

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 7, 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 4:10 p.m.

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; Ifo Pili, Economic Development Director; Jason Walker, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Dave Norman, Staff Engineer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

1. DISCUSSION

A. CITYWIDE RECYCLING (*Presented by Paul Jerome, Senior Accountant*)

2. AGENDA REVIEW

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

3. CITY ADMINISTRATOR INFORMATION ITEMS

A. Update on the Sewer Treatment Facility (*Presented by Dave Norman, Staff Engineer*)

4. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Cieslak moved to adjourn to a Closed Executive Session for the purpose of discussing the character or professional competence of an individual; existing litigation; reasonably imminent litigation and the acquisition of real property, 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, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

The City Council adjourned to a Closed Executive Session at 6:03 p.m.

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

Mayor Heather Anne Jackson called the meeting to order at 7:17 p.m. Elena Jennings 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; Ifo Pili, Economic Development Director; 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; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Tomorrow is National Walk to School Day. Hidden Hollow Elementary School will hold a "Walking School Bus" event. Students will walk from Nolan Park to the school. Principal Tillman and Mayor Jackson will participate, as well as McGruff and other safety characters.
- A survey about the planned city recreation center will be included in the next utility bill.
- There is a survey on the city website about whether residents are interested in having a compressed natural gas station located in the city.
- The Pony Express/Sweetwater Trail has been completed near Hidden Hollow Elementary School. Construction is going on in the direction of City Center.
- Skate Park ramps will be delivered starting on Monday. It will take approximately three weeks to install the ramps. An opening event will be planned for the Skate Park.
- A public hearing on the UTA annexation was held last Friday night. Mayor Jackson, Councilmember Burnham and Saratoga Springs Councilmember Bud Poduska were in attendance. Most of those who spoke were in favor of the UTA annexation.
- The Public Safety Fair was held yesterday afternoon at Nolan Park.
- A resident was transported out of North Ranch by Life Flight this afternoon. Mayor Jackson hoped that the family is doing well and asked that she be kept informed of what is going on.

8. PUBLIC COMMENTS

Wendi Baggaley, 1467 E. Hawk Way, expressed appreciation for the codification of City ordinances. When she first moved to Eagle Mountain, she wanted to know how current law compared to previous law on the Youth City Council and Community Arts Board, but found that the ordinances were stored chronologically and had no indexes. She also congratulated the Council and City officials for working in unity and the progress such unity has allowed.

Jody Hooley, 5008 N. Lake Mountain Road, asked for help in educating city residents that the land along Lake Mountain Road is private property. Residents have posted the property repeatedly, but the signs are ignored by people riding four-wheelers and dirt bikes, causing damage. She thanked the Sheriff's Department for their assistance when property owners have called about trespassers. She suggested that the City put notices in the newsletter or signs along the road. She said that in Wyoming,

where her husband and son go hunting, the local government installs signs indicating land that is private property.

Leann Dalton, 7468 Castle Rock Road, spoke about the Bike Park. She said that a Council member assured nearby residents that the park would be constructed properly and that no work would be done until the last piece of property was deeded to the City. Work has been done without a signed agreement, a sign was placed without City permission and no volunteer waivers were submitted. Attendees at a Ranches HOA budget meeting were told that the City had already submitted receipts for work on the Bike Park. Construction on the park was performed without an agreement between the City and WAFTA. She said that calling the Bike Park a "not in my back yard" issue meant that the neighbors had no rights for concern at all. The City is asking property owners to have faith in an organization that has already broken the rules. She said some of the concerns expressed by the property owners about the volunteer labor were clearly valid. Signing an agreement with WAFTA at this point would be condoning its behavior. She asked what the consequences will be for illegal trail construction. She asked where the supervision was and why residents are given conflicting information on what is and should be happening. She asked that the Council open the issue for reconsideration and that the agreement not be signed until the project has been re-evaluated.

Fred Peeples, 7572 Kidwelly Court, said there has been a trail of misrepresentations and contradictions regarding the Bike Park. He stated that Darren Garrett did not represent The Ranches HOA, as he said during his presentation at a City Council Work Session. He also stated that Mr. Garrett said the park would be a regional attraction, but the City staff report said that no major events would be held there. Mr. Peeples said that the proposed memorandum of understanding, while not acted on by the Council, said WAFTA may request that the City restrict public access to the Bike Park during certain events. He said these were not personal opinions, but public records from the City. He quoted the WAFTA website from August 1: "Eagle Mountain: Darren and Cougar gathered the troops and had a dig day out there on the 19th. Hopefully, some of you got out there to help them build one of the three, single track trails as part of the skills park." He asked the City Council to reopen the Bike Park project for consideration and delay signing the agreement with WAFTA until the Council determines that the City will benefit from working with a group that has had a series of misrepresentations. Mr. Peeples distributed a list of his notes on the issue to the Mayor and Council.

