

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

**August 7, 2012**

**Work Session 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: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt (arrived at 4:28 p.m.), John Painter (arrived 4:31 p.m.) and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Michele Graves, City Librarian; Mike Hadley, City Planner; Paul Jerome, Finance Director; Chris Trusty, Public Works Director/City Engineer; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

Mayor Heather Anne Jackson called the meeting to order at 4:15 p.m.

1. **DISCUSSION – Impact Fees Written Analysis.**

Mr. Fred Philpott, of Lewis Young Robertson & Burningham, explained the draft written impact fee analysis. He reviewed impact fees in various areas such as utilities, transportation and parks. The analysis recommends that the City move in stages towards treating the entire City as one service area.

2. **DISCUSSION – Clearview Estates Master Development Plan.**

Clearview Estates is a 244-acre annexation including 342 units, mostly in ½ acre lots. Steve Sowby introduced himself as an engineer working for the owners, Stan and Katherine Smith. The plan includes a regional park with hiking and biking trails, as well as ten acres reserved for smaller parks.

3. **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. **Utah State University Extension Site**

Utah State University will place an extension site at the Incubator Program office. It will be a webcast classroom setting. When there is adequate enrollment, they will build a permanent facility. The technology should be installed by January 1<sup>st</sup>.

B. **Utah Valley University Business Resource Center**

Utah Valley University posted an employee ad today for an Eagle Mountain Business Resource Center counselor. The UVU center will be downstairs from the USU classroom.

C. **Red Flag Annual Compliance Report**

The City's Red Flag resolution was enacted in 2009. This is a program required by the FTC. Each year the City must report on compliance. The City has had no issues with the program and recently implemented a written log of which employees have read the

policy. All employees who create customer accounts will be required to read the policy and sign the log.

4. **ADJOURN TO A CLOSED EXECUTIVE SESSION** – The City Council adjourned 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, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:35 p.m.

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

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Mike Hadley, City Planner; Paul Jerome, Finance Director; Chris Trusty, Public Works Director/City Engineer; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

5. **CALL TO ORDER**

Mayor Heather Anne Jackson called the meeting to order at 7:17 p.m.

6. **PLEDGE OF ALLEGIANCE**

Boy Scout Troop 1069 presented a flag ceremony.

7. **INFORMATION ITEMS/UPCOMING EVENTS**

- **Pinyon Fire** – No structures have been damaged by the Pinyon Fire. It was started by a lightning strike on Sunday evening. The fire is on Camp Williams land and Eagle Mountain's Fire Department is assisting in fighting the fire. It didn't enter Eagle Mountain City, but North Ranch was threatened and the northern half of North Ranch was evacuated. The evacuation order was lifted this morning.
- **Flags at Half-Staff** – Governor Herbert has authorized the lowering of the Flag of the United States of America and the Flag of the State of Utah effective immediately, in memoriam of the victims of the Sikh Temple shooting in Wisconsin. The flags shall be flown at half-staff on all state facilities until sunset, August 10, 2012.
- **CPR/CERT Classes** – The Fire Department is offering CPR and CERT classes this fall. A schedule and details are on the Fire Department page of the City website. A babysitting

safety class will be offered on August 16. This class is free and recommended for ages 11-15.

- **Citizens' Survey** – We are looking for more responses to our annual citizens' satisfaction survey. The deadline has been extended to August 15. It is located under News on the main page of the City website.
- **Princess Tea Party** - Miss Eagle Mountain McKilee Brunger will host a princess party in the City Council chambers tomorrow, August 8, from 10-11 a.m. The event is open to ages 3-12. It costs \$5.00 and includes a princess 'tea' party, story time, a craft, and a photo with Miss Eagle Mountain. Pre-registration is required and is available online or at City Hall. Space limited to 25.
- **Farmers' Market** - A market to buy and sell local fresh produce and handmade crafts will be held on Saturdays, August 11 through September 29 from 9:00 a.m. to 12:00 p.m. in the City Hall parking lot. If you are interested in selling your produce or handmade crafts, please fill out the application on the City website.
- **Movie in the Park** - Celebrate the end of the Summer Reading Program by watching an outdoor movie on Wednesday, August 15 at the SilverLake Amphitheater, featuring Chicken Run, rated "G." Admission is free and all are invited. Doors open at 8:00 p.m. and the show starts at dusk.
- **Seniors' Health Fair** - The Eagle Mountain Senior Advisory Council will host their annual health fair at Rockwell High School on Monday, August 20 from 5:00-8:00 p.m. Admission is free for seniors. There will be free health screenings, fitness activities, and prize drawings.

