

Eagle Mountain City Council Minutes 2009

Dates of City Council Meetings:

- January 6, 2009
- January 20, 2009
- January 24, 2009
- February 3, 2009
- February 17, 2009
 - March 3, 2009
 - March 17, 2009
 - April 7, 2009
 - April 21, 2009
 - May 5, 2009
 - May 19, 2009
 - June 2, 2009
 - June 16, 2009
 - June 23, 2009
 - July 7, 2009
 - July 21, 2009
- August 4, 2009
- August 18, 2009
- September 1, 2009
- September 22, 2009
 - October 6, 2009
 - October 20, 2009
 - November 11, 2009
 - November 17, 2009
 - December 1, 2009
 - December 16, 2009

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 6, 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

Mayor Jackson called the meeting to order at 4:10 p.m.

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Coordinator; Donna Milakovic, Interim Public Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Deputy.

1. PRESENTATION – Fiscal Year 2008 Audit Approval (*Presented by Ron Stewart, City Auditor*)
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This item was moved to the Policy Session.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: Councilmember Cieslak moved to adjourn to a Closed Executive Session for the purpose of discussing reasonably imminent litigation and 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 6:16 p.m.

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

5. CALL TO ORDER – Mayor Jackson called the meeting to order at 7:14 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; Jerry Kinghorn, City Attorney; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Coordinator; Donna Milakovic, Interim Public Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Deputy.

6. PLEDGE OF ALLEGIANCE – Boy Scout Troop 856 led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Recreation Center public meetings will be held on January 10, 12:30 p.m. at City Hall; January 14, 7:00 p.m. at Pony Express Elementary; and January 15, 7:00 p.m. at Rockwell H.S.
- A Master Parks and Trails Master Plan public meeting will be held on January 21, 6:00 p.m. at City Hall.
- The snow removal priority list is as follows: (1) arterial roads; (2) collector roads, bus routes, school zones, hills and curves; (3) residential alleyways and cul-de-sacs; (4) unimproved roads. Trails leading to schools will be added to the priority list.
- A transportation summit will be held tomorrow evening with various entities throughout the state and region.

8. PUBLIC COMMENTS – No public comments were received.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham said that she was looking forward to a good year and hoped that the Council would continue to work well together. She appreciated the comments that residents have given her about the positive manner in which the Council is working together.

Councilmember Cieslak

Councilmember Cieslak asked about enforcement of winter parking regulations. Mayor Jackson responded that tickets can be issued. He was looking forward to another positive year. He asked that the Council continue to push state and federal officials for more money to finish roads.

Councilmember Ochsenhirt

Councilmember Ochsenhirt was frustrated with some of the organizations in the city regarding snow plowing, particularly Rockwell H.S. Its poor plowing created safety problems for students. He asked people who park on the street during the winter not to do it, as it causes safety problems. He also asked that residents shovel their sidewalks. He complimented City staff for their professionalism in keeping roads safe. He would like to see the City address the size of the staff for future snow plowing needs.

Councilmember Ireland

Councilmember Ireland thanked Troop 856 for presenting the flag ceremony. He asked if the City enforces the winter parking ordinance. Mayor Jackson responded that it does, but it's a complicated issue involving county and city statutes and courts.

Councilmember Lifferth

Councilmember Lifferth wished everyone a happy new year and thanked the Council, Mayor and City staff for their hard work and ethical behavior. He congratulated the University of Utah Utes on their 13-0 season. He pointed out that the street in front of Rockwell H.S. was not plowed by the City, which created huge problems.

Mayor Jackson

Mayor Jackson presented the State of the City address. A copy of the address is attached.

10. PROCLAMATION – “Silver Star Banner Day” requested by the Silver Star Families of America

Mayor Jackson read a proclamation declaring May 1, 2009, “Silver Star Banner Day” in honor of the sacrifices of U.S. military personnel and their families. The proclamation is attached.

MOTION: Councilmember Burnham moved to approve a proclamation declaring May 1, 2009, “Silver Star Banner Day.” 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.

