

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 7, 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

*** This meeting may be held telephonically to allow a member of the City Council to participate ***

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (arrived 4:20 p.m.), Ryan Ireland (arrived 4:13 p.m.), David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Nick Camberlango, Management Intern; Kelsy Alsup, Management Intern; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Information Coordinator; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

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

1. PRESENTATION – Master Development Agreement – SITLA
2. PRESENTATION – Fiscal Analysis for Pole Canyon – Lewis Young Robertson and Burningham
3. AGENDA REVIEW – The City Council will review 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
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, the professional competence of an individual, and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Ochsenhirt moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation, the professional competence of an individual, and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. 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.*

The meeting was adjourned at 6:14 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; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

6. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:19 p.m.

7. PLEDGE OF ALLEGIANCE

Donna Milakovic led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- Movie in the Park, July 24, SilverLake Amphitheater, dusk, Charlotte's Web, free, donations to library expansion welcome.
- City offices will be closed on July 24
- UVU classes will be held at Westlake High School starting this fall.
- Seniors' luau, cc chambers, 7/27, 5:00 p.m.
- City is on Twitter, go to web site to sign up, emergency notices, road closures, events and other news.

9. PUBLIC COMMENTS

Tiffany Ulmer, 1320 Harrier Street, spoke about the proposed donation of The Ranches Golf Course. She wanted to know why the city should accept a golf course that has been losing money. She didn't feel that the information provided did not provide enough information as to the worst-case scenario if the City refuses to accept the donation. Since the golf courses will be leased to the management company for \$1.00 per year, she felt that residents should have a similar lease price when community gardens are approved.

Sam Roberts, 9073 Mt. Airey Drive, thanked the City for the parks and recreation available. He appreciated the beginning of construction on Mt. Airey Park. He said he represented others who are willing to provide sweat equity to stretch the park money and improve neighborhood. He asked what the time line on completion of the park will be. He also said that he supported the transfer of the golf course to the City.

David Adams, 274 S 600 E, Alpine, represented Bigg Homes. He spoke on two issues: (1) He's been requested to remove the billboards along Hwy. 73. He asked for 30 days to work with the City to find a way to retain the signs, but make them acceptable to the City. The signs direct 33% of Bigg's potential buyers to their office. (2) He asked that the impact fees charged with building permits not be paid when the permits are pulled. He would like to pay them with certificates of occupancy are issued.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham was excited that the City is on Twitter. She is not, however, the dburnham@gmail.com listed on Twitter. That is a Daniel Burnham who has listed the wrong email address.

Councilmember Cieslak

Councilmember Cieslak was excited to see family members of the new fire fighters in the audience. He thanked all of the City's public safety workers. He encouraged residents to continue to contact their elected officials on transportation, in this case the advance warrant study the City is requesting from UDOT regarding the intersection of Redwood Road and the Pony Express Parkway extension.

Councilmember Ochsenhirt

Councilmember Ochsenhirt expressed condolences to the family of Sadie Huish, a little girl who recently died of cancer. He thanked the community for the support provided to the family. He urged residents to take care of one another.

Councilmember Ireland

Councilmember Ireland asked why Shadow Drive is blocked by concrete barricades. He asked that the ordinance regulating watering in the schedule be reviewed. It's virtually unenforceable and encourages residents water on schedule rather than when the lawns need it. He recognized the blessings of living in a free country. He encouraged residents to read the Constitution and learn what it means.

Councilmember Lifferth

Councilmember Lifferth wished everyone a happy Independence Day this past week. He went to Washington, D.C. and was grateful for those who sacrificed for freedom. He was excited about the economic development opportunities coming to the city and appreciated the work of the Mayor and staff in bringing those opportunities to the city.