Lisa Jolley, 7455 Castle Rock Road, said that at a Ranches HOA budget meeting, an HOA Board member said the necessary signatures have been obtained on the property deed to the City. It was said at that time that the property owners would not pay the back taxes on the property. She stated that the City and taxpayers are not in the business of paying private property owners' back taxes. Such a payment should not come from the funds budgeted for the project, either, as that would raise the City's expense for the project. She requested that the agreement with WAFTA not be signed and the issue be opened for further consideration.

David Dunn, 9022 N. Alexis Lane, said that he sent an email to City Council members regarding the group home which is applying for a business license to locate in the city. He felt that the group home represented a safety risk to residents. He believed that the City Council also received an email with statistics from Sandy.

April Summers, 2501 E. Prairie View Drive, stated that she was the one who sent the email showing statistics regarding the group home in Sandy. She asked that the status of the issue be discussed during this meeting.

Bob Richardson, 9027 N. South Sunset Drive, is in the process of selling his home. He was concerned that the group home would decrease property values in the subdivision and impact the future of Westview Heights. He was concerned about the potential for blight in the neighborhood. He asked the City to do all in its power to prevent the facility from opening.

Julie Beckstead, 2305 E. Prairie View Dr., said that she has two small children who love to go to the park. She won't be able to send them with a drug rehab in the neighborhood. She stated that the people who will be served by the group home chose to use drugs, so why should Westview Heights residents suffer? She was scared to death of having the group home in the neighborhood. The facility will decrease property values in the neighborhood.

Mayor Jackson responded that City was working on ATV issues and may put up signs along Lake Mountain Road stating that the property is private. She said that she will check on the work on the Bike Park that may have taken place on July 19. Regarding the drug rehabilitation facility, she stated that the City needs to see the facility's application to the State, as it will describe exactly what the group home program and resident population will be. Steve Mumford, Interim Planning Director, said that the City has requested the application through a letter sent by mail and email. Mayor Jackson explained that the City is required to follow a legal process in dealing with a group home application. She was concerned that the residents' message that they oppose the group home may be getting out too soon and may lose momentum before the issue comes before the Planning Commission and City Council.

9. CITY COUNCIL/MAYOR'S ITEMS

CITY COUNCIL COMMENTS

Councilmember Cieslak

Councilmember Cieslak said that he and his family are regular users of the library. It's a great library because of both the staff and the interlocal agreement that gives access to books all over the north county. He expressed appreciation to the Fire Department and Sheriff's Office for yesterday's safety fair. He told residents that there are multiple boards and opportunities to serve in the city and encouraged residents to volunteer. He asked that the City provide a list of all city boards so residents will know what opportunities for service are available. He encouraged residents to take part in Neighborhood Watch, which will help them to take ownership of neighborhood safety and strengthen neighborhood relationships.

Councilmember Ochsenhirt

Councilmember Ochsenhirt commented on the current trail construction and road repair projects, encouraging Mr. Trusty and his staff to keep City workers from starting and stopping projects, as gravel and other debris are left in project areas. Those few instances create a perception of sloppy work by the City, which is not factual—Public Works does a great job—but it is a perception. He assured residents that the Bike Park and similar issues receive a great deal of discussion. The Council does not always agree, but they disagree respectfully. He said that the City Council wants to be able to rectify mistakes and to be notified of issues. They appreciate all the residents who come and participate. When a point is not met with a resident's desired outcome, it doesn't mean the Council isn't battling for the best overall outcome. The Council wants the park to be successful, to be built right and to have agreements in place.

Councilmember Ireland

Councilmember Ireland discussed the UTA ballot initiative, encouraging residents to research and support it. He said it is a great opportunity for the city to have public transportation and asked Mayor Jackson what the City can do to inform residents. Mayor Jackson said that the City can send information to residents, but can't advocate for or against the proposal. Councilmember Ireland recommended that the City send out information.

Councilmember Lifferth

Councilmember Lifferth was pleased to see the progress being made on the trails and the park. He expressed appreciation to the residents who attended tonight's meeting and expressed their concerns. He supports the Bike Park and wants it to be a strong asset to the community. On the UTA issue, he said that the City can only do so much, but individual City Council members can be supportive. Even non-riders will benefit by less traffic congestion. He will write a report on the Utah Lake Commission. He said that Utah has highest concentration of natural gas vehicles of any state in the country. He congratulated City Recorder Fionnuala Kofoed and City staff, both past and present, on the codification of the ordinances and suggested that the City send out a press release.

