

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**July 20, 2010**

**Work Session 4:30 p.m. - Policy Session at 7:00 p.m.**

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

**4:30 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

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

CITY STAFF PRESENT: Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Manager; Eric McDowell, Sheriff; Ifo Pili, Assistant City Manager; Chris Trust, Public Works Director; Paul Jerome, Senior Accountant; Jenalee Harper, Deputy Recorder; Jason Walker, Management Analyst; Kent Partridge, Building Official.

Mayor Jackson called the meeting to order at 4:45 p.m.

1. AGENDA REVIEW – The City Council reviewed 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.
3. ADJOURN TO A CLOSED EXECUTIVE SESSION

**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.*

The meeting adjourned at 5:52 p.m.

**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: Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Manager; Eric McDowell, Sheriff; Ifo Pili, Assistant City Manager; Chris Trusty, Public Works Director; Paul Jerome, Senior Accountant; Jenalee Harper, Deputy Recorder; Jason Walker, Management Analyst; Kent Partridge, Building Official.

4. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:14 p.m.

5. PLEDGE OF ALLEGIANCE

Ryan Ireland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

None.

7. PUBLIC COMMENTS

Tiffany Ulmer, 1320 E. Harrier Street, asked that the Council approve the funds for Smith Ranch Park but not the layout. She feels that there are safety issues with the proposed design. She asked if sidewalks along Ira Hodges could be extended because most children will take this route when going to the new school by the Overland Trails subdivision. She feels that the Mayor, Council and Staff should attend the Alpine School District meetings to try and get the District to provide a bus.

Doug Page, 7877 N Crestwood Circle, asked if a decision has been made regarding the fencing in the SilverLake subdivision.

Mayor Jackson stated that a fence will be installed but that she did not yet have a time frame of when it would be done.

Greg Riley, 4095 Mt Airey Drive, thanked Councilmember Ochsenhirt for organizing a street planting fair for the park strips in his neighborhood. He said that 70 to 85 trees were planted.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham asked where the town hall meeting scheduled in August would be held. She asked if there could be more signage and advertising for this meeting so that more than 1 resident will attend.

Mayor Jackson stated that the meeting would be the third Thursday in August.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked Mr. Riley for his kind words. He said that the residents had a great time planting the trees together. He thanked the HOA and neighbors for making the event a success.

Councilmember Painter

Councilmember Painter stated that Councilmember Ochsenhirt is a great example of a Councilmember who goes above and beyond. He said that he was grateful for the opportunity he has to work with him. He stated that he was excited to see the concrete being poured along Ranches Parkway for the pergolas and feels that this is a great example of the community coming together.

Councilmember Cieslak

Councilmember Cieslak stated that he was also excited to see the work being done along Ranches Parkway. He said that this election year there are several choices for the Alpine School District Board. He encouraged everyone to vote for individuals who reside in the area so the City can have

a chance to increase their presence on the board. He encouraged everyone to vote and that it's a disappointment to see a low voter turnout. He stated that he was grateful that \$2.6 million had been given to the City to expand S.R. 73 and encouraged residents to contact their elected officials regarding transportation because there is still a need.

#### Councilmember Ireland

Councilmember Ireland explained that he had the opportunity for two Friday's and Saturday's in a row to come to City Hall and sit in a full room and be taught about the Country's history. He stated that he was grateful for Dave Jensen and those who took the time to learn and study.

Mayor Jackson said that she would be going to Washington DC next week to do some lobbying.

#### 9. APPOINTMENT

A. Pat Graves – Senior Council

**MOTION:** *Councilmember Painter moved to appoint Pat Graves to the Senior Advisory Board to fill a vacancy created by Sue Hillaker whose term expires December 31, 2010 and also to appoint her to a 3 year term which expires December 31, 2013 after she has filled the remained of Sue Hillaker's term. 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.*

#### **CONSENT AGENDA**

#### 10. MINUTES

A. July 6, 2010 – Regular City Council Meeting

#### 11. FINAL PLAT

A. The Village at Simpson Springs Plat A and Vacation of Condominium Record of Survey

#### 12. BOND RELEASE – Into Warranty

A. Valley View Ranch North B

#### 13. DECLARATION OF SURPLUS PROPERTY

A. Two Troxler Nuclear Density Gauges

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

#### **SCHEDULED ITEMS**

14. PRESENTATION – Community Heroes presentation of checks from donations made during Pony Express Days.

Mayor Jackson stated that she was grateful for the opportunity to barrel race to raise money for the families. She said that her cousin, Amy Jackson, had passed away on July 3, 2010. She said that \$2,000 had been raised and that each family would receive a \$500 check.

