

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 1, 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, Eric Cieslak, Ryan Ireland (arrived at 4:12 p.m.), David Lifferth and Nathan Ochsenhirt.

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

Mayor Heather Anne Jackson called the meeting to order at 4:12 p.m.

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. CITY ADMINISTRATOR INFORMATION ITEMS – These items are for informational purposes only and do not require action by the City Council.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
 - B. Redevelopment Agency Update (*Presented by staff*)
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 Ireland 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 5:31 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: Adam Ferre, Energy Division Director; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; John Hendrickson, City

Administrator; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Eric McDowell, Sergeant; Kent Partridge, Building Official; Steve Mumford, Planning Director; David Norman, Assistant Public Works Director; Linda Peterson, Community Information Coordinator.

4. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:12 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Ireland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- On September 3, 2009 the Seniors will be going to the Olive Garden in American Fork for their lunch brunch. They will be meeting at the Chevron gas station in the Ranches at 11:30 a.m. to carpool.
- A groundbreaking ceremony for the new library expansion project will be held Thursday, September 3, 2009 at 5:00 p.m.
- The City phone systems will be down on September 3, 2009 starting at 7:00 p.m. The lines will be down for a few hours while service upgrades are implemented. The outage will affect the online bill pay, utility emergency hotline and the library online catalog services.
- The City offices will be closed Monday, September 7, 2009 in observance of Labor Day.
- A home business street fair will be held Saturday, September 12, 2009 on Peregrine Road. It will begin at 4:00 p.m. People will be asked to park around Nolan Park. There is no fee to participate in this event however there is an application process.
- Eagle Mountain City was recognized as a new community partner/member of the Lehi Area Chamber of Commerce.

7. PUBLIC COMMENTS

Adam Olsen, 4074 Mohican Drive, Express his appreciation for the improvements that were made to Well #4. He feels that it has made the area look much better.

Cory Rydman, 4464 N Maple Drive, read a statement from the residents on Maple Drive regarding encroachment issues. (See attached)

Walter Wright, 4328 Maple Drive, explained that he has tried for four years to resolve the encroachment issues with the homeowners. He asked for assistance from the City Council.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Lifferth

Councilmember Lifferth explained that Eagle Mountain City has officially been accepted into the Utah Lake Commission by a unanimous vote. He explained that a technical committee meeting was held and that the bridge across Utah Lake was presented. He feels that it is important for the City to be supportive of this project. He explained that funds have been allocated to address issues with the lake from a species standpoint.

Councilmember Burnham

Councilmember Burnham explained that she has enjoyed working with the Library. She and the Library employees are thrilled to be starting the library expansion project. She reminded the residents that the Library is not a babysitter. She recommends that parents come in with their children to see what the library has. She recommended that Town Hall meetings be held, after elections. She would like to see it begin in January/February and have it be a less formal setting than City Council.

Councilmember Cieslak

Councilmember Cieslak thanked the residents for coming to the meeting and for making public comment. He explained that the customer service at the golf course is phenomenal. He feels that this is going to increase the money being made out there and that Vanguard is doing a great job. He thanked those for presenting candidate information in an even manner. He encouraged everyone to continue contacting the elected officials regarding the transportation issues.

Councilmember Ochsenhirt

Councilmember Ochsenhirt is glad to see residents coming to the meetings. He is happy to see the expansion of the library coming along. He encouraged residents to continue contact the elected officials regarding transportation issues.

Councilmember Ireland

Councilmember Ireland appreciated Mr. Olsen's public comment and explained that it is really nice to hear expression of gratitude. He thanked Councilmember Lifferth for his report on the Utah Lake Commission. He explained that the PTA has asked if the City would be willing to put a link to their website up on the City website.

Mr. Norman explained that the public works department recently installed sod at the well #4 station where the ground had been disturbed from construction.

Mayor Jackson explained that the Utah lake bridge crossing was discussed at a governing board meeting. She explained that during this meeting they discussed holding an RDCC meeting on September 8, 2009 at 9:00 a.m. in the capitol board room at the State Capitol Office. She stated that at this meeting they will be discussing the Utah lake bridge crossing, she plans on attending this meeting. She explained that the city will continue to push for more eastbound lanes on State Road 73.

Mr. Hendrickson explained that Vanguard has had about a 30% increase in golf since they have began managing the golf course. He explained that the restaurant sales have also increased. He feels that this is a very good start considering they have not yet started advertising.

Mayor Jackson explained that the annual public safety fair will be held October 5, 2009 at fire station #2. The event will begin at 4:00 p.m.