Councilmember Burnham

Councilmember Burnham was happy about the progress on the trails. She went to the UTA meeting and was concerned that Saratoga Springs may not pass the annexation into the transportation district due to the tax increase required. She asked Eagle Mountain residents to talk to anyone they know in Saratoga Springs about the benefits that it will provide to Saratoga Springs residents. She stated that the increase in the interlibrary loan fee is due to the rise in postage costs. Postage for the books is generally over \$3.00, so the fee will still not cover the City's costs. She thanked the residents who attend meetings and make public comments. She assured residents that the City will do what is legally possible to prevent the group home from locating in Eagle Mountain. She also congratulated the Recorder's Office for the codification of the City's ordinances.

Mayor Jackson

Mayor Jackson made no comment.

10. APPOINTMENTS

- A. Cemetery Board – Bob Dalton, Elena Jennings, Robert Larsen, and Fred Peeples

Mayor Jackson recommended the appointment of Bob Dalton, Elena Jennings, Robert Larsen and Fred Peeples to the Cemetery Advisory Board.

MOTION: Councilmember Lifferth moved to appoint Bob Dalton to the Cemetery Advisory Board for a four-year term, Elena Jennings for a two-year term, and Robert Larsen and Fred Peeples for three-year terms. 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.

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Dalton, Ms. Jennings and Mr. Peeples. Mr. Larsen was not present at the meeting, but will receive the oath of office at another time.

CONSENT AGENDA

MOTION: *Councilmember Ireland moved to approve the consent agenda, with the minutes as amended in Work Session. 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.*

11. MINUTES

- A. September 16, 2008 – Regular City Council Meeting

12. FINAL PLATS

- A. Eagle Mountain Business Campus Plat B
- B. Eagle Point I Chapel Plat A

13. SITE PLAN

- A. Family First Dentistry Site Plan

14. BOND RELEASES

- A. Stonebridge Estates – Final Bond Release Entering Into Warranty
- B. Colonial Park Phase 2 – Final Bond Release Entering Into Warranty

SCHEDULED ITEMS

15. MOTION – Consideration of a Petition from DR Horton to Revise a Reimbursement Agreement for the Sunrise Drive Water Line.

DR Horton was required to extend a water line from the Meadow Ranch subdivision to the Westview Heights subdivision as part of the water looping requirements. Because this water line provided additional capacity as well as secondary looping within the City, it was considered a system improvement and qualified for reimbursement. Typically, reimbursement agreements state that the City will make payments once a year based on impact fees collected. DR Horton would like to renegotiate their agreement in favor of a lump sum payout by the City.

Mayor Jackson announced that item 15 was removed from the agenda.

16. DISPOSAL OF PUBLIC LAND

- A. Consideration and Approval of a Designation of Public Property as Insignificant.
- B. Consideration and Approval of Applications for the Disposal of Public Property.

This item was presented by Mayor Jackson. Thomas Davis, 4211 N. Mountain View Drive, and Nate Wright, 2005 E. Lodge Pole Drive, in the Mountain View subdivision have submitted formal letters of application requesting that the City dispose of a portion of the open space behind their homes. This open space area is part of the recorded open space in Mountain View Phase 3. This land has been deemed potentially disposable by the City.

The definition of insignificant land was requested by Councilmember Ireland. Mayor Jackson responded that the City deems property insignificant when the City has no plans to improve the property, the parcel is not defined as having cultural or ecological significance and the disposal will not cause a violation of standards of the Development Code in surrounding or adjacent lands.

MOTION: *Councilmember Ireland moved to designate this public property as insignificant. Councilmember Lifferth seconded the motion.*

Councilmember Lifferth asked when the cost of the land would be determined. Ms. Kofoed said that she would email the costs to the Council tomorrow.

Councilmember Burnham asked if the money in excess of the City's costs could be earmarked for the neighborhood in which the land is disposed. Mr. Hendrickson explained that the money must go into the General Fund. The Council then allocates General Fund money during the budget process.

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

MOTION: *Councilmember Lifferth moved to approve the applications for disposal of public property as included in the staff report. 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.*

17. **RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.**

The presentation for this item was made during Work Session. The proposed amendment to the Eagle Mountain City Consolidated Fee Schedule adds the fees identified in the Building Use Policy, corrects terminology used in the Building Department section, corrects a typographical error in the Planning Department section and adds additional fees to the Library section.

