

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 20, 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

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

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (arrived at 4:19 p.m.), Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Mike Hadley, Senior Planner; John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Rand Andrus, Fire Chief; Dave Norman, Assistant Public Works Director; Melanie Lahman, Deputy Recorder; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant; Kent Partridge, Building Official; Gordon Burt, City Treasurer.

Mayor Heather Anne Jackson called the meeting to order at 4:09 p.m.

1. DISCUSSION – City Center Open Space Completion Plan *(Presented by Steve Mumford)*
2. DISCUSSION – Prepaid Gas *(Presented by Nathan Hardy, UAMPS)*
3. DISCUSSION – Smart Energy *(Presented by Cathryn Collins, UAMPS)*
4. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
5. 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.

*This item was moved to the Policy Session.*

6. 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 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 meeting was adjourned at 6:25 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: Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Melanie Lahman, Deputy Recorder; Eric McDowell, Sergeant; Gordon Burt, City Treasurer.

### 7. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:11 p.m.

### 8. PLEDGE OF ALLEGIANCE

Kindra Jones led the Pledge of Allegiance.

### 9. INFORMATION ITEMS/UPCOMING EVENTS

- A survey on the proposed recreation center will be on the City website through October 31.
- Youth City Council advisors are needed. For more information, please call Angie Ferre.
- Senior Advisory Council Halloween party, City Hall, Monday, Oct. 26, at 5:00 p.m.
- Election Day is Tuesday, November 3. Election information can be found on the City website or by calling the Recorder's Office. Early voting is being held at the Recorder's Office from today through October 30. All voters must present identification.
- Meet the Candidates Night, Hidden Hollow Elementary School, October 21 from 6:00 – 9:00 p.m.
- CERT classes will be held in November. Information is available on the City web site or by calling the Fire Dept.
- Halloween Movie Masquerade party for ages 4 - 12, October 30 at 6:30 p.m. \$1.00 per person, pre-register at the library.

### 10. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Christa Kelley, 8299 Muirfield Rd., stated that her property is adjacent to the Tickville Wash. The hillside is settling near the southwest corner of her property. She and her husband are willing to reinforce the area of their property that's settling, but want the City to reinforce its portion of the slope so they don't have to repeat the process if the City land continues to settle. She showed maps and photographs illustrating the property.

### 11. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Ochsenhirt

Councilmember Ochsenhirt had no comment.

Councilmember Ireland

Councilmember Ireland said it's awesome to see people driving on the newly-paved Bobby Wren Blvd.

Councilmember Lifferth

Councilmember Lifferth announced a Utah Lake Commission public hearing at the Utah County Health and Justice Building in Provo. The meeting will be held on October 29 from 6:00 – 10:00 p.m. for public comments on the proposed toll bridge across Utah Lake. He also commended the current elected officials for their professionalism, which has enabled the City to avoid negative press.

Councilmember Burnham

Councilmember Burnham encouraged residents to attend the Meet the Candidates Night and vote early.

Councilmember Cieslak

Councilmember Cieslak said it's great to live in America and have the opportunity to vote regularly. He appreciated Krista's willingness to make a public comment. He encouraged residents to fill out the survey on the website. On transportation, he said the road to the high school needs to be completed for convenience and for safety. He appreciated residents' communication with elected officials, including the letter Nikki Wickman wrote to Dave Nazare at UDOT.

Mayor Jackson

Mayor Jackson reported on transportation issues. Last Thursday, at the ribbon cutting for the new section of Redwood Rd., Dave Nazare told her he was getting many emails from Eagle Mountain residents about snow fencing along SR 73. He said easements for snow fencing are prohibitively expensive, so UDOT is going to try using fabric-style snow fencing attached to fencing already in place. Snow removal will be improved this year, with a new shed at Pioneer Crossing and Redwood Rd. and three snow plows. In addition to the recent widening of SR 73 from Redwood Rd to 800 West, Dave Nazare will recommend to UDOT that funds be re-allocated to add another lane from 800 West to Ranches Parkway. He drove up to the Ranches Parkway traffic signal with the Mayor and saw that the lanes merge before the traffic light. Mayor Jackson requested restriping so the lanes don't merge. Regarding Pony Express Parkway, she said rights-of-way are being acquired and engineering is being completed, so bids will probably go out in February or March.

Mayor Jackson and Steve Mumford met with Alpine School District today about boundaries for the new elementary school. They also discussed where to locate future schools.

**CONSENT AGENDA**

12. MINUTES

A. October 6, 2009 – Regular City Council Meeting

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric*

*Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

### 13. PUBLIC HEARING

ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah Amending Ordinance 03-2009 and the Eagle Mountain City Code Title 3, Maps Depicting Significant and Insignificant Land.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends Ordinance 03-2009 and the Eagle Mountain City Code identifying City-owned land subject to the ordinance. The maps showed new parcels proposed to be designated insignificant, one to be designated significant, and removing those that have been purchased.

