

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 2, 2008

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**

Mayor Heather Anne Jackson called the meeting to order at 4:06 p.m.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland (arrived 4:14 p.m.), David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

**1. DISCUSSION**

- A. Utah Valley Home Builder's Association – Ron Rydman
- B. Splash Zone – Katie Lowe (*removed from agenda*)
- C. Utah Lake Commission – Councilmember Lifferth and Reed Price

**2. AGENDA REVIEW**

**3. CITY ADMINISTRATOR INFORMATION ITEMS**

- A. Update on the Sewer Treatment Facility – Chris Trusty

**4. ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember Cieslak moved to adjourn to a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and David Lifferth. The motion passed with a unanimous vote.*

The City Council adjourned to a Closed Executive Session at 5:45 p.m.

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

Mayor Heather Anne Jackson called the meeting to order at 7:16 p.m. Bob Dalton led the Pledge of Allegiance.

**CONDUCTING:** Mayor Heather Anne Jackson

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

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; David Norman, Staff Engineer; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

## 8. INFORMATION ITEMS/UPCOMING EVENTS

- Senior Advisory Council Lunch Bunch, Thursday, Sept. 4, 12:00 at Applebee's.
- Youth City Council elections for the 2008-2009 school year, Tuesday, Sept. 9, 7:00 a.m. - 7 p.m.

## 9. PUBLIC COMMENTS

Mr. Bob Dalton, 7468 Castle Rock Road, asked about city water issues: dead grass on the medians on Ranches Parkway, Pony Express Parkway and neighborhood parks; public areas being watered in the middle of the day; and watering restrictions on residents.

Mr. Matt Borget, 3434 Appaloosa Road, the lot next to his has had a construction hole for six months. It is a safety hazard and he would like something done before there is an accident.

Ms. Tiffany Ulmer, 1320 Harrier Street, expressed appreciation for City staff response. This morning she brought up an issue with Code Enforcement and the Sheriff's Office, and it was taken care of by this afternoon. She asked that weeds on City property be properly mowed, without wide swaths of unmowed weeds along the edges.

Mayor Jackson responded to Mr. Dalton by explaining recent years' water issues: the well failure last summer and the problems with well #4 this summer, which also delayed completion of well #5. Water levels in the city's water tanks have to be at least 5 feet for fire response. In response to Mr. Borget, Mr. Hendrickson stated there should be a building bond in place that the City can use to pay to correct violations of construction standards. In response to Ms. Ulmer's request, Mr. Trusty said that he will have Public Works employees finish mowing.

## 10. CITY COUNCIL/MAYOR'S ITEMS

### Councilmember Ireland

Councilmember Ireland expressed appreciation to those residents who shared their concerns with the Council.

### Councilmember Lifferth

Councilmember Lifferth asked Mayor Jackson to describe where crossing guards and crosswalks are located in the city. He also wanted to know when residents should shut off their watering systems.

### Councilmember Burnham

Councilmember Burnham asked if the proposed Rockwell High School four-way stop could be replaced with a flashing crosswalk light. Mayor Jackson pointed out that the stop will not be near the high school, but at the point where Highlands and Highlands on the Green meet Ranches Parkway. Councilmember Burnham was comfortable with that. Also, several youth have submitted their names for election to the Youth City Council. She was very impressed with the city's youth who are willing to volunteer.

Councilmember Cieslak

Councilmember Cieslak expressed appreciation to residents who came and spoke to the Council, especially since they have spoken with the professionalism the Council tries to maintain. He said he has been contacted several times by a resident who lives near bike park, because work is being done on bike trails, aside from the those which will be in the bike park. He wanted to know if the City has authority to control non-city bike trails in that area. Mayor Jackson responded that the City can only do so if they are on City property. Councilmember Cieslak will discuss specific locations with Mr. Mumford.

Councilmember Ochsenhirt

Councilmember Ochsenhirt encouraged all departments to be more aggressive with communications with residents, to be sure that all policies and procedures are understood. For instance, a permit application lacked some information and was not processed for weeks. The resident did not learn about the problem until after contacting the City about the delay. The department could have let the resident know about the missing information when the permit was received. This request applies to all City departments.

Mayor Jackson

Mayor Jackson had no comment.

**CONSENT AGENDA**

**11. MINUTES**

- A. August 19, 2008 – Regular City Council Meeting

**12. BID AWARD**

- A. HD Supply, Codale Electric Supply and Aspen Power & Telecommunications – Materials for SR 73 North Power Circuit

**13. FINAL PAYMENT**

- A. Hard Rock Excavation – Water Line Extension

**14. CHANGE ORDER**

- A. Clear Construction – Well #4

**15. AGREEMENT**

- A. Kern River – Reimbursement Agreement for Meter Station

**16. REVISED BOND**

- A. Meadow Ranch 7 – Remove Rotomill and Overlay and Increase Warranty from 10% to 15%

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda, with the exception that item 12 be removed from the Consent Agenda and made a scheduled item. 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.*

## **SCHEDULED ITEMS**

### **12. BID AWARD – Consideration and Approval of a Bid Award for Materials for the SR 73 North Power Circuit.**

This item was moved from the Consent Agenda to a scheduled item at the request of Councilmember Ireland.