11. APPOINTMENTS

A. Mayor Pro Tem

Mayor Jackson recommended that Councilmember Burnham be appointed Mayor Pro Tempore. Councilmember Lifferth moved that Councilmember Burnham be appointed Mayor Pro Tempore. 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.

- B. Library Board – Nathan Osborn and Brenda Park
- C. Parks and Recreation Advisory Council – Doug Comeau
- D. Senior Advisory Council – Joyce Hauber

MOTION: Councilmember Cieslak moved that Nathan Osborn and Brenda Park be appointed to the Library Board for 3-year terms, Doug Comeau be appointed to the Parks and Recreation Advisory Board for a 3-year term, and Joyce Hauber be appointed to the Senior Advisory Council for a 4-year term. 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.

Deputy City Recorder Melanie Lahman administered the oath of office to Mr. Osborn. The others were not present and will receive the oath at another time.

CONSENT AGENDA

MOTION: Councilmember Ireland moved to approve the Consent Agenda as follows, with the removal of items 15 and 17D. 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.

12. MINUTES
 - A. December 2, 2008 – Regular City Council Meeting
13. PLAT
 - A. Vacation and Amendment of the Recorded Plat of Eagle Point I and Final Plat of the Eagle Point Plat I Chapel.
14. FINAL PAYMENT
 - A. Clear Construction – Wells #2 and #4
15. REIMBURSEMENT
 - A. Reimbursement to Ames Construction for Work Done Without Contract but Required by City Engineer – Mt. Airey/Clubhouse Dry Utilities and Paving.
**This item was removed from the agenda*
16. AUDIT REVIEW – FY 2008 Audit Report
17. FINAL BOND RELEASES – Entering Into Warranty
 - A. Eagle Point Plat F Phase 1
 - B. Eagle Point Plat I
 - C. Northmoor Phase 1
 - D. Southmoor Phase 1

**This item was removed from the agenda.*

SCHEDULED ITEMS

18. PUBLIC HEARING & ORDINANCE – Consideration and Approval of an Ordinance Amending the General Plan Regarding Scenic Mountain.

This item was presented by Planning Director Steve Mumford. The 39-acre Scenic Mountain area, located along SR-73 in the northeast area of the City, was recently the object of a boundary adjustment that took place with Saratoga Springs, and has been officially annexed into Eagle Mountain City. The Master Development Plan has also been approved. This item designates the area as Mixed Use Residential on the City's Future Land Use Map.

Mayor Jackson opened the public hearing at 7:50 p.m. Hearing no comments, she closed the hearing.

MOTION: Councilmember Ireland moved to adopt an Ordinance amending the General Plan regarding Scenic Mountain. 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.

Councilmember Lifferth mentioned that some of the Council had concerns regarding Scenic Mountain and asked that any future reviews or approvals make sure that this development is safe and compatible with its surrounding environment.

19. PUBLIC HEARING & ORDINANCE – Consideration and Approval of FY 2009 Budget Amendments.

This item was presented by City Administrator John Hendrickson. Administration of the adopted budget includes monitoring and amending the budget document from time to time. The budget process is a continuous effort to ensure that revenues are collected as project and that expenses do not exceed appropriate funds. The City Council must approve any amendments which alter the total expenditures of a fund.

There were two corrections to the amendments. The Chemicals and Fertilizers line item will be for the Sewer Division rather than the Water Division. The Pony Express Irrigation line item will be reduced from \$240,000 to \$136,000.

Mayor Jackson opened the public hearing at 7:55 p.m. Hearing no comments, she closed the hearing.

MOTION: Councilmember Burnham moved to adopt an Ordinance amending the fiscal year 2009 City budget. 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.

20. MOTION – Consideration and Approval of a Resolution of Eagle Mountain City Appointing a Successor Trustee for Special Improvement District 98-1 and 2000-1.

This item was presented by City Attorney Gerald H. Kinghorn. Certain property owners within the boundaries of Special Improvement District No. 2000-1 and No. 98-1 have failed to pay the annual assessments due and owing for their properties. As a result, Eagle Mountain City is proposing that Eagle Mountain City Attorney Gerald H. Kinghorn be appointed Successor Trustee for the purpose of foreclosing on properties in default of the annual assessment payments.