9. PROCLAMATION

A. Childhood Cancer Awareness Month

MOTION: *Councilmember Cieslak moved to designate the month of September, 2009 as Childhood Cancer Awareness Month. Councilmember Ochsenhirt seconded the*

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

CONSENT AGENDA

10. MINUTES

A. August 18, 2009 – Regular City Council Meeting

11. CHANGE ORDERS

- A. Well #1 & Well #5 Project Change Order No. 5 – Clear Construction Company
- B. Construction of a New 2 MG Water Reservoir (Tank 5) Change Order No. 1 – Build Inc.
- C. Smith Ranch Road Change Order No. 1 – Staker Parson Company

MOTION: *Councilmember Lifferth moved to approve the Consent Agenda removing items 12, 13 & 14 and placing them on the policy session agenda. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

Items 12, 13 & 14 were removed from the consent agenda and moved to the policy session

SCHEDULED ITEMS

12. MASTER DEVELOPMENT AGREEMENT

A. Scenic Mountain Master Development Agreement

MOTION: *Councilmember Lifferth moved to approve the Scenic Mountain Master Development Agreement. Councilmember Ireland seconded the motion.*

Councilmember Lifferth explained that he was concerned with the line of sight for the entrance/exit to Scenic Mountain.

Councilmember Ochsenhirt feels that the initial entry/exit of the neighborhood will come into Mt. Airey causing problems with traffic volumes on that road. He asked if the mouth of Mt. Airey Road could be widened to help alleviate the traffic increase.

Mayor Jackson explained that the Council had already approved the master development plan for this project. She explained that at that point the Council should have addressed these issues and concerns because there is nothing they can do about it at this point.

Mr. Hendrickson explained that the road connection to S.R. 73 must be put in once 15 units have been built.

Councilmember Ireland asked what the pros and cons would be of the City owning land and the HOA maintaining it.

Mr. Mumford explained that Design Workshop suggests that all of the smaller pocket parks and neighborhood parks be maintained by HOA's.

Councilmember Ireland asked if they recommended that the City own it or if the HOA should own it.

Mr. Mumford explained that they did not give a recommendation either way.

Mr. Hendrickson stated that it depends on what type of facility it is. He explained that sometimes in parks they want an upgraded maintenance plan so sometimes they are willing to own and maintain. He explained that sometimes the HOA will walk away because they can't afford to maintain it anymore.

Those voting aye: Donna Burnham, Erick Cieslak, David Lifferth and Ryan Ireland. Those voting nay: Nathan Ochsenhirt. The motion passed with a 4 to 1 vote.

13. FINAL PLAT

A. Scenic Mountain 1 Final Plat

MOTION: *Councilmember Lifferth moved to approve the Scenic Mountain 1 Final Plat. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

14. SITE PLAN

A. Scenic Mountain Church Site Plan

MOTION: *Councilmember Lifferth moved to approve the Scenic Mountain Church Site Plan. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration and Approval of a Trail Improvement Agreement between Eagle Mountain City and the School and Institutional Trust Lands Administration (SITLA).

Eagle Mountain City received a grant from the National Park Service (NPS) to improve access and signage to the Pony Express Trail. The NPS agreement requires the City to contribute certain services and funds towards the trail improvement. Because SITLA will benefit from the improvements through their property, they have agreed to provide certain services and funds for the project. The proposed agreement documents the terms.

MOTION: *Councilmember Lifferth moved to approve a Trail Improvement Agreement between Eagle Mountain City and the School and Institutional Trust Lands Administration (SITLA). Councilmember Ireland seconded the motion.*

Councilmember Lifferth asked when the City would be required to pay their portion towards the project.

Mrs. Kofoed explained that the project will not commence until early spring but that there is a schedule of which items the City will be responsible for. She explained that this should be completed and paid for before Pony Express Days next year.

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 a Water Supply Agreement between Eagle Mountain City and the Central Utah Water Conservancy District.

This agreement will allow the City to purchase water dedicated to Trust Lands projects to meet the City standards for water supply. SITLA will make a lump sum payment before December 31, 2009 to acquire 500 acre feet of water in 2020. The City will use the lump sum payment to fund the City obligations to Central Utah under the agreement.

MOTION: *Councilmember Ireland moved to approve a Water Supply Agreement between Eagle Mountain City and the Central Utah Water Conservancy District for up to 1,000 acre feet of water subject to the final revision of amount of water to conform to the amount approved by SITLA and subject to the execution of the agreement. 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.*

17. AGREEMENT – Consideration and Approval of a Public Water Supply Agreement with Utah State Institutional Trust Lands Administration (SITLA).