8. **PUBLIC COMMENTS** – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*

Nikki Wickman, 2766 Fort Hill Road, read a statement about water restrictions and landscape sprinklers, asking that sprinkler irrigation be restricted to the hours of 10:00 p.m. to 6:00 a.m. She gets hit with sprinkler water and goes through puddles every morning when she runs, partially due to Ranches Parkway and Pony Express Parkway being overwatered. She said that asphalt trails are Eagle Mountain's greatest asset and would like to see them completed and maintained. Mayor Jackson responded that The Ranches HOA is responsible for watering along Ranches Parkway and Pony Express Parkway. Public Works is looking into a master control to better balance the City's sprinkling system, but it would require an expensive new system.

Jennifer Hunt, 4096 Parker's Place, got a bid from a park improvement company for the improvements to Porter's Crossing Park. The HOA can't donate more than \$6,000, but the City requires the HOA to match its contribution of \$7,000. Mayor Jackson said the recommendation to the Council is from the Parks and Recreation Board. Several parks in the City Center were built with resident donations and labor. She recommended that the Porter's Crossing residents consider doing that to make up the difference.

Dayton Seegmiller, 3094 Snowy Owl Circle, represented Troop 1069. Since the park strip and the trail on Sandpiper Road have not been completed, the troop would like permission to beautify that area? He asked if the developer's bond still available and if not, who will take responsibility for improving the area? City Attorney Jeremy Cook responded that the bond is being called, as negotiations with the surety have failed. Mayor Jackson said that there is an approved landscape plan and asked the Public Works Department to provide it to Mr. Seegmiller.

Dayna Koch, 1520 Kestrel Way, spoke about her small-breed goats: should they be considered pets or livestock and should they be allowed to live on ¼ acre. She provided written information supporting her opinion that they can be pets if raised as such. Planning Director Steve Mumford researched the issue and found that a number of local cities allow goats in residential areas. Mayor Jackson said Steve is on vacation, followed by a conference, so discussion of the animal ordinance is being held off until September.

Brian Buchmiller, 1364 Owl Lane, thanked the Council for their time and service to the City. He supported Ms. Koch's request. He's never had any problems with her goats. He would like to live on a larger lot, but since he can't afford to, he would like the opportunity to raise animals on his smaller lot.

Jared Johnson, 1210 Searle Lane, also supported Ms. Koch in allowing her goats to be pets. He felt the City's focus should be on larger areas of the City, including parks, trails and the City's perimeter.

Mark Johnson, 1195 Searle Lane, thanked the Council for all they do. He supported Ms. Koch. He's been to her home and seen the goats and his grandchildren love to play with them. He thinks her research indicates that the goats are acceptable for a quarter-acre lot. Perhaps her lot could be rezoned.

Forrest Megargel, 1869 Mt. Airey Drive, has lived in Eagle Mountain for six years and has had few complaints; however, he's tired of dealing with the sprinklers on Ranches Parkway. He suggested that the City turn off the sprinklers and remove the grass. Mayor Jackson said she completely agrees with him and has had that discussion with the HOA several times. Some medians have been replaced with xeriscaping. Since the HOA is in charge of watering, she suggested that residents who disagree with their actions get on the HOA board and push for change.

Rochelle Anderson, 1487 Raptor Road, did not wish to speak, but turned in a comment form indicating that she thought the goats are an asset to the neighborhood and should be allowed to stay.

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. (*Comments are limited to three minutes each.*)

Councilmember Burnham

Councilmember Burnham thanked everyone who attended the meeting. She appreciated the flag ceremony and those who made comments.