*Mayor Jackson opened the public hearing at 7:44 p.m.*

John Painter, 3414 Appaloosa Way, asked how parcels are designated significant or insignificant. Mayor Jackson explained that insignificant land can be purchased by residents with adjoining properties through an administrative process. Purchase of significant land has to be approved by both the Planning Commission and City Council. All City-owned land has to be maintained by the City unless there is an agreement for maintenance.

*Mayor Jackson closed the public hearing at 7:46 p.m.*

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of the City Council of Eagle Mountain, Utah Amending Ordinance 03-2009 and the Eagle Mountain City Code Title 3, Maps Depicting Significant and Insignificant Land. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

### 14. AGREEMENT – Consideration and Approval of a Consulting and Lobbying Agreement between Eagle Mountain City and Allen Freemyer.

This item was presented by City Administrator John Hendrickson. Mr. Freemyer has been the City's lobbyist since November, 2007. This contract will continue that relationship by extending the agreement for one more year. The contract term is November 1, 2009 to November 1, 2010. Either party may terminate the agreement upon a 60-day written notice.

**MOTION:** *Councilmember Lifferth moved to approve a consulting and lobbying agreement between Eagle Mountain City and Allen Freemyer. Councilmember Ireland seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

### 15. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah Authorizing the Appointment by the Mayor of a Committee Known as the "Yellow Ribbon Committee."

This item was presented by Mayor Heather Jackson. This resolution authorizes the Mayor to appoint a committee of residents for the purpose of organizing volunteers and contributions appropriate to honor the return home of residents of Eagle Mountain City serving in the Armed Forces of the United States.

Kindra Jones called the City almost two years ago and asked what could be done to honor soldiers returning from deployment. The City started holding a parade for each return. This committee will put up and take down yellow ribbons and for organizing volunteers wanting to help honor those returning from deployment.

**MOTION:** *Councilmember Cieslak moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, authorizing the appointment by the Mayor of a committee known as the "Yellow Ribbon Committee." Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

16. APPOINTMENTS

A. Yellow Ribbon Committee – Kindra Jones, Chair; Amiee Ballif, Co-chair; Michelle LeBaron, Co-chair.

**MOTION:** *Councilmember Cieslak moved to appoint Kindra Jones as Chair and Amiee Ballif as Co-chair to the Yellow Ribbon Committee for two-year terms and Michelle LeBaron as Co-chair for a one-year term. Councilmember Lifferth seconded the motion. Those voting yes: 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 Kindra Jones, Amiee Ballif and Michelle LeBaron.

17. ORDINANCE – Consideration and Adoption of a Utility Easement Ordinance Granting a Utility Easement to Rocky Mountain Power.

*This item was removed from the agenda.*

18. MOTION – Consideration and Approval of Waiver of Fees for the 2010 Parade of Homes.

This item was presented by City Administrator John Hendrickson. The City has received a request by some home builders in Eagle Mountain to waive the permit fees for homes that have been accepted for showing in the Utah Valley Home Builders' Association (UVHBA) annual *Parade of Homes* event. No hard costs such as state fees, impact fees or TSSD fees could be waived. The cost to waive the building inspection fees would be approximately \$3,000 per home. They are requesting this waiver for up to five homes. In each of the past three years, Eagle Mountain has had one to three homes in the *Parade of Homes*.

Discussion ensued on whether fees should be waived or delayed and whether fees should be waived for this group, when they are not waived for others. City Attorney Jerry Kinghorn said that waived fees need to be minimal to avoid questions of discrimination, and they should be soft costs, such as staff time that would be used for other work if it wasn't used in connection with these

homes. There was also discussion on whether delayed fees might not be collected if they weren't carefully tracked.

**MOTION:** *Councilmember Lifferth moved to delay building inspection fees of \$3,000 per home until the certificate of occupancy is issued, for up to five homes for the 2010 Parade of Homes. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland and David Lifferth. Those voting no: Eric Cieslak and Nathan Ochsenhirt. The motion passed with a vote of 3:2.*

19. AGREEMENT – Consideration and Approval of a CWP Water Supply Pre-Payment Agreement between Central Utah Water Conservancy District and Eagle Mountain City.

This item was presented by City Attorney Jerry Kinghorn. This agreement documents the option to prepay for the purchase of 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 1000 acre-feet of water in 2020. The City will use the lump sum payment to fund the City's obligations to Central Utah under the agreement. This agreement implements the base purchase agreement previously approved by the Council.

