

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 18, 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, Erick Cieslak (arrived at 4:20 p.m.), David Lifferth and Nathan Ochsenhirt. Councilmember Ireland participated telephonically.

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

Mayor Heather Anne Jackson called the meeting to order at 4:10 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
3. 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 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, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

The meeting adjourned at 4:53 p.m.

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Erick Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

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

4. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:08 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Burnham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Monday, August 24, 2009 at 5:00 p.m. the Senior Council will be having an "Old Italy" night for ages 55 and up. A traditional Italian dinner will be served.
- A support group for Multiple Sclerosis has been formed. This support group meets every third Thursday of the month at Fire Station #2 in the Ranches at 6:30 p.m.
- Eagle Mountain City is now on twitter as well as the Mayor. More information is available on the City website at www.eaglemountaincity.com.

7. PUBLIC COMMENTS

No public comment was made.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham reminded everyone to watch the crosswalks now that school is starting and to be careful while driving.

Councilmember Cieslak

Councilmember Cieslak asked if a Crosswalk could be placed across Tinamous Road over to Goshawk Road. He explained that a lot of children cross that road to get to Ranches Academy. He asked that a pothole by Peregrine Road and Sparrow Hawk Way be filled, on the north east corner of Nolan Park. He asked that residents continue to contact the elected officials and express the need for increased means of transportation.

Councilmember Ochsenhirt

Councilmember Ochsenhirt stated that he has noticed a lot of City street lights out. He asked that they be fixed and that the City check on those to make sure they are on and working. He expressed concern with Pony Express Parkway and all of the traffic that will be going down that way with the Westlake High School opening. He asked that the Sheriff's department increase their presence there during the morning and afternoon hours to make sure that people are driving safely.

Councilmember Ireland

Councilmember Ireland asked that the weeds be sprayed so that they do not increase and spread next summer.

Councilmember Lifferth

Councilmember Lifferth asked which route the bus to Westlake High School would be taking.

Councilmember Burnham explained that she saw a map showing the route as the back road (Pony Express Parkway).

Councilmember Lifferth thanked the Mayor for being on twitter. He explained that at the next Utah Lake Commission Meeting, Eagle Mountain City would officially be added to group. He feels that it is important for the community to continue speaking with elected officials regarding the transportation issues.

Mayor Jackson

Mayor Jackson explained that there was good attendance at the transportation meeting. She explained that as the presentation was made, Eagle Mountain was kept in mind and that people are realizing that the City is in need of increased transportation. She explained that the County Commissioners are going out for bonds for Pony Express Parkway and that this project should be completed by June of 2010. She also stated that she attended a UAMPS conference and that the City received a system improvement award for the expansion/upgrade of power lines.

Mr. Ferre explained that UAMPS was impressed by the way the City handled the 138kv line especially with the controversy involved.

Councilmember Lifferth asked that a press release be issued regarding this award.

CONSENT AGENDA

9. **MINUTES**

A. August 4, 2009 – Regular City Council Meeting

10. **CHANGE ORDER**

A. Bobby Wren Blvd. Storm Drain Change Order #2 – Staker Parson

11. **FINAL PAYMENTS**

- A. Porter's Crossing Extension – Skip Dunn
- B. Pony Express Parking Lot – Kenny Seng
- C. Pony Express Irrigation Line – Skip Dunn

12. **MASTER DEVELOPMENT AGREEMENT**

A. Scenic Mountain

This item was removed from the consent agenda.

13. **FINAL PLAT**

A. Scenic Mountain 1 Final Plat

This item was removed from the consent agenda.

14. SITE PLAN

A. Scenic Mountain Church

This item was removed from the consent agenda.

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

SCHEDULED ITEMS

15. MOTION – Consideration and Approval of a Lease for Golf Course Equipment with Vanguard Golf Management Group LLC.

The Eagle Mountain City Council approved the donation of The Ranches Golf Club, at the July 21, 2009 City Council meeting, from Eagle Mountain Holding and Eagle Mountain Links LLC to Eagle Mountain City. Additionally, the City Council approved an Operation and Management Lease Agreement with Vanguard Golf Management for the golf course. The golf course equipment was included in the donation and the proposed equipment lease agreement between Eagle Mountain City and Vanguard documents the terms of the lease.

Councilmember Ireland asked if there would be any equipment left if Vanguard pulled out 5 years from now.

Mr. Hendrickson explained that some equipment may be left but this would be the worst case scenario.