MOTION: Councilmember Lifferth moved to approve a Resolution appointing City Attorney Gerald H. Kinghorn Successor Trustee for Special Improvement Districts 98-1 and 2000-1. 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.

21. MOTION – Consideration and Approval of a Resolution of Eagle Mountain City Amending the Policies and Procedures Manual.

This item was presented by City Administrator John Hendrickson. The amendments being proposed will clarify the City's policy on volunteer service and holiday hours for firefighters.

MOTION: Councilmember Lifferth moved to approve a Resolution amending the Policies and Procedures Manual regarding volunteers and fire fighters' holiday pay. 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.

22. MOTION – Consideration and Approval of an Agreement with UAMPS for the Natural Gas Project.

This item was presented by City Administrator John Hendrickson. Entering into the Natural Gas Project with UAMPS will provide Eagle Mountain City with an additional source for the purchase of natural gas.

MOTION: Councilmember Cieslak moved to approve an agreement with UAMPS entering into the Natural Gas Project. 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.

23. BID AWARD – Consideration and Approval of a Bid Award to Skip Dunn Construction for the Porter’s Crossing Extension.

Presented by Public Works Director Chris Trusty. The extension of Porter’s Crossing will allow for an additional access onto Pony Express Parkway from Smith Ranch Road. The lowest responsible bidder for this project was Skip Dunn Construction.

Discussion ensued regarding traffic speed.

MOTION: Councilmember Ochsenhirt moved to approve a bid award to Skip Dunn Construction for the Porter’s Crossing Extension. 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.

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

Councilmember Cieslak

Councilmember Cieslak asked that a definition of “collector road” be added to the snow removal priority list on the website.

Councilmember Ochsenhirt

Councilmember Ochsenhirt had no comments.

Councilmember Ireland

Councilmember Ireland had no comments.

Councilmember Lifferth

Councilmember Lifferth distributed a flyer from the Utah Lake Commission and expressed hope that he will be able to persuade the Council of the importance of belonging to the Commission.

Councilmember Burnham

Councilmember Burnham had no comments.

Mayor Jackson

Mayor Jackson stated that Mr. Leon Harward visited her recently about the proposed causeway over Utah Lake. He asked for a letter of support for this project. UDOT has tentatively approved the causeway provided that it is a private road, meaning a toll road. Mayor Jackson will meet with UDOT and MAG this week for more information.

25. 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.

A. The City has received a letter from Utah County approving the Pole Canyon annexation. The City Recorder's Office will send a letter certifying the annexation petition. The City will not be liable for the delay because the City acted on the original action by Utah County.

B. The agreement with UTA was submitted with the understanding that the City might propose some changes. UTA has agreed to the changes. The revised agreement has been executed by the Mayor and has been sent to UTA for signature.

B. The sewer treatment plant contractor has completed the floor on the oxidation ditch, built the first clarifier, completed the floor of the second clarifier, has begun the excavation for the Cannibal system and has begun the excavation for the rapid infiltration basin.

26. COMMUNICATION ITEMS

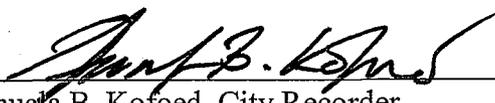
A. Upcoming Agenda Items

27. ADJOURNMENT

MOTION: Councilmember Ochsenhirt moved to adjourn to a Redevelopment Agency meeting at 8:13 p.m. 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.

Mr. Comeau arrived during the City Council meeting. After the Redevelopment Agency meeting, he received the oath of office for his term on the Parks and Recreation Advisory Board from Deputy City Recorder Melanie Lahman.