This agreement is the City counterpart with SITLA to the agreement between the City and Central Utah. The City will use water purchased from Central Utah to meet water development standards for SITLA projects. SITLA will be responsible for the payment of City impact fees as determined in the future and the costs for water payable to Central Utah.

MOTION: *Councilmember Burnham moved to approve a Public Water Supply Agreement with Utah State Institutional Trust Lands Administration (SITLA) for up to 1,000 acre feet of central Utah water supply subject to final revision of the amount of water as approved by the SITLA board and execution of the final agreement. 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.*

18. AGREEMENT – Consideration and Approval of an Improvement Completion Agreement between Eagle Mountain City and the Plum Creek Condominium Association.

The City is holding a bond for completion of improvements on land owned by the Plum Creek Condominium Association. This agreement will allow the City to enter the private property of the Condominium Association to complete the improvements in consultation with the owners.

MOTION: *Councilmember Ireland moved to approve a Improvement Completion Agreement between Eagle Mountain City and the Plum Creek Condominium Association. 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.*

19. BID AWARD – Consideration and Award of a Bid for Subcontractor Agreements for the Construction of the Library Expansion Project.

Eagle Mountain City Council approved the expansion of the library with the FY 2009-2010 budget. The City will act as the general contractor and the project was out to bid with a deadline to submit all bids by 5:00 p.m. on August 27.

MOTION: *Councilmember Burnham moved to authorize the Mayor to enter into a contract according to the bid submitted with Gunther's Air for \$33,792 to complete the H back portion of the library expansion project. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

Mayor Jackson reminded everyone that a portion of the parking lot will be closed during construction on the west side of the building but the library will remain open.

20. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Ireland

No Comment.

Councilmember Lifferth

Councilmember Lifferth explained that he has spoken with UDOT, and the Mayor of Saratoga Springs concerning the traffic at the intersection in Saratoga. He felt that more traffic was being let through on certain lights than others and that it seemed to be unfair and that it was backing traffic up. He thanked UDOT and the Mayor for their responses and explained that they would look into the situation.

Councilmember Burnham

Councilmember Burnham explained that Congressman Jason Chaffez is aware of the transportation issues in the area and that he joked about it at the Lehi Area Chamber of Commerce meeting. She stated that we need to continue to remind them about the transportation issues.

Councilmember Cieslak

Councilmember Cieslak explained that he was excited about the library expansion. He is glad to see an improved road into the City but would like to see a better one out. He encouraged everyone to get information from more than one source regarding election information.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked Vanguard for doing a great job with the golf course.

Mayor Jackson

Mayor Jackson explained that the Mighty Thunder football team will be holding their first home game Friday, September 4, 2009 at 7:00 p.m. against Payson. She hopes to see this become a great community event.

21. CITY COUNCIL BOARD LIAISON REPORTS

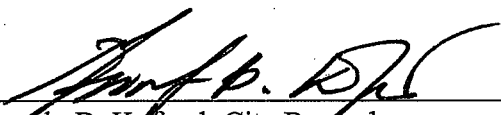
22. COMMUNICATION ITEMS

A. Upcoming Agenda Items

23. ADJOURNMENT

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

APPROVED BY THE CITY COUNCIL ON OCTOBER 6, 2009



Fionnuala B. Kefoed, City Recorder

John Walden and whoever else it concerns —

8/30/09

We as members of your homeowners association on Maple Drive in Eagle Mountain Utah have met as a group and would submit to you that we are tired of your procrastination in settling your encroachment issues with Land Design Group LLC and Mr. Walter Wright.

We have seen copies of several offers to you from Mr. Wright that appear to be generous. We met with him yesterday and he agreed to make one final offer. If you choose not to accept his offer we have contacted the County and State attorneys as we do not want to incur any costs to recover what you have fraudulently sold to us.

If you choose not to accept Mr. Wright's offer we would submit to you that as a group we would accept \$25,000 per lot for our back yard encroachments. This is to be paid to our Mortgage companies as a principle reduction. You then must pay to move our fence back to our property line and reconstruct our improvements to our backyards. We do not want to wait four more years for some kind of resolution.

Remember we would have never bought these lots had they been standard size. We paid a premium of approximately 10,000 dollars per lot for the extension, sixteen homes at 10,000 is 160,000 dollars. If Mr. Wright is offering you around 260,000 dollars to settle you've only settled for 100,000 dollars. As homeowners, we agree this seems to be a small amount to settle this once and for all.

Regards —

Maple Drive Homeowners

Cory RYANSON
4464 N. Maple Drive