MOTION: *Councilmember Ireland moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule. 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. **ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Municipal Code.**

The presentation for this item was given during Work Session. Eagle Mountain City contracted with Code Publishing to codify Eagle Mountain City Ordinances. The codification of City Ordinances from 1997 through 0-10-2008, dated May 6, 2008, has been completed and the Ordinance proposed this evening formalizes the adoption of the Municipal Code. The Municipal Code is a living document, subject to change and will be updated as needed.

Councilmember Lifferth went on record as saying that at one point he took all the existing ordinances and put them into a searchable text database. He requested that a press release be sent out on the codification.

Councilmember Cieslak said that the transparency the codification offers is phenomenal, because users can easily enter a keyword in the search function and get responses.

MOTION: *Councilmember Lifferth moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain City Municipal Code in its codified form. 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.*

Mr. Kinghorn explained that Ordinances defined by the codifiers as special Ordinances, such as budget Ordinances, the Consolidated Fee Schedule and those establishing special advisory boards and councils, are not included in the codification. However, indexes to those Ordinances are available in the City Recorder's Office.

19. BID AWARD – Consideration and Approval of a Bid for the Construction of the Highway 73 East Power Circuit.

This item was presented by Energy Division Director Adam Ferre. This project is included in the 20-year Capital Facilities Plan; however, with the construction of Coop's Market, the Highway 73 East 12.47 kV Underground Main Feeder and Taps, and Gas Lines Project must be completed in order to provide power to this project to meet the more imminent need. Only two contractors bid: Probst Electric and Tasco Engineering. Probst was the low bidder at \$377,922.10.

MOTION: *Councilmember Ochsenhirt moved to award the bid to Probst Electric in the amount of \$377,922.10 for the Underground Main Feeder and Taps, and Gas Lines Project. 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.*

20. BID AWARD – Consideration and Approval of a Bid for Professional Services for the Update to the Eagle Mountain City Capital Facilities Plan.

Eagle Mountain City has solicited proposals from engineering firms to provide an updated Capital Facilities Plan, in accordance with the Utah Impact Fee Act. Also included in the professional services are a revised Sewer System Master Plan and a Storm Drain Master Plan.

Mayor Jackson announced that item 20 was removed from the agenda.

21. BID AWARD – Consideration and Approval of a Bid for an Upgrade to Well #1 and Construction of Well #5.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City has solicited bids from construction firms to complete upgrades to well #1 and to construct well #5. The well #1 project is anticipated to increase its capacity from approximately 1,300 gallons per minute to approximately 2,500 gallons per minute. Well #5 will provide approximately 3,500 gallons per minute. The two projects will effectively double the city's water sources by next summer.

MOTION: *Councilmember Ochsenhirt moved to approve an agreement with Clear Construction for the reconstruction of well pump station #1 and construction of well pump station #5 in the amount of \$1,279,363.00. 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.*

22. BID AWARD – Consideration and Approval of a Bid for Pre-Purchase of Equipment for the Well Pump Stations Project.

The presentation for this item was made during Work Session. In order to complete the construction of the well projects in a timely manner, some of the equipment for well #5 needs to be pre-purchased. It has been determined that the pumps and motors and the electrical equipment to operate the motors could delay the project, due to their availability and lead times. The City intends to order the equipment that has longer lead times ranging from 16 to 24 weeks. Pre-purchasing these items should make them available when the contractor needs to install them.

MOTION: *Councilmember Burnham moved to approve the pre-purchase of equipment for well #5, to include the supply of the pump and motor from Nickerson Company for a cost of \$300,550.00 and the supply of electrical equipment from Electrical Wholesale for a cost of \$114,500.00. 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.*

23. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Ochsenhirt

Councilmember Ochsenhirt had no comment.

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Lifferth

Councilmember Lifferth had no comment.

Councilmember Burnham

Councilmember Burnham had no comment.

Councilmember Cieslak

Councilmember Cieslak had no comment.

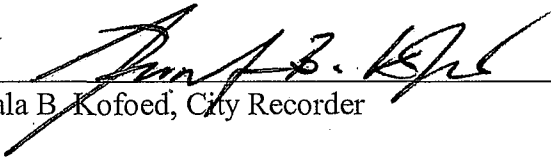
Mayor Jackson

Mayor Jackson stated that last week the City sent a letter to North Ranch residents about the gas line project. Due to additional questions which have been raised, the City will send out another informational letter tomorrow, which will include an extension of the application deadline to October 18th. Approximately 37 applications for lateral connections have been received.

ADJOURNMENT.

Councilmember Ochsenhirt **moved** to adjourn the meeting at 8:31 p.m.

APPROVED BY CITY COUNCIL ON OCTOBER 21, 2008.



Fionnuala B. Kofoed, City Recorder