15. PRESENTATION – Youth City Council Certificate of Appreciation for volunteer services during Pony Express Days.

*\*This item was removed from the agenda.*

16. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and Powder River Rodeo LLC for the Eagle Mountain PRCA Rodeo Contract.

The City has selected Powder River as a consultant rodeo producer to assist the City in the Pony Express Days Rodeo. Powder River assisted the City with the 2010 rodeo and offers comprehensive services required by the City in the future. Powder River will furnish personnel to produce the rodeo, provide stock and provide consultant services to the City with respect to other services needed by the City in connection with the rodeo. This Agreement requires annual approval of the budgeted amounts by the City Council and does not require the City to appropriate the funds required to pay Powder River beyond the current year budgeted each year for the rodeo production.

**MOTION:** *Councilmember Cieslak moved to approve an agreement between Eagle Mountain City and Powder River Rodeo LLC for the Eagle Mountain PRCA Rodeo Contract and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion.*

Councilmember Cieslak stated that he was comfortable with approving this contract because of what the City Attorney had mentioned regarding the opt out.

Councilmember Ireland stated that he was not comfortable approving something that had many parts to it that still needed to be discussed and decided upon.

*Those voting aye: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting nay: Ryan Ireland. The motion passed with a 4 to 1 vote.*

17. MOTION – Consideration and Approval of a Park Plan for the FY 2010-2011 Budget.

Mayor Jackson explained that the City Council approved the 2010-2011 City Fiscal Year Budget at the June 22, 2010 City Council meeting. She said that the proposed park plan identifies specific parks projects and improvements that were funded in the budget. She stated that this item was tabled at the July 6, 2010 City Council meeting.

Councilmember Ireland thanked Chris Trusty for his work on the Mid-Valley Park. He asked if there was any interest in doing the splash pad in Mid-Valley rather than Nolan Park. He stated that he understood that restroom facilities, water, etc. would be needed if it were built in Mid-Valley.

Councilmember Ochsenhirt stated that he feels that having a splash pad at Mid-Valley is appropriate but feels that it should be done at a later time. He said that the ball fields and splash pads would need separate restroom facilities because of their locations in Mid-Valley.

Mr. Trust agreed that two restroom facilities would most likely be needed if a splash pad was built in Mid-Valley.

Councilmember Ireland asked if there was any interest from the Council in jump starting the pool idea in Mid-Valley by using telecom funds to build a splash pad.

Councilmember Cieslak stated that he had voted in favor of giving the residents a chance to vote for a pool. He said that he was comfortable with the splash pad going into Nolan Park. He feels that it is a good area and that it is the most cost effective.

Councilmember Burnham stated that residents can walk to the splash pad if it is at Nolan Park. She said that everyone would have to drive to it if it is at Mid-Valley. She asked if the one million dollar restroom would need to be built if the splash pad was put in Mid-Valley.

Councilmember Ireland stated that he wasn't sure where the pool priority was in relationship to other projects. He said that he would like to see the City stay out of debt as much as possible. He feels that based on discussions the Council would like to see a splash pad at Nolan Park and then have the residents vote on one in November and feels that it is not prudent.

Mayor Jackson stated that the Council had made their priorities fairly clear through the past two budget cycles. She said that the splash pad was something that was high priority and was budget for in last year's budget but was never built. She feels that the Council still wants to see a splash pad built and that the most cost effective place for it to go would be in Nolan Park because of the restroom requirement. She said that the aquatic center is something completely different because it is a luxury item. She said the Council voted to put this on the November election to give residents the opportunity to vote on it.

