

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 4, 2011

Policy Session at 7:00 p.m.

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

*\*\* This meeting may be held telephonically to allow a member of the City Council to participate \*\**

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer, Steve Mumford, Planning Director; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

1. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:05 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Jackson led the Pledge of Allegiance.

3. INFORMATION ITEMS/UPCOMING EVENTS

- **Road Closure** – Mt. Airey Drive will be closed from 8 a.m. to 5 p.m. October 4-6 so that curb and gutter work can be completed.
- **Road Work on Pony Express Parkway** – Roadwork continues for the SITLA sewer line project off of Pony Express Parkway from Bobby Wren Blvd. to Mid-Valley Park. Roadwork will continue north on Pony Express Parkway until mid to late November.
- **Electronics Recycling Collection Event** – Saturday, October 15, from 9:00 a.m. – 12:00 p.m. at Smith Ranch Park and from 1:00 p.m. – 4:00 p.m. at the Public Works Building parking lot.
- **Trick or Treat Village** – Eagle Mountain City is accepting applications for vendor booths at our Trick or Treat Village event on Saturday, October 29 from 12 p.m. to 4 p.m.
- **Candidates Debate** – Eagle Mountain City Council candidates will participate in a debate sponsored by the Lehi Area Chamber of Commerce on Wednesday, November 2 at City Hall from 6:30 p.m. to 8:00 p.m.

4. 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.)*

Bruce Guyant, 2199 Jordan Way, asked that the City Council not approve opening the budget to consider funding the Pioneer Park improvement project. He felt commingling HOA and City funds was wrong. He felt that the proposal was an improper use of HOA funds and had financial, tax and legal issues.

Kevin Marquardson, 2196 E. Jordan Way, said he loves how many parks there are in Eagle Mountain. He's never seen enough children at Pioneer Park to justify a need for additional equipment. He doesn't think the City should match funds from an HOA. It violates section 7.15 of the CC&Rs. He said the \$30,000 should go to improve HOA properties rather than public property.

Rachel Luke, 1941 Independence Way, was in favor of the Pioneer Addition HOA assisting the City in improving Pioneer Park. She felt it would be a good use of her HOA contributions, as there is no playground equipment suitable for older children. They dig in the sand and leave trash there.

Chelsea Prince, 1949 Church Way, said that Pioneer Park has a lot of potential, but it's not a very welcoming place at the moment. She's heard many parents complain that older children usually wind up digging in the sand pit because there isn't anything else to do at the park. She thought the HOA needed to work out their funding issues internally. She appreciated the good work the City Council is doing.

Darren Seamons, 4589 Heritage Drive, has been disappointed in the sizes of the parks in Eagle Mountain. He would like to see Pioneer Park improved. As a health and physical education teacher, he said improved parks would help reduce childhood obesity and improve residents' lifestyle.

5. 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 Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland thanked the audience for attending this meeting.

Councilmember Burnham

Councilmember Burnham said many people have complained to her about the timing of the traffic light at SR 73 and Ranches Parkway. With the road construction, the westbound light needs to be green much longer than the eastbound light during rush hour. Public Works Director Chris Trusty said that our inspector has spoken to the contractor. Workers need to come and adjust the lights manually twice a day. Since the contractor hasn't responded, Mr. Trusty will call them tomorrow.

Councilmember Celaya

Councilmember Celaya said it's good to see so many people attending the meeting and taking an interest in what goes on in the City.

Mayor Jackson

Mayor Jackson said the format of this meeting is different than most. There is no work session, so the Council's questions will be answered during this session.

## CONSENT AGENDA

6. MINUTES
  - A. September 20, 2011 – Regular City Council Meeting
7. BOND RELEASES
  - A. The Woods – Out of Warranty

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

## SCHEDULED ITEMS

### PUBLIC HEARING

8. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Section 16.35 Development Standards for Required Public Facilities.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends Section 16.35 of the Eagle Mountain City Code, Development Standards for Required Public Facilities. The purpose of this amendment is to create a point system that contains enough flexibility for the developer/landscape architect to design a creative park, but also requires amenities that are necessary in each park, ultimately resulting in parks that meet the needs of the neighborhoods while also providing some elements or design that are/is unique to a neighborhood. The ordinance will also simplify the approval process.

The park fee-in-lieu has been raised to incentivize the developers to build the parks. The timing of the fee-in-lieu has been changed to require 50% at recordation of the first phase and the other 50% at recording of the second phase. If the project has only one or two phases, the fee-in-lieu will have to be paid at recordation of the first phase.

Councilmember Painter asked if government supervision is required to get developers to build parks. Councilmember Burnham, Mayor Jackson and Mr. Mumford all gave examples of parks not built by developers.

*Mayor Jackson opened the public hearing at 7:40 p.m.*

Leigh Morrison, 4611 Conestoga Way, asked whether a developer's bond includes the park. Mayor Jackson responded that it depends on the facility. The City can only bond for public facilities. In areas where the HOA is expected to build private facilities on HOA-owned land, the City can't bond for them. Mr. Trusty pointed out that if a developer doesn't make bond premium payments on the bond, the bondholder will drop the bond. There have also been instances when a bond was released illegally. The City can still pursue payment in those cases, but it's a very time-consuming process and very frustrating for the residents.

*Mayor Jackson closed the public hearing at 7:43 p.m.*

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, amending Section 16.35 Development Standards for Required Public Facilities. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

9. MOTION – Consideration of Request to Schedule a Public Hearing to Amend the Capital Projects Fund and Amend the FY 2011-2012 budget.