Councilmember Ireland asked how the bid award would be funded. Mr. Hendrickson responded that this item is not part of the budget. It is expected to be funded by an SSA. However, that decision is not yet definite, which may result in the project being funded by an amendment to the City budget. There is sufficient unallocated money for the project in the Electric Fund account, but the money is not part of the FY 2009 budget and would have to be a budget amendment. Councilmember Ireland asked if that money came from impact fees or utility rates. Mr. Hendrickson responded that the money does not come from impact fees. However, perhaps the project should be added to the Capital Facilities Plan so funds could be reimbursed to the City through impact fees. Councilmember Ireland suggested that if there is money available in the Electric Fund, perhaps utility rates should be lowered. Mr. Hendrickson explained that the unallocated funds are reimbursements to the City for electrical and gas bonds. The question is, if the SAA is not created, how should these funds be paid? While there is always a desire to reduce utility rates, the city utility system must always be fully funded.

Councilmember Ireland asked what fiscal risk the City would take by awarding this bid now. Mr. Hendrickson responded that the City might be short in the Electrical Fund account in the amount of the bid. Mayor Jackson stated that the money would be reimbursed either through impact fees or an SAA. Either way, the fund will be reimbursed. Impact fees are a long-term reimbursement; an SAA is a shorter-term reimbursement.

Mayor Jackson stated that the status of the SAA will be discussed at the next Council meeting. Councilmember Ireland asked if the bid award could be delayed to the next meeting. Mr. Ferre stated that the items would have to be re-bid, which would significantly raise costs and delay other projects. The bids might also come in higher than the current bids.

Mayor Jackson and Mr. Ferre explained that the bid is being awarded now because lead times for obtaining metal products are 12-16 weeks, which would significantly delay the project. The successful bidders have some of the materials in stock. Three vendors are recommended to provide various materials: HD Supply, Codale Electric Supply and Aspen Power & Telecommunications.

Councilmember Ireland requested that bid awards be scheduled items rather than being placed on the Consent Agenda.

**MOTION:** *Councilmember Ireland moved to approve a bid award for materials for the SR 73 North Power Circuit project. 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.*

17. **MOTION – Consideration and Approval of the Land Use Element of the Oquirrh Mountain Master Development Plan.**

Interim Planning Director Steve Mumford presented the land use element of the Oquirrh Mountain Master Development Plan. The Oquirrh Mountain Master Development Plan includes approximately 102.4 acres of land located southwest of the Lone Tree subdivision along Pony Express Parkway. The project consists of mixed residential uses and densities, with a total of 417 residential units. This area is currently within The Ranches Master Development Plan. With the approval of the new master development plan, Oquirrh Mountain would be deleted from The Ranches Master Development Plan and stand alone as the Oquirrh Mountain Master Development Plan. A public hearing was held at the August 19, 2008, City Council meeting. The application being presented to the City Council is for approval of the land use element (zoning) of the master development plan.

Mr. Ryan Kent of Sage Communities represented the applicant, Oquirrh Mountain Ranch, LLC. He stated that the required traffic study has been completed, showing adequate road capacity for the project. Ranches Parkway and Pony Express Parkway will be widened. The applicant plans to dedicate parks to the Oquirrh Mountain Ranch HOA for maintenance and preservation and will continue to work with City staff on that issue. The applicant has consulted with experts on preservation of the petroglyphs and received varying opinions. The method that will most likely be accepted is that proposed by Nina Bowen, who recommended that the petroglyphs be well-publicized, which will encourage adjoining residents to police them and prevent vandalism.

Discussion ensued on preservation of the petroglyphs, including their location, resident involvement, visibility. Mayor Jackson pointed out that one neighborhood in the city has a very active Neighborhood Watch program. Despite the program, graffiti has been found in the neighborhood.

Mr. Kent stated that the parks and trail system would be private-owned land with public-use easements granted, making them available to all city residents. The trails in the development will connect with trails to be built on SITLA property.

Mr. Scott Kirkland of Sage Communities stated that a final solution to preservation of the petroglyphs has not been decided. He believed that locating them in a highly visible area would be beneficial.

Councilmember Lifferth suggested that the petroglyphs be made part of an entryway into the Oquirrh Mountain development. That would place them in a high-traffic area less subject to vandalism and add value to the community. Mr. Kirkland would be willing to consider that. Mr. Mumford and Assistant Public Works Director Jeff Weber were invited to attend a meeting with Mr. Kent on preservation of the petroglyphs later in the month.

Mr. Mumford discussed a petroglyph management article on prevention of vandalism, which he was requested to provide to Mr. Kent, Mr. Kirkland and the Council.

