

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 18, 2011

Work Session 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: Donna Burnham, Jon Celaya and Ryan Ireland. Councilmembers Painter and Ochsenhirt were excused.

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; 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; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Steve Olsen, Energy Dept.; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

Mayor Jackson called the meeting to order at 4:07 p.m.

1. PRESENTATION – Eagle Mountain City Library check presentation to the Friends in Need animal rescue organization.
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. 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.
4. 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 Burnham 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 Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya and Ryan Ireland. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:43 p.m.

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

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

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; 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; Jason Walker, Human Resources Coordinator; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Steve Olsen, Energy Dept.; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:10 p.m.

6. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1250 presented a flag ceremony. Keaton Hales led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Road work on Pony Express Parkway** – Road work will continue for the SITLA sewer line project until late November. A portion of the Pony Express Trail, in the area of Pony Express Parkway and Mid-Valley Road, will be closed while the new road is connected.
- **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 12:00 p.m. to 4:00 p.m. We will also have a Clean Out the Cabinet drop-off station at this event where residents can safely dispose of old prescription or over-the-counter medications.
- **Exceptional Kids Club Activity** – Open to children of all ages with special needs and their families, this month's activity will be held on Tuesday, October 25, at 4:00 p.m. in the City Council chambers. The activity will be pumpkin decorating with the Eagle Mountain senior citizens' group.
- **Camp Williams JLUS Public Meetings** – Public meetings will be held on two evenings to enable residents to provide input on the preparation of the Camp Williams Joint Land Use Study (JLUS). The two public workshops will use the same agenda, so plan to attend the workshop that best fits your schedule: Wednesday, October 19, at Saratoga Springs City Hall from 6:00-8:00 p.m. or Thursday, October 20, at Herriman City Hall from 6:00-7:30 p.m.
- **Candidates' Debate** – The candidates for Eagle Mountain City Council will participate in a debate sponsored by the Lehi Area Chamber of Commerce on Wednesday, November 2, at City Hall from 6:30 to 8:00 p.m.

8. 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.)*

Rod Hess, 4577 Osprey Way, asked about the City's policy on taking home vehicles outside City limits and how much it costs the City to allow employees to do so. Mr. Hendrickson responded that only on-call employees are allowed to take City vehicles home. Chief Andrus is the only permanently on-call City employee. Mr. Pili said it's less expensive for the City to allow on-call employees to take vehicles home than to pay them the 50 cents per mile mileage rate.

9. 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

Councilmember Painter apologized for missing the work session due to his employment. He said it's exciting to see the development being done on the north side of Pony Express Parkway between Smith Ranch Road and Porter's Crossing.

Councilmember Ireland

Councilmember Ireland welcomed all the Boy Scouts.

Councilmember Burnham

Councilmember Burnham said that she and the Mayor went to ribbon cuttings today for the Wasatch Deli and Los 2 Amigos Mexican restaurant. She encouraged residents to patronize local businesses.

Councilmember Celaya

Councilmember Celaya thanked the residents, especially the Scouts, for attending the meeting.

Mayor Jackson

Mayor Jackson was glad to see new businesses open in Eagle Mountain. She reported that the SR 73 widening project is progressing. Some of the new asphalt was found by UDOT to be substandard, so it had to be torn up and replaced, which has delayed the completion of the project.

10. APPOINTMENT

- A. Senior Citizen Advisory Council – Sandy Ring, 3-year term

**MOTION:** *Councilmember Ireland moved to appoint Sandy Ring to the Senior Citizen Advisory Council to complete the term vacated by Pat Graves, ending on December 31, 2013. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Ring.

**CONSENT AGENDA**

11. MINUTES

- A. October 4, 2011 – Regular City Council Meeting

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

**SCHEDULED ITEMS**

**PUBLIC HEARING**

12. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending the Eagle Mountain City Municipal Code, Chapter 17.80 Sign Regulations and Sign Permits.

This item was presented by Planning Director Steve Mumford. This is a proposed code amendment to either remove or modify the regulations concerning off-premises ladder signs. The ladder signs were originally installed only to advertise subdivision developments. The ordinance has been discussed at length by the Planning Commission and the City Council. The Lehi Chamber of Commerce has recently requested time to prepare a proposal for managing the ladder signs, leasing them to licensed City businesses.

*Mayor Jackson opened the public hearing at 7:30 p.m.*

Scot Hazard, 9258 N. Deerfield Circle, representing his own business and all the other businesses in the City except for the gas stations, appreciated the Chamber's offer to manage the ladder signs. He thought it would be a mistake to eliminate the signs. Businesses that don't feel they have enough exposure tend to clutter their areas with banner signs. He commended the City for the Business Incubator Program and asked that the Council table tonight's item to allow time for the Chamber to work out a sign management plan. He said that would send a message to businesses that Eagle Mountain wants to help them.

Lin Carroll, 4416 Osprey Way, representing Wasatch Deli, said he is a new business owner in Eagle Mountain. The banner signs he has on the corner of Pony Express Parkway and Ranches Parkway aren't enough, because they only reach those who drive in that area. With the very limited opportunity he has to advertise, he has a hard time reaching customers. Even his suppliers have a hard time finding his business.

Ben Hayes, 2088 E. Frontier St., representing Direct Communications, said it would be a mistake to remove the ladder signs. Even with the advertising that the company is allowed to do, people frequently tell him that they didn't know Direct Communications was there. He said many residents have wire signs in their front yards advertising a competitor, which is a violation of the sign ordinance.