Councilmember Steinkopf

Councilmember Steinkopf said this morning Fox News commended the City for doing a great job of disseminating information on the Pinyon fire.

Councilmember Painter

Councilmember Painter said it's difficult to be on the Council because those who see a problem assume that government has the power to fix it. It's difficult to differentiate between what government should do and what others should do. The Council gives a lot of thought to what should be done on various issues.

Councilmember Ochsenhirt

Councilmember Ochsenhirt appreciated all of the comments made so far. He said people get stuck on having their problems fixed, but not having their taxes raised. The volunteerism in the City is a great thing and we need to look more to that. He apologized to Ms. Koch for his comments about goats at the last meeting. He said getting caught up in the matter of goats on one lot is not the issue, it is fairness and appropriateness to all the residents. Similarly, the City Council's opinions will not affect decisions made by homeowners' associations. He appreciated the calm tone in which the comments have been made tonight.

Councilmember Ireland

Councilmember Ireland thanked everyone who attended the meeting, especially the Scouts in uniform. He informed those who made public comment that they're being recorded on video and will be on YouTube later on. He expressed appreciation for all that Public Communication Director Linda Peterson does to publish information about the City.

Mayor Jackson

No comment.

10. APPOINTMENT

A. Parks and Recreation Board

This item was removed from the agenda.

**CONSENT AGENDA**

11. MINUTES

A. July 17, 2012 – Regular City Council Meeting

12. BOND RELEASE – Out of Warranty

A. Scenic Mountain Plat A

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**SCHEDULED ITEMS**

13. MOTION – Consideration and Approval of Additional Capital Projects for the FY 2012-2013 Budget.

This item was presented by Finance Director Paul Jerome. The City Council allocated an additional \$92,820.24 for capital improvements that was budgeted but not itemized in the FY 2012-2013 budget. During the annual budget process, the Council identified and approved specific projects from the priority/non-priority list of projects. This item specifies which projects will be funded.

City Recorder Fionnuala Kofoed presented her request for records management software. It would allow personnel to retrieve, identify and preserve information and establish a uniform file classification. It would also help with litigation risk and bring records into regulatory compliance.

City Librarian Michele Graves requested library shelving and a circulation desk. The shelving will be compliant with earthquake standards. The circulation desk will be compliant with ADA regulations and will have a book drop.

Public Works Director Chris Trusty recommended that the City match private funds for park projects in Pioneer Addition and Porter's Crossing. He recommended replacing damaged and dead trees around the City and installing more parking for the Public Safety building. He also requested a box trailer to make irrigation work more efficient and a cab for the skidsteer.

Public Communications Director Linda Peterson said that the Economic Development Board recommended updating the City's website. They believe it needs to be easier to navigate and present a better image of the City. City staff needs it to be more efficient. The current site requires that each social media outlet be updated individually, which is time-consuming for the staff. A newer website would allow simultaneous posting, as well as document management. A newer website would also improve the City's ability to provide emergency alerts.

The park projects were discussed and it was specified that the City funds have to be matched and the projects must be completed. The City has too many projects that have gone uncompleted.

Mayor Jackson proposed community theater funding. The person who would use the money already directs a growing theater program at Pony Express elementary school. She has the expertise to build \$2,000 in seed money into a thriving community theater program.

The water softener, Christmas lights and landscape lighting were proposed by Building Manager Jason Lovell. The water softener will extend the life of the appliances in City Hall.

**MOTION:** *Councilmember Burnham moved to approve capital projects for the 2012-2013 fiscal year as follows: Library, \$14,914; records management, \$13,875; Pioneer Addition Park, \$30,000; Porter's Crossing Park, \$7,000 (with the condition that both park projects have a 50% match up to the allocated amount and that both projects be completed); tree replacement, \$15,000; water softener, \$2,000; community theater, \$2,000; Public Safety Building parking, \$5,000; with the remaining amount to go to a box trailer & skidsteer cab. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a 4:1 vote. Those voting no: Ryan Ireland.*

Councilmember Ireland explained his "no" vote, saying he was not able to vote for funds for a community theater unless all avenues of sponsorship had been explored. Recreational activities need to be self-funded.

14. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Terminating the Interlocal Cooperation Agreement Establishing the Intermountain Municipal Gas Agency (IMGA) and Distribute Remaining Funds.

This item was presented by City Attorney Jeremy Cook. The proposed resolution terminates the interlocal agreement establishing IMGA. IMGA was formed in 1999 to provide natural gas services and transportation and to provide the benefit of economy of scale, economic development and utilization of natural resources. Since approximately 2007, little or no activity has been

conducted by IMGGA apart from Eagle Mountain City utilizing IMGGA to purchase natural gas, and the parties therefore feel it is appropriate to terminate IMGGA and distribute the remaining funds. The distribution amounts will be based on the cities' original contributions to the system and the costs of writing the distribution agreement.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, terminating the interlocal cooperation agreement establishing the Intermountain Municipal Gas Agency (IMGGA) and distribute remaining funds. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration and Ratification of a Professional Service Agreement with Widdison Well Turbines for Repairs to the Golf Course Well and Installation of a New Pump and Motor.

This item was presented by Public Works Director/City Engineer Chris Trusty. Emergency repairs were needed for the golf course well. This agreement ratifies the repairs and work completed by Widdison Well Turbines.

**MOTION:** *Councilmember Ochsenhirt moved to ratify a professional service agreement with Widdison Well Turbines for repairs to the golf course well and installation of a new submersible pump and motor purchased from Nickerson Company in the amount of \$47,200. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

16. BID AWARD – Consideration and Award of Bid to Specialty Electrics, Inc. for the Purchase of Control and Relay Panels for the South Substation.

This item was presented by Energy Department Director Adam Ferre. The final major equipment purchase for the South Substation is for seven custom built relay and control panels used for general monitoring and operation of the substation.

**MOTION:** *Councilmember Ochsenhirt moved to award a bid to Specialty Electrics, Inc. for the purchase of control and relay panels for the South Substation in the amount of \$117,054 for the purchase of control and relay panels for the South Substation and authorize the Mayor to execute the agreement. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. BID AWARD – Consideration and Award of Bid to Bennett Paving, Inc. for the 2012 Eagle Mountain Road Patch Improvement Project.

This item was presented by Public Works Director/City Engineer Chris Trusty. This bid is for asphalt patches on various roads throughout Eagle Mountain City. The project includes streets in Mt. Airey, Pioneer Addition, Liberty Farms, SilverLake, and Eagle Point subdivisions.

**MOTION:** *Councilmember Steinkopf moved to award a bid to Bennett Paving, Inc. for the 2012 Eagle Mountain road patch improvement project in the amount of \$64,555, and authorize the Mayor to execute the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. BID AWARD – Consideration and Award of Bid to Holbrook Asphalt Company for the 2012 Eagle Mountain Asphalt Surface Treatment Project.

This item was presented by Public Works Director/City Engineer Chris Trusty. This proposed bid is for HA5, which is an alternative to a slurry seal that is typically applied to road surfaces as part of the routine roadway maintenance. This product prevents loose aggregate littering the roadway and has received public approval in other areas where it has been used. It is anticipated that it will be a good option for the City as it evaluates alternative treatments for City roadways.

**MOTION:** *Councilmember Painter moved to award a bid to Holbrook Asphalt Company for the 2012 Eagle Mountain Asphalt Surface Treatment Project in the amount of \$78,676.79 and authorize the Mayor to execute the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Painter

Councilmember Painter felt that the community theater will be part of what makes Eagle Mountain great.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Mayor Jackson

No comment.

20. 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.

None.

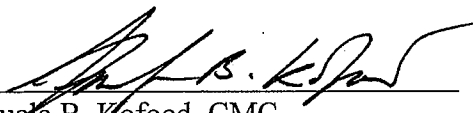


21. COMMUNICATION ITEMS  
A. Upcoming Agenda Items

22. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:11 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 4, 2012.

  
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Fionnuala B. Kofoed, CMC  
City Recorder