APPROVED BY THE CITY COUNCIL ON JANUARY 20, 2009



Fionnuala B. Kofoed, City Recorder

Proclaiming May 1, 2009, as Silver Star Banner Day

Whereas, Eagle Mountain City has always honored the sacrifices of the men and women in the Armed Forces; and,

Whereas, the contributions and sacrifices of military personnel are vital to maintaining America's freedoms and way of life; and,

Whereas, It is important to recognize the sacrifices, support and dedication of these men and women and their families; and,

Whereas, the Silver Star Families of America provides Silver Star Banners to the wounded and their families in order that everyone who sees them remember those who have sacrificed for this nation;

Now therefore I, Heather Anne Jackson, Mayor of Eagle Mountain City, and the Eagle Mountain City Council, do hereby proclaim May 1, 2009, as Silver Star Banner Day in Eagle Mountain and urge all citizens to recognize and honor the sacrifices of the members of the United States Armed Forces.

Dated this 6th day of January, 2009.

Heather Anne Jackson, Mayor

Councilmember Ryan Ireland

Councilmember Donna Burnham

Councilmember David Lifferth

Councilmember Eric Cieslak

Councilmember Nathan Ochsenhirt

2009 State of the City Address

Wow, I can hardly believe it has been a year since I took the oath of office. Eagle Mountain has experienced unprecedented growth this year. I know you are all thinking "what are you talking about?" Well, I am not talking in new home construction. We have done that every year since we started. No, this year I am talking about major capital improvement projects investing in our infrastructure. We have taken charge of our destiny and are starting to see the image of Eagle Mountain turn around. I say "starting" because changing the image is like changing the course of an aircraft carrier. To change the direction takes considerable time and expertise to keep from "rocking the boat" and spilling all of our "dirty laundry." Wait, I think we may have moved past the "dirty laundry" stage in our history. We have a city council that works diligently for the betterment of our community. We have a staff that works tirelessly in their effort to keep our city "on course." I hope that as citizens you are seeing the changes that I am seeing. I am always hearing good things about our progress when I attend meetings with other elected officials from our state.

I wanted to take a few minutes and share with you some of the highlights of the city's accomplishments for 2008. We have passed and implemented the largest capital improvement budget in our city since the initial infrastructure was put in. We have been fiscally conservative and have kept our property taxes the same. In fact, we have the second lowest city property taxes in the county. We completed a new 138kv power line through our city, we are currently under construction on; our new sewer treatment plant in the South Service Area, well#1 expansion, fire station #2 and well #5. We have helped to start the North County Library Cooperative along with Lehi, Pleasant Grove, and American Fork. We have completed our first skate park and it is packed even on freezing cold days. We added phase 1 of the Mid-Valley Regional Park so there will be more playing fields for our children in the summer and to accommodate even more youth sports. The North and South areas of the city are connected not only by a road but also by our new trail. We have two brand new schools in our city Hidden Hollow Elementary, and Rockwell High School. We completed the path on both sides of Pony Express Parkway to get children to and from school. We also remembered Pony Express Elementary and added sidewalk that was necessary to complete the gap along Smith Ranch Road. We are in a partnership with WAFTA to complete the bike park which is also under construction and should be completed in the spring. We are finishing up the North Ranch Gas line and connections to the city gas utility.

We have moved forward in the area of economic development in our city. New commercial business sites were added in 2008. The Maverik gas station, Dr. Hart's medical/dental office, Wasatch Deli, Jaguar Sport Karate and the new Prairie Gate office building is just finishing. I personally attended the ICSC Conference in Las Vegas to promote our city for retail businesses. The Economic Development Board is re-instated and better than ever before. The city created the first community development area which will be home to the city's first grocery store. Groundbreaking should be sometime this spring. We received a grant for the implementation of economic development marketing tools and packets and are moving forward with those items in hand.

We implemented a new equal bill pay program this year in the utility department. Look for that program to expand through this next year. We have thoroughly investigated a recycling program to implement with garbage collection. Unfortunately, we did not receive good feedback from the local carriers for the bid process. We will not be able to implement this program until we renew our garbage collection service contract early in 2010. Please know that the council and I are sad that we are unable to do something sooner, however, we did not want to tie the city into a long term contract where we did not receive any competitive bids. We also installed glass in our utility office which makes the area much more secure. We felt it important for you to know that we take our fiduciary duty very seriously and want to protect your privacy and your finances to the best of our ability.