This item was presented by Mayor Jackson. This item has been placed on the agenda at the request of Councilmembers Burnham and Painter to consider opening the FY 2011-2012 budget to include funding from the Capital Projects Fund for playground equipment and development in the Pioneer Park, as requested by the Pioneer Addition Homeowners' Association.

Mayor Jackson reported that members of the Parks and Recreation Advisory Board have commented to her that this item should not be considered until the next budget year.

Leigh Morrison, a member of the Parks and Recreation Advisory Board, explained that the Board initially proposed considering the item for the FY 2012-2013 budget year, and then was told that re-opening this year's budget would be an option. Mr. Hendrickson said that, though re-opening the budget was an option, the Parks & Recreation Board voted to recommend that the item be considered for the FY 2012-2013 budget.

Mr. Hendrickson stated that the HOA has a bid from a contractor specializing in playground equipment. However, the City's purchasing ordinance requires three bids, unless the vendor is on the state bid list. The HOA said they were approved under the Houston-Galveston Area Council purchasing program; however, the City Attorney believes that the program doesn't comply with State law.

Councilmember Burnham asked if the group that originally presented this project could present some information to the Council. Their understanding was that they would be able to make their presentation during work session, but a work session wasn't held before this meeting. Mayor Jackson responded that the item on the agenda is whether to open the budget. It's not what project the budget might be opened for. Councilmember Burnham said the presentation would explain why the budget opening was being requested.

Councilmember Painter felt that it would be fair to allow the Pioneer HOA group to make their presentation, as Mr. Hendrickson had already given some information on the subject. Mayor Jackson allowed them three minutes.

Koki and Marion Cline, 1952 Revere Way, distributed a time line showing that they began talking with the Parks Dept. in March. They were directed to speak with the Parks and Recreation Board. The Board approved, so the group came before the City Council. He explained the proposed project.

Councilmember Celaya said that the presentation was well prepared, and if the item is not approved, the effort has not been wasted. He asked if there was a reason why the project could not wait for the next budget year. Mr. Cline said that the HOA Board voted to fund this project by the end of 2011.

Councilmember Painter asked Mr. Hendrickson what kinds of items usually trigger a budget re-opening. Mr. Hendrickson said it was normally an item that was overlooked during the budget calculations, a project that exceed its budget, a grant received by the City or an emergency item. Budget openings are at the discretion of the City Council. If the projects in the current Capital Facilities Fund are completed under budget, the Council could reallocate the remaining funds.

Mr. Pili said mentioned that when the HOA met with him, the City was well into the budget process, so he suggested that they wait until the next budget year.

Councilmember Burnham said budgets have been amended when the City has received a grant that required matching. She felt that this was an equivalent situation.

Councilmember Painter asked about prioritization of projects. Mr. Hendrickson responded that at times a project has been moved up the priority list if grant funds become available.

Mayor Jackson asked Mr. Trusty about the first few projects on the priority list. She mentioned that the Eagle Point subdivision has been waiting thirteen years for their project. Councilmember Burnham said that she remembers hearing in a City Council meeting that if outside funding became available for a lower-ranking project, it might move that project up on the list.

Councilmember Ireland said there is a difference between considering changing priority due to matching funds and spending additional funds in this year. He felt it was better to wait four months and evaluate priorities, considering possible donations of funds and labor.

Councilmember Ochsenhirt said that cutting funds somewhere in this budget would be a problem when it was so hard to work out the funding cuts this year.

Councilmember Burnham said that the residents were hoping that the City contribution would come from the Telecom fund, because the park is large enough to be more like a regional park than a neighborhood park.

**MOTION:** *Councilmember Ireland moved not to schedule a public hearing to amend the Capital Projects Fund and amend the FY 2011-2012 budget, with the recommendation that next year's City Council consider the Pioneer Park project in their budget priorities. Councilmember Painter seconded the motion. Those voting aye: Jon Celaya, Ryan Ireland and John Painter. Those voting no: Donna Burnham and Nathan Ochsenhirt. The motion passed with a 3:2 vote.*

Councilmember Burnham was excused at 8:12 p.m.

Councilmember Celaya mentioned that there was a concern that the HOA would withdraw the offer if the project wasn't approved to begin during 2011. He believed that if it's the right thing to do, it will be funded.

Councilmember Ireland said there are possible legal issues at this time. While the HOA has put a great deal of effort into the project, the City Council would be rushing the decision if they approved it now. He felt it should go through the regular process.

Councilmember Ochsenhirt was very disappointed to see this much effort not be approved. He hoped the HOA group would continue working with the Council. He would be disappointed if the HOA withdrew its financial support.

10. BID AWARD – Consideration and Award of Bid to Terra Works for Tree Landscaping.

This item was presented by Public Works Director Chris Trusty. The proposed bid is for planting trees in Smith Ranch Park, completing the improvements for the park. The bids came in above the budgeted amount, so staff recommends that the bid be revised to exclude planting and the planting be done in-house.

**MOTION:** *Councilmember Ireland moved to approve a bid award to Terra Works for tree landscaping in the amount of \$16,854.90 and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Mayor Jackson

Mayor Jackson mentioned that Col. Smith, the new commander at Camp Williams, was in the audience this evening.

12. 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.

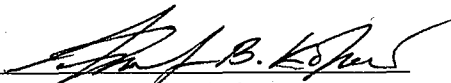
13. COMMUNICATION ITEMS

A. Upcoming Agenda Items

14. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 8:25 p.m.

APPROVED BY THE CITY COUNCIL ON OCTOBER 18, 2011.

  
Fionnuala B. Kofoed, CMC  
City Recorder