Matt Sudweeks, representing Beyond Limits Physical Therapy located at 3726 E. Campus Drive, said that as soon as his grand opening sign came down, his business decreased. Part of the reason people choose a physical therapist is a convenient location, and if they don't know the office exists, they'll go elsewhere. He felt that following the rules disadvantaged his business.

Donna Milakovic, 4361 Saddle Horn Drive, representing the Lehi Area Chamber of Commerce, stated that the grand openings the Chamber sponsored today were for businesses that were not members of the Chamber. They support all businesses, whether they are members or not. There are 36 commercial businesses in the City and almost 300 home-based businesses. Customers often go to other cities because they don't know what's available in Eagle Mountain. She gave Simply Ice Cream as an example. They have a sign in Saratoga Springs, which influences customers to go to their shop.

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

Councilmember Painter noted that the current City Code refers to businesses in the introduction to the signage section, so how are businesses restricted from advertising on ladder signs? Mr. Mumford said the section Councilmember Painter is referring to is the introduction. On the next page, the three types of allowed signs are listed. Commercial business ladder signs are very

restricted and it's very time-consuming and expensive for a business to have a new sign approved and constructed.

Councilmember Painter asked how the signage situation would be improved by the Chamber of Commerce taking over ladder signage. Mayor Jackson responded that the Chamber's proposal would address issues of location and maintenance and access to businesses. It would make ladder signs available to all businesses, rather than only developers, as they are now.

Mayor Jackson said that this evening's agenda item is not the specifics of a proposal, but whether to change or eliminate the ladder sign ordinance. The Council has the option of tabling the item until a future meeting.

**MOTION:** *Councilmember Burnham moved to table an ordinance of the City Council of Eagle Mountain City, Utah, amending the Eagle Mountain City Municipal Code, Chapter 17.80 Sign Regulations and Sign Permits. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya and Ryan Ireland. Those voting no: John Painter. The motion passed with a vote of 3:1.*

13. AGREEMENT – Consideration and Approval of a Land Purchase Agreement with Saratoga Springs for the CWP Pump Station Site.

This item was presented by City Administrator John Hendrickson. The proposed agreement is for the purchase of property required for the construction of a future well pump house to pump Central Water Project (CWP) water into the City. The property is located along Pony Express Parkway and 800 West in Saratoga Springs. Time is of the essence, as the pump station needs to be constructed by 2014 to move water supplied by CWP.

**MOTION:** *Councilmember Ireland moved to approve a land purchase agreement with Saratoga Springs for the CWP pump station site in the amount of \$99,099.00, plus closing costs that may include survey costs, and authorize the Mayor to sign the agreement. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

14. AGREEMENT – Consideration and Approval of a Professional Consulting Service Agreement with Sawvel and Associates for an Electric Cost of Service and Rate Study.

This item was presented by City Administrator John Hendrickson. This agreement is for a third party evaluation of the City's electrical system rates. The study will be conducted by Sawvel and Associates, which will conduct an evaluation of current operations, current cost of services and the City's rates. When the City went through the bonding process for the gas and electric bonds, the bonding agency recommended that the City to do a third-party study of electricity rates, as it would be helpful in acquiring bonds in the future. The City is not required to advertise for bids for professional and technical services, and UMPA recommended Sawvel and Associates. The funds are available in the budget to do the study. The Council will not be obligated to adopt the rate recommended by the study.

Councilmember Ireland suggested that optional tasks 7 and 8 be required.

Councilmember Painter questioned whether Sawvel could provide any information that couldn't be provided by our own Energy Department. Mr. Hendrickson responded that having an experienced third party analyze the City's rates would be more accurate. This study was considered by the City before the bonding company suggested it. Councilmember Painter felt that this is a task that falls under the responsibility of the Energy Director.

**MOTION:** *Councilmember Ireland moved to approve a professional consulting service agreement with Sawvel and Associates for an electric cost of service and rate study in the amount of \$24,400 and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jon Celaya and Ryan Ireland. Those voting no: John Painter. The motion passed with a vote of 3:1.*

Councilmember Celaya noted that he would prefer to see a competitive bidding process whenever possible.

15. AGREEMENT – Consideration of Purchase of Certain Rocky Mountain Power Facilities within Eagle Mountain City.

This item was presented by Energy Division Director Adam Ferre. Rocky Mountain Power has requested that Eagle Mountain City purchase certain facilities located within the City. The specific facilities are located in Meadow Ranch; on Lake Mountain Road immediately north of the Eagle Point I subdivision; generally south of Eagle Mountain Boulevard and East of Pony Express Parkway.

Bob Lively of Rocky Mountain Power (RMP) gave a detailed presentation in work session. Their position was that the City is required by law to buy RMP's power distribution facilities located within the areas annexed by the City. RMP proposed that the City buy the facilities for a price determined by RMP, along with separation and transaction costs determined by RMP. They also propose that the City pay RMP for an inventory and appraisal of their facilities in the rest of the City with the intention that the City will eventually purchase those facilities, as well.

**MOTION:** *Councilmember Celaya moved to deny the purchase of certain Rocky Mountain Power facilities within Eagle Mountain City. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

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

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

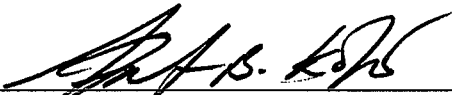
Mayor Jackson

No comment.

17. 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.
18. COMMUNICATION ITEMS
  - A. Upcoming Agenda Items
  - B. Financial Reports
19. ADJOURNMENT

Councilmember Celaya moved to adjourn the meeting at 8:15 p.m.

APPROVED BY THE CITY COUNCIL ON NOVEMBER 1, 2011.



Fionnuala B. Kofoed, CMC  
City Recorder

