

Mr. Kinghorn explained that at the time there were no funds to complete those projects therefore an asterisk has been placed by them.

Councilmember Lifferth said that at some point in the future he would like to see how much it has cost the City to compile these Impact Fee Reports.

Mayor Jackson said that City Staff, Lewis & Young, and the City Attorney's Office have all put in hours to compile these reports.

Mr. Pili explained that specific Impact Fee Accounts have been set up so that when a water fee is collected, it will go into the water impact fee account instead of into one general account.

Councilmember Cieslak stated that in laying this foundation of completing all the previous reports, the City will never have to do this extensive project again.

Councilmember Ireland asked if the 2008 report was completed. Mr. Hendrickson explained that the City has those numbers but the report does not need to be filed with the State until December. The target date for turning in the audit will be in November.

MOTION: *Councilmember Cieslak moved to approve the Filing of the Multiyear Impact Fee Report Expenditure and Pending Project Reports for Eagle Mountain City Capital Facilities. Councilmember Burnham seconded the motion. Those voting aye: Councilmember Burnham, Councilmember Cieslak, Councilmember Ireland and Councilmember Lifferth. The motion passed with a unanimous vote.*

B. MOTION - Consideration and Approval of Required Notice of Intent to Approve Request for Proposals for Services to Prepare "Independent Comprehensive Amendment of Capital Facilities Plan for Eagle Mountain City".

City Attorney Jerry Kinghorn presented the Required Notice of Intent to Approve Request for Proposals for Services to Prepare an Independent Comprehensive Amendment of Capital Facilities Plan for Eagle Mountain City. Utah law provides that when an amendment to a municipal Capital Facilities Plan is contemplated, notice shall be given to three (3) specific parties by mail of the intent of the City to commence the amendment of the Capital Facilities Plan. The commencement of the amendment of the Capital Facilities Plan will occur upon the issuance of the request for proposals (RFP) to qualified individuals. It would be inconsistent with the law to issue the RFP without issuing notice first, and therefore the City provide a process for approving the notice and the draft RFP with the RFP set for final approval and issuance to qualified parties after approval of the final RFP by the City Council on July 15, 2008.

Councilmember Ireland asked how often the Capital Facilities Plan is updated. Mr. Kinghorn explained that it mainly depends on how fast the City grows and how quickly things need to be built. He suggested that this be updated annually, especially if reimbursement agreements are being issued. He also suggested that a third party be used because issues can arise of how credible an in house study is.

Councilmember Lifferth asked that inflation is considered when adjusting the Capital Facilities Plan.

Mayor Jackson suggested that the study be conducted by a third party every other year.

Councilmember Cieslak asked to see some type of documentation that shows how Eagle Mountain's Impact Fees compare to other cities. Mr. Kinghorn explained that typically the City looks at other cities fees before they adjust any numbers.

MOTION: *Councilmember Cieslak moved to approve the Required Notice of Intent to Approve Request for Proposals for Services to Prepare "Independent Comprehensive Amendment of Capital Facilities Plan for Eagle Mountain City. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

6. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved that the City Council adjourn into a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52,4,205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

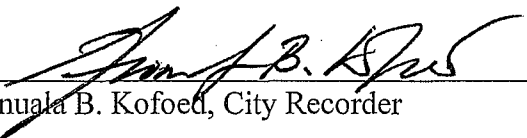
7. OTHER BUSINESS

None

6. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn the meeting at 8:14 p.m.*

APPROVED BY CITY COUNCIL JULY 15, 2008



Fionnuala B. Kofoed, City Recorder