**MOTION:** *Councilmember Ireland moved to approve a CWP water supply pre-payment agreement between Central Utah Water Conservancy District and Eagle Mountain City, contingent upon approval of agenda item number 20. Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

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

This item was presented by City Attorney Jerry Kinghorn. This agreement is the City counterpart with SITLA to the agreements between the City and Central Utah for water for SITLA projects. 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 Cieslak moved to approve a public water supply agreement with Utah State Institutional Trust Lands Administration (SITLA) per recommendation by the City Attorney and upon his approval. Councilmember Lifferth seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

21. MOTION – Consideration and Approval of Authorization to Enter into Lease/Purchase Agreement with Key Government Financial for Purchase of a Digger/Derrick for the Electric Department.

This item was presented by City Administrator John Hendrickson. The proposed lease agreement is for the purchase of a digger/derrick for the Electric Department that was approved in the FY 2009-2010 budget. Payments will be spread over three budget years. While the item could be paid in full immediately, a lease/purchase agreement will avoid exhausting the City's Fleet Fund reserves.

**MOTION:** *Councilmember Lifferth moved to approve authorization to enter into a lease/purchase agreement with Key Government Financial for purchase of a digger/derrick for the Electric Department. Councilmember Ochsenhirt seconded the motion.*

*After some discussion, a vote on the motion was stayed until Energy Division Director Adam Ferre was available to provide the Council with more information.*

When Mr. Ferre arrived, he explained that this is a heavy duty, six-wheel-drive vehicle capable of lifting very heavy pieces of equipment like transformers, even when the equipment is located away from a road. The City currently needs to rent a vehicle to do such heavy work, as the digger/derrick the City owns is smaller than this one. This one also has a 50-foot boom. A used vehicle could be bought for much less, but the last digger/derrick was bought used and has had constant hydraulic repair problems that cost the City time and money. With regular maintenance, this digger/derrick will probably last for 20 years. It is supplied by Altec, which is located in Salt Lake City, so maintenance and repairs will be easily available.

Councilmember Cieslak called the question.

*Having had further discussion, the Council voted on agenda item number 21. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

CITY ADMINISTRATOR INFORMATION ITEMS (reported while waiting for Mr. Ferre to arrive).

Construction of the new sewer treatment facility is on schedule. Systems will be tested in December and the plant will go into operation in early January. The new system will allow for reuse of treated water for irrigation.

Mr. Hendrickson discussed parks with the Alpine School District Asst. Superintendent of Schools. An agreement is proposed in which Alpine School District will help pay for operation of public facilities in exchange for the district's use of the facilities, both overall and by individual project.

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

Councilmember Ochsenhirt

Councilmember Ochsenhirt was happy to have a spirited discussion at this meeting. He encouraged residents to take care of their yards and get them ready for winter.

Councilmember Ireland

Councilmember Ireland asked residents to get out and vote.

Councilmember Lifferth

Councilmember Lifferth explained his motion on item 18. He wanted to be as accommodating as possible to business without passing costs along to residents. He encouraged residents to meet the candidates and vote.

Councilmember Burnham

Councilmember Burnham asked everyone to get out and vote.

Councilmember Cieslak

Councilmember Cieslak appreciated the sharing of perspectives in a respectful way. He thanked Mr. Ferre for coming back to the meeting to answer questions. It showed that he has strong character and is very good employee. He asked residents to be educated about the candidates, get out and vote, and keep contacting elected officials about transportation.

Mayor Jackson

Mayor Jackson asked residents to be careful while kids are out trick-or-treating. She also asked them to vote and keep working on transportation.

23. 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.

Library Board

Councilmember Burnham said that next month is the library's 10<sup>th</sup> anniversary. The Youth City Council will hold an election next month and more applicants are needed.

Economic Development Board

Councilmember Cieslak said that a new store just opened in Parkway Crossroads. The Music Stop has music lessons, instrument rentals, sheet music, and people can play the Rock Band video game there.

Parks and Recreation Advisory Board

Councilmember Ochsenhirt said Board Chair Lynnette Rose or one of the board members will make a report about the recreation center survey at one of the next City Council meetings.

Planning Commission

Councilmember Ireland reported that last week's Planning Commission meeting was cancelled.

Public Works Advisory Board

Councilmember Lifferth said the board toured the old and the new sewer treatment plants and learned the process by which the state is allowing the old plant to continue to operate, even though it is out of compliance with State standards, until the new plant is operational.

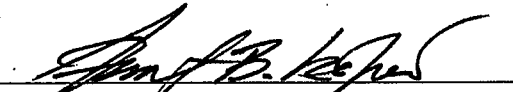
24. COMMUNICATION ITEMS
- A. Upcoming Agenda Items
  - B. Financial Reports
  - C. Lobbyist Update

25. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 9:22 p.m.



APPROVED BY THE CITY COUNTY ON NOVEMBER 17, 2009

  
Fionnuala B. Kofod, City Recorder