**MOTION:** *Councilmember Ochsenhirt moved to approve a park plan for Fiscal Year 2010-2011 Budget, selecting option #12 which includes, Mid Valley B, Smith Ranch C, and a splash pad at Nolan Park, with the understanding that Smith Ranch C will need a redesign on the parking. Councilmember Painter seconded the motion.*

Councilmember Burnham asked if the intent of the motion was to use all of the funds.

Councilmember Ochsenhirt stated that he would like to add to the motion that Council approves the budget to be up to the number presented as part of option #12.

Mrs. Kofoed asked if this would be at staff's discretion.

Mayor Jackson said that it would not be up to staff because the Council wants to see the park re-design before the funds are used.

Councilmember Cieslak asked if the motion could state 'as per discussion in the works session'.

Mrs. Kofoed asked that the motion be restated.

**MOTION:** *Councilmember Ochsenhirt moved to approve a park plan for Fiscal Year 2010-2011 Budget, selecting option #12 which includes, Mid Valley B, Smith Ranch C, and a splash pad at Nolan Park, with the understanding that Smith Ranch C will*

*need a redesign to include parking, and the allowing the City to spend up to \$311,584, and that the Council will approve the redesign before construction. Councilmember Painter seconded the motion.*

Councilmember Ochsenhirt asked if Smith Ranch Park would be built to completion this year.

Mr. Trusty stated that he would like to see as much as possible done this year. He said that the parking may not get done but a gravel base could possibly be laid down.

*Those voting aye: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting nay: Ryan Ireland. The motion passed with a 4 to 1 vote.*

18. BID AWARD - Consideration and Approval of a Purchase from Lewis Coach of a 15 Passenger Glaval Van.

Mayor Jackson explained that Eagle Mountain City was awarded CDBG funds to purchase a van for transportation for seniors in the community. She said that Lewis Coach submitted the lowest bid for a 15 passenger Glaval van that will be built to the requested specifications and ready to be delivered in August 2010. She stated that the vehicle will be ADA accessible and will be equipped to accommodate 2 wheelchairs. She explained that the total expense including a wrapping of the vehicle will be \$59,740.00.

Councilmember Ochsenhirt asked if the total expense needed to be increase because there may be an additional increase on the wrapping.

**MOTION:** *Councilmember Painter moved to approve a purchase from Lewis Coach of a 15 passenger Glaval Van in the amount of \$60,000.00 and to allow staff to work out the details of the wrap for the vehicle. 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.*

19. BID AWARD – Consideration and Approval of a Bid Award for the City Center Trails Project.

With the completion of the new elementary school in the City Center, the City has solicited bids to install a trail running from the Eagle Park subdivision to the new school to accommodate pedestrian traffic. The trail issued for bid conformed to the City's Open Space Improvement Plan for the City Center. An alternate bid was also included which would allow for a trail to be constructed on property already owned by the City. The City does not currently own easements for portions of this trail. With school beginning on August 25, it is unlikely that easements can be obtained and a trail built prior to the school opening. The City Council could choose to award the alternate bid, which would route pedestrian traffic across Eagle Mountain Boulevard at Major Street and along the east boundary of Pony Express Park.

Mayor Jackson stated that the plan the City had will not work because the City has been unable to obtain the easements necessary to be able to build the trails.

Mr. Trusty explained that the low bidder was DRD Paving and that staff recommends that the bid be awarded to them. He said that any additional work could also be negotiated with them.

Councilmember Ochsenhirt asked if the City has worked with DRD Paving before.

Mr. Trusty stated that the City has not worked with them on a pavement project but that they have worked with them on other projects. He said that they have been good to work with the City and have been interested in several other bids.

**MOTION:** *Councilmember Burnham moved to approve a bid award for the City Center Trails Project to DRD Paving in the amount of \$56,245.12 and direct staff to bid out the proposed bike trail that is on the west side of the subdivision and authorize the Mayor to sign the contract.*

Mayor Jackson asked if Councilmember Burnham's intent was to authorize staff to work this out and bring back a change order and to authorize spending up to \$150,000. She also asked the Council wanted to include anything about a 4 way stop.

Councilmember Burnham said she did not want to state that in the motion but that she would like to see the plan at a later time.

Mrs. Kofoed asked if the motion could be clarified to state the beginning and ending points of the trail in Eagle Park.