A specific decision as to how to preserve the petroglyphs will be part of the development agreement.

**MOTION:** *Councilmember Lifferth moved to approve the land use element of the Master Development Plan for Oquirrh Mountain Ranch. 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.*

18. **ORDINANCE – Consideration and Approval of an Ordinance Amending and Re-Enacting Ordinance No. O 03-2008, Providing for the Organization of the Eagle Mountain City Youth City Council.**

An Ordinance amending the organization of the Youth City Council was presented by Mayor Jackson. The proposed amendment to the Youth City Council Ordinance would allow students from Fairfield and Cedar Fort to participate on the Eagle Mountain Youth City Council.

Councilmember Burnham requested an amendment requiring that the Youth Mayor be a resident of Eagle Mountain. There was discussion on how to determine whether youth were eligible to vote. City Attorney Jerry Kinghorn advised having the youth provide their names and addresses when they vote, and disapprove ineligible votes.

The election will be held on Tuesday, September 9, from 7:00 a.m. to 7:00 p.m. in the City Recorder's Office. The new Youth City Council will take their oaths of office at the following City Council meeting on September 16.

**MOTION:** *Councilmember Burnham moved to approve an Ordinance of Eagle Mountain City, Utah, amending and re-enacting Ordinance No. O-03-2008, providing for the organization of the Eagle Mountain City Youth City Council, with the addition of section 5.11.5, requiring that the Youth Mayor be a resident of Eagle Mountain City. 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. **MOTION – Consideration and Approval of a Ballot Proposition as Attached and as Proposed by the Utah Transit Authority for the General Election November 4, 2008 and Authorization for the Mayor to Execute a Resolution Submitting the Approved Ballot Proposition in the Form Approved by the Utah County Clerk.**

City Attorney Jerry Kinghorn presented a ballot proposition to be submitted to the Utah County Clerk. Recently, Eagle Mountain City adopted a Resolution to petition for annexation into the Utah Transit Authority transportation district, which would increase the city's sales tax from 6.2% to 6.45%. The sales tax increase would have to be voted on by city residents. The proposed ballot proposition must be submitted to the Utah County Clerk for inclusion on the ballot for Eagle Mountain residents at the November 4, 2008, General Election. Mr. Kinghorn stated that the Resolution will be written following a new State statute, effective today.

Councilmember Lifferth discussed ways to publicize this effort and gain resident support, perhaps by asking prominent Eagle Mountain residents to sign a petition stating that they would be willing to have their taxes raised by .25% in order to have bus transportation to the city. He asked if Saratoga Springs would request annexation to the transportation district. Mayor Jackson responded that she doubted that Saratoga Springs would request annexation, but she would emphasize to UTA that Eagle Mountain has done everything possible and the annexation should not fail because Saratoga Springs chose not to join the district.

Mr. Kinghorn stated that between now and the election, the City will have to approve an ordinance and consider an interlocal cooperation agreement with UTA which would dedicate the tax to the transit district.

**MOTION:** *Councilmember Lifferth moved to approve a ballot proposition as proposed by the Utah Transit Authority for the General Election on November 4, 2008, and authorization for the Mayor to execute a Resolution submitting the approved ballot proposition in the form approved by the Utah County Clerk. 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.*

**20. CITY COUNCIL/MAYOR'S BUSINESS**

Councilmember Lifferth

Councilmember Lifferth thanked fellow Council members for their professional behavior and preparation. He thanked Mayor Jackson for pursuing the UTA issue until it succeeded. He requested permission to attend the Utah Valley Executive Summit on September 25. He encouraged other Council members to attend.

Councilmember Burnham

Councilmember Burnham thanked Mayor Jackson for going the extra mile on the UTA issue. She thanked the Council for respecting the importance of the Youth City Council issue to her.

Councilmember Cieslak

Councilmember Cieslak thanked Mayor Jackson for her work on the UTA issue. He appreciated the professionalism shown by the Council. He mentioned that a neighbor of his is unable to drive and has often asked him about the status of providing bus transportation to Eagle Mountain.

Councilmember Ochsenhirt

Councilmember Ochsenhirt asked the media to take serious note of the Council's appreciation of Mayor Jackson.

Councilmember Ireland

Councilmember Ireland had no comment.

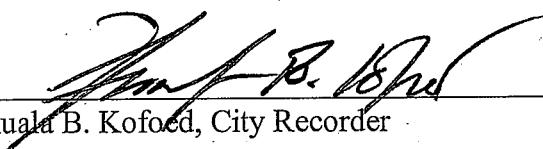
Mayor Jackson

Mayor Jackson stated that a citizen brought in pictures of volunteer service: Miriam Bond painted the fire hydrants in The Landing subdivision. She said she loves living in Eagle Mountain and working with the Council.

ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:10 p.m.

APPROVED BY CITY COUNCIL SEPTEMBER 16, 2008

  
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Fionnuala B. Kofoed, City Recorder