Our library continues to grow and be a shining star in our city. Everywhere I go outside of the Eagle Mountain boundaries people talk about how amazing it is that we have a library. We held several

library programs this year that were well attended and successful. We are continuing to increase our collection as well as our registered users.

Public Safety as always is a concern for our city. Our new fire station will be complete sometime in February. We increased our fire staffing due to receiving a grant. As well as a new 4X4 heavy brush fire truck. We also refurbished one of our ambulances so it is like brand new! We also would like to thank the Utah County Sheriff's Department for continuing to provide us with fantastic service. We have 15 sworn officers and one full and one part time office staff as well.

This year we have had some staff members move on to other places. Some are moving to be with their families who have been working out of state. Some went back to school. Some found greener pastures elsewhere. We wish them all well in their future endeavors. We have tried to be very careful in the process of filling these positions. We realize the economy we are facing and where possible we have tried to "make do" with what we have to keep our staffing levels low. This will help us weather the storm of our current economic future.

We have added some new programs – or brought back some old programs...the youth council is flourishing, our senior council is doing well, we added a parks & recreation board, we had a special skate park committee, our economic development board is back, the cemetery board will have its first meeting in January and we are looking to fill spots on our new and improved public works board. We value input from our citizens and are using these boards as tools for working together and getting information from the public.

Pony Express Days was bigger and better than ever. We had over 100 entries in our parade, we enjoyed our new events basketball and softball tournaments. We added a free family fun night on Monday night and brought back the pancake breakfast. Our safety fair was great as well as the concert and events in Nolan Park. We hope you enjoyed these events, we sure did. Look for next year to be even bigger and better. We are already working on it. We also added a benefit for our military families in our area. We instituted a parade for each soldier that comes home from the war on terror. Please let us know when your family members might be coming home. Please watch for the flags and yellow ribbons around town. When they are out on a day that is not a holiday they are probably there to welcome a soldier home. Please come out and wave to our soldiers as they come home.

This next year we hope to provide more amenities in our wonderful city, but the one that is coming soon is the completion of Porter's Crossing to Pony Express Parkway. This road should be complete by June 1. We plan on working on what we call Tickville Park (the area between Pony Express Elementary and the LDS Church on Smith Ranch Road) it will not be completed, but we will start phasing in areas of the park. We also plan on working on phase II of Mid-Valley Regional Park. We hope to see great things in the area of economic development for this New Year. We hope you will all have a great year.

One last thing to mention, the Jackson household will again be adding a new member this year around the end of April. I hope your holidays were great!!

Sincerely,

Mayor Jackson

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING
January 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

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

Mayor Jackson called the meeting to order at 4:05 p.m.

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

CITY STAFF PRESENT: Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Jenalee Harper, Deputy Recorder; Fionnuala Kofoed, City Recorder; Donna Milakovic, Interim Public Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Deputy; Paul Jerome, Senior Accountant

1. INTRODUCTION – Introduction of new Sheriff's Office personnel.
2. DISCUSSION – Pole Canyon Annexation (*Presented by Nate Shipp/DAI - no action will be taken*)
3. DISCUSSION – Proposed changes the Disposal of Public Land Ordinance (*Presented by Staff*)
4. AGENDA REVIEW – The City Council will review 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
6. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Lifferth moved to adjourn to a Closed Executive Session for the purpose of discussing reasonably imminent litigation and acquisition of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. 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.*

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

7. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:15 p.m.

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

CITY STAFF PRESENT: Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Jenalee Harper, Deputy Recorder; Fionnuala Kofoed, City Recorder; Donna Milakovic, Interim Public Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Deputy; Paul Jerome, Senior Accountant

8. PLEDGE OF ALLEGIANCE

Mr. Adam Ferre led the Pledge of Allegiance.