Mayor Jackson

Mayor Jackson said that Sadie was this year's Little Miss Eagle Mountain and a very sweet little girl. The community has learned a lot by trying to help Sadie and her family. She said that Independence Day is her favorite holiday. She grew up outside Washington, D.C. in a military family, which helped her to appreciate the freedom in this country. She appreciated the opportunity to ride with the Pony Express Association in two parades on Saturday.

Mayor Jackson introduced Donna Milakovic, President of the Lehi Area Chamber of Commerce, who presented the Mayor with a check for \$300.00 raised by the Tribute to our Troops charity ride during Pony Express Days. The money is a donation towards shipping costs for care packages to

be sent to members of the military overseas. In coordination with an Eagle Scout project, enough items were also collected for 44 care packages.

11. OATH OF OFFICE

- A. Eagle Mountain Fire Department – Juan Delgado and Marcus Lazzar

Juan Delgado and Marcus Lazzar were sworn in by Chief Andrus.

CONSENT AGENDA

MOTION: *Councilmember Cieslak moved to approve the Consent Agenda, with the exception of item #14, which was removed from the agenda. 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.*

12. MINUTES

- A. June 16, 2009 – Regular City Council Meeting
B. June 23, 2009 – Special City Council Meeting

13. CHANGE ORDER

- A. Well #1 and #5 Change Order #4 – Clear Construction Company
B. Mid Valley Regional Park Change Order #1 – Skip Dunn

14. FINAL PAYMENT

- A. Porter's Crossing Extension – Skip Dunn
This item was removed from the agenda.

15. LETTERS OF SUPPORT

- A. Grade Separated Crossing at Lehi Main Street and Railroad
B. Proposed Toll Bridge Across Utah Lake

SCHEDULED ITEMS

16. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Requesting that the Utah Department of Transportation Perform an Advance Warrant Study for the Intersection of Redwood Road and Pony Express Parkway and Establishing an Effective Date.

This item was presented by Mayor Jackson. The proposed Resolution is a request from Eagle Mountain City to Region 3 of the Department of Transportation to perform a warranty study in advance of the construction of the intersection of the Pony Express Parkway extension and Redwood Road in advance of the opening of Westlake High School. Alpine School District has already passed a similar resolution and Saratoga Springs will vote on one, as well. The construction of the extension will create increased traffic, which will require a traffic signal at the intersection.

MOTION: *Councilmember Lifferth moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, requesting that the Utah Department of Transportation perform an advance warrant study for the intersection of Redwood Road and Pony*

Express Parkway and establishing an effective date of July 7, 2009.

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

17. BID AWARD – Consideration and Award of Bid to Staker Parson for Bobby Wren Boulevard, Phase 1.

This item was presented by Chris Trusty. The City Council approved the construction of Bobby Wren Boulevard, Phase 1, in the FY 2010 budget. This base bid allows for 24 feet of asphalt from Sweetwater Road to the first entry to Pioneer Addition 5. The base bid did not include curb and gutter, and only included 3 inches of the total 5 inch section. As such, an additive alternate for the curb and gutter and an additional two inches of asphalt was also bid. A second additive alternate for road base to be placed from Pioneer Addition 5 to Pioneer Addition 7 was also included in the bidding process. The work will be completed shortly after school starts. \$250,00 was budgeted for the project, so the bid came in under budget, even with the two bid additions included in the award.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Staker Parson for Bobby Wren Boulevard, Phase 1, in the amount of \$207,237.31 and authorize the Mayor to sign a contract in that amount. 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.*

18. BID AWARD – Consideration and Award of Bid to Staker Parson for Smith Ranch Road Pulverize and Overlay.

This item was presented by Chris Trusty. The City Council approved the construction project to pulverize and overlay Smith Ranch Road as part of the FY 2010 budget. With the completion of the Porter's Crossing project, traffic will be reduced on this road. The pulverize and overlay project will significantly improve the condition of the road. Staker Parson was not the low bid, but the low bidder previously did sub-standard work for the City. The bid was less than the amount budgeted.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Staker Parson for the Smith Ranch Road pulverize and overlay project in the amount of \$109,536.00 and to authorize the Mayor to sign a contract in that amount. 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.*