Mayor Jackson stated that the trail would end at the road that comes from the Autumn Ridge subdivision and that to have the trail go as far north along the west side of the subdivision as the budget allows.

Councilmember Burnham said that she agreed with the Mayor's statement.

**MOTION:** *Councilmember Burnham moved to approve a bid award for the City Center Trails Project to DRD Paving in the amount of \$56,245.12 and to direct staff to bid out the proposed bike trail ending at the road coming from the Autumn Ridge Subdivision and going as far north along the west side of Eagle Park as the budget will allow, to authorize spending of up to \$150,000.00 and authorize the Mayor to sign the contract. Councilmember Cieslak seconded the motion.*

Councilmember Ireland asked if the north section of the trail by Eagle Park is the most important section of trail. He feels that the north part of the trail by Eagle Park isn't a high priority because it only benefits a few children going down to the new school.

Councilmember Burnham stated that she feels that it is important because children are not supposed to be riding their bikes on sidewalks and that it will serve a lot of kids.

Councilmember Ireland stated that there are also other needs and other areas that don't have trails at all for kids to ride on. He asked if all of the money should be spent to take the trail north along Eagle Park or if the money should be used somewhere else.

Councilmember Ochsenhirt asked if the City will lose more if they try to make another trail somewhere else as well.

Mayor Jackson stated that the City is not prepared to answer that question at this point. She said the priority is to get children from Eagle Park to school.

Mr. Trusty said that they will need to come back to the Council with a change order and that the council can discuss it at that time.

Councilmember Ireland asked Mr. Trusty to figure out how many linear feet the trail is.

Mr. Graves, 1503 Harrier Street, said that kids are going to take the shortest route and that if they have to go outside of their housing track the likelihood of them going out of their way to get to a trail is slim. He said he isn't sure that the trail would work the way it has been discussed.

Tiffany Ulmer, 1320 E. Harrier Street, said that stopping the trail at the Northwest corner of the subdivision wouldn't work because there would be no access to the trail unless it was taken east over to the roundabout. She said it would be nice to see the sidewalks extended over by the church.

Councilmember Burnham stated that she would like to remove her previous motion and give a new motion.

**MOTION:** *Councilmember Burnham moved to approve a bid award for the City Center Trails Project to alternate bidder, DRD Paving, in the amount of \$56,245.12, authorize the Mayor to sign the contract and instruct staff to provide a plan that makes the most sense for the Eagle Park trail. Councilmember Ochsenhirt seconded the motion.*

Mayor Jackson asked if there was an advantage to putting the trail in along the edge of Overland Trails. She felt that it would at least get the children out of the neighborhood aspect of the street.

Councilmember Ireland felt that the kids would not use the trail if they can see the school right down the street on the road that they are already on. He feels that the east entrance will most likely be heavily used to get kids to and from school.

Mayor Jackson said that for the purpose of safety it may make more sense for a one way out and a one way in so people are entering and exiting the school from the right side of the road.

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

## 20. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Painter

No comment.

Councilmember Cieslak

Councilmember Cieslak encouraged everyone to email their elected officials regarding transportation. He stated that he respects Councilmember Ireland for sticking to his vote even when it does not turn out his way. He thanked him for being respectful.

Councilmember Ireland

No comment.

Councilmember Burnham



Councilmember Burnham said that the item just discussed is a good example of why the school board election is so important. She said that the Council would not be having this discussing had a school not been put by a rural subdivision with no sidewalks. She feels that it was not a good decision and encouraged residents to vote.

Councilmember Ochsenhirt

No comment.

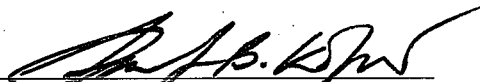
Mayor Jackson

Mayor Jackson said that Eagle Mountain City took the best small float award in the American Fork Steel Days Parade.

21. 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.
22. COMMUNICATION ITEMS
  - A. Upcoming Agenda Items
  - B. Financial Report
23. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 8:23 p.m.

APPROVED BY THE CITY COUNCIL ON AUGUST 3, 2010

  
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Fiona B. Kofoed, CMC  
City Recorder