MOTION: *Councilmember Lifferth moved to approve a Lease for Golf Course Equipment with Vanguard Golf Management Group LLC as outlined in the agenda summary. 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.*

16. AGREEMENT – Consideration and Approval of an Interlocal Agreement for Fire Service with Utah County.

The proposed interlocal agreement is for fire protection to unincorporated areas of Utah County provided by Eagle Mountain City. Federal and State owned properties are excluded from this agreement.

MOTION: *Councilmember Burnham moved to approve an Interlocal Agreement for Fire Service with Utah County and that the City is reimbursed for 1 hour attorney and 1 hour administration per call billed at the same rate as the response. 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.*

17. AGREEMENT – Consideration and Approval of a Settlement and Release Agreement with Centex Homes.

Centex Homes failed to complete subdivision improvements for Eagle's Gate Plat A, Eagle's Gate Plat D, Kiowa Valley Plat A, Kiowa Valley Plat B and Kiowa Valley Plat C. This Settlement and Release Agreement with Centex Homes provides that Centex Homes will pay Eagle Mountain City to complete the improvements and the City will release the subdivision improvement bonds.

MOTION: *Councilmember Cieslak moved to approve a Settlement and Release Agreement with Centex Homes in the amount of \$280,427.88. 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.*

18. BID AWARD – Consideration and Award of a Bid to Skip Dunn for Eagle's Gate and Kiowa Subdivisions Completion and Authorization for the Mayor to Execute the Contract.

Staff recommends that Skip Dunn be awarded the bid to complete the subdivision improvements for Eagle's Gate Plat A, Eagle's Gate Plat D, Kiowa Valley Plat A, Kiowa Valley Plat B and Kiowa Valley Plat C that should have been completed by Centex Homes.

MOTION: *Councilmember Ochsenhirt moved to award a Bid to Skip Dunn for Eagle's Gate and Kiowa Subdivision Completion in the amount of \$221,530.63 and authorization for the Mayor to Execute the Contract. 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.*

19. AGREEMENT – Consideration and Approval of an Agreement for the Completion of Required Improvements with Developers Surety and Indemnity Company for Three Crossings C and Amendment 1.

Newport Homes failed to complete the subdivision improvements in Three Crossings C subdivision. The City demanded that the surety complete the improvements. This agreement provides for the completion of the improvements. Amendment 1 modifies the main agreement to require written notice to the City of the completion of the improvements for final inspection.

MOTION: *Councilmember Cieslak moved to approve an agreement for the completion of required improvements with Developers Surety and Indemnity Company for Three Crossings C and Amendment 1. Councilmember Ochsenhirt seconded the motion.*

Councilmember Lifferth asked if the project would be completed by winter.

Mr. Trusty explained all work must be completed within 60 days of the agreement.

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

20. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Ochsenhirt

No Comment.

Councilmember Ireland

No Comment.

Councilmember Lifferth

No Comment.

Councilmember Burnham

No Comment.

Councilmember Cieslak

Councilmember Cieslak thanked the residents for coming to the meeting and keeping up with City issues.

21. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Lifferth explained that his board has not yet met.

Councilmember Burnham explained that the Youth Council will be holding elections soon. She stated that the recently returned from their retreat and that they had a great time. She also explained that the Senior Council is doing great things and that the Library expansion is coming along.

Councilmember Cieslak explained that the Economic Development Board is doing a great job and that they are keeping the City's best interests in mind.

Councilmember Ochsenhirt explained that he attended a Parks and Recreation Board meeting last week and that a lengthy discussion was held concerning the recreation center. He feels that they are doing a wonderful job.

Councilmember Ireland explained that the Planning Commission is continuing to meet and that they canceled their last meeting. He asked that he be notified when these meetings are canceled so that he does not have to show up and find out.

Mayor Jackson asked that Mr. Mumford make sure that Councilmember Ireland is notified when these meetings are canceled.

Mr. Hendrickson asked that Mr. Partridge give a report on the library expansion project.

Mr. Partridge explained that the City has to advertise the project a second time because they only received one bid for the project. He stated that it is now being advertised in the paper until August 27th. He explained that the City still hopes to have the expansion completed before Christmas of this year. He feels that the project will move fast once the bid process is completed.

Mr. Hendrickson asked if the parking lot to the west would be closed during the construction of the library.

Mr. Partridge explained that he would get a plan to Mr. Hendrickson showing exactly what will need to be done while the library is being constructed.

Mr. Hendrickson explained that the library will remain open during the expansion.

22. COMMUNICATION ITEMS

A. Financial Report

23. ADJOURNMENT

Councilmember Burnham adjourned the meeting at 7:38 p.m.

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 1, 2009


Fionnuala Kofoed, City Recorder