19. AGREEMENT – Consideration and Approval of a Donation Agreement for The Ranches Golf Course.

This item was presented by John Hendrickson. Ames Construction has offered the City ownership of The Ranches Golf Course property in the form of a donation free and clear of any fiscal encumbrances. Ames builds golf courses, but doesn't generally manage them and the golf course has lost money. They would be unlikely to be able to sell it. The donation also includes other items such as property and equipment associated with the course, a cash donation of \$650,000 and

a Verizon/Cricket cell tower lease worth approximately \$600,000 over the next ten years. There will also be a lease for wireless internet connection worth approximately \$30,000 over ten years. The terms of the donation are still under negotiation.

The motion on this item was combined with the motion on the following item.

20. AGREEMENT – Consideration and Approval of an Operation, Management and Lease Agreement for The Ranches Golf Course.

This item was presented by John Hendrickson. The City does not want to accept the donation unless it can contract for management of the golf course. This agreement provides operation, management and leasing for The Ranches Golf Course through Vanguard Golf Management Group, which manages and operates the Thanksgiving Point and Sand Hollow golf courses in Lehi and St. George. They would operate it, in part, as an alternative to Thanksgiving Point when Thanksgiving Point is fully booked. Vanguard would lease the golf course for \$1.00, be responsible for all the debts and expenses of the course and retain all the profits. The company will have the option to buy the course. It has expressed interest in building a new clubhouse, but would have to buy the course in order to do so.

The Council felt that more discussion and negotiation was required before voting on the donation and the lease agreement.

MOTION: *Councilmember Lifferth moved to table a donation agreement and an operation, management and lease agreement for The Ranches Golf Course. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

21. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Cieslak

Councilmember Cieslak thanked residents for their comments and interest in local government. He encouraged them to contact elected officials and UDOT in support of the advance warrant study.

Councilmember Ochsenhirt

Councilmember Ochsenhirt mentioned the 4th of July and how wonderful it is to live in a free country. He thanked the members of the Council for expressing their opinions with respect for one another.

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Lifferth

Councilmember Lifferth announced his candidacy for re-election. He recognized the Mayor and everyone on the Council for the work that they do. Although they disagree at times, all of them work for the best interests of the city.

Councilmember Burnham

Councilmember Burnham asked residents to take the time to be educated voters in the upcoming municipal election. There will be meetings, newspaper articles and other sources of information about the candidates.

Mayor Jackson

Mayor Jackson said she and the Council members all disagree at times, but appreciate each other as friends and colleagues. She asked the City Recorder how many candidates are running for election at this point. So far, only the incumbents are running. The filing deadline is July 15 at 5:00 p.m., not the office closing time of 5:30. She said updates to the watering ordinance are being considered.

Mr. Hendrickson reported that all five wells are running. Water tank #5 will be completed by October. The sewer treatment plant will be completed by the end of the year. Parks are being built and improved. The City has adopted a Parks and Open Space Master Plan. The Capital Facilities Plan sections for water, sewer, electrical and streets are complete. The City is evaluating how much water it will purchase from the Central Water Project, in addition to the 25,000 acre-feet already purchased. Pony Express Parkway is being extended to Redwood Road.

There was a water pressure drop due to a problem with the SKATA control system. Although the pumps came on and the filled the tanks quickly because all wells are online. He said that City staff appreciates how well the Council handles things and allows the staff to handle things.

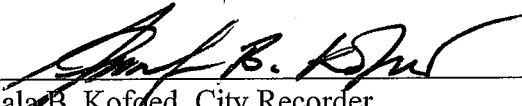
22. COMMUNICATION ITEMS

A. Upcoming Agenda Items

23. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 8:26 p.m.

APPROVED BY THE CITY COUNCIL ON JULY 21, 2009



Fionnuala B. Kofod, City Recorder