9. INFORMATION ITEMS/UPCOMING EVENTS

- The meetings held for the recreation center have been completed.
- January 21, 2009 from 6 to 8 at City Hall there will be an open house for the Parks and Trails Master Plan. This is an opportunity for the residents to give an input.
- The Cemetery Board will be holding their first meeting on January 21, 2009.
- The City's Budget Meeting will be held on Saturday, January 24, 2009.
- A ground breaking ceremony was held in Saratoga Springs for Pioneer Crossing Boulevard (10th South).

10. PUBLIC COMMENTS

Erin Carbajal, 7492 N Addison Ave, read a statement from the residents of SilverLake concerning improvements such as street signs and bonding issues. She said that it has been several weeks since the City had said that they would help the residents of SilverLake to fix the problems that they had addressed at a previous meeting. The residents are wondering when they will see the City take action on some promises that were made.

Mayor Jackson explained that she was not aware of the street sign issue.

Councilmember Lifferth said that there is a missing street sign that the City is responsible for taking care of.

Mayor Jackson said that the City's hands are tied in this type of situation. She explained that the City and the HOA need to work together in order to recover any bond money.

Mr. Kinghorn said that the City can go after some of the bonds but the money cannot be used to improve property owned by the HOA. He said that the City needs to come to an agreement with the HOA in regards to the bond money and the work it will take to complete the improvements that need to be made. The HOA needs to have a legal counsel or a designee for the City to work with. He explained that retrieving bond funds is a slow process.

Mayor Jackson asked Ms. Carbajal if legal counsel had been obtained and if so could she provide that information to the City Attorney.

Ms. Carbajal explained that there was legal counsel and that she would provide the City with that information.

Mayor Jackson explained that this process is going to take a long time and that the residents will need to be patient with the City.

11. CITY COUNCIL/MAYOR'S ITEMS

*****At the request of Councilmember Lifferth the following minutes have been transcribed verbatim.*****

Councilmember Burnham: Um I just wanted to um thank the residents that attended our um recreation center meetings I guess, I dunno what they were called, the three different meetings. I attended all three, so by the third one I think I could of almost given the presentation myself. Um but it was interesting to hear the different perspectives of the residents that attended. Um and I did have one question: um as, as residents were asking the timeline we were telling them, well if we decided to go for election it would go this spring or whatever and then you know, that timeline on. But then after the meetings I read in the paper that we weren't going to take it to election this spring or summer and I wondered what, what had changed there, if it was a financial issue or ya know.

Mayor Jackson: I'll tell you my perspective if you would like. My perspective is that the original plan was to try and take it to a bond election around June. Um with the economic environment that we're currently in, it doesn't make sense to do that. And so I have specifically requested that we take a little bit more time in this process. Um I have not personally communicated that with the Parks and Rec Board so they're still working off of their timeline at this point, K?

Councilmember Burnham: Yep.

Mayor Jackson: K. Councilmember Cieslak?

Councilmember Cieslak: Ah, historic day in the political world. I think it's uh of note as to say even though we may not have, you can say from the state's perspective, the current President didn't get our vote, but I know that uh he is our President and I look forward to uh supporting him as our President and uh I doubt he'll be reading Eagle Mountain City Council meetings but I wish him luck. That's all.

Councilmember Ochsenhirt: Uh just a couple of things. I went on a little bit of a rant last meeting about snow removal as it was a very hot topic with a couple of storms that we had had. I wanted to give a brief shout out to the Ranches HOA, uh a very small one though cause I still have issues but um just but I do need, I really raked them over the coals and uh publicly and so I need to give them thanks. I, I um made a request for five years I've lived in Mt. Airey and not one time in any snow storm of any magnitude has the Ranches uh HOA shoveled the walk that goes from Ranches Parkway up to the beginning of the homes, because there, there is, uh anybody that's been there,

there's a significant space there that will never be homes, which is the HOA's responsibility, they mow the lawn, they prune the trees, they water the grass but they do not shovel the walk. Now with Rockwell uh open right across the street, mine as well as the entire neighborhood, which pretty much all attend Rockwell, have to stomp through the middle of the street in the middle of a snow storm to get to their school, which uh I was very angry about and the day that I requested that they take that under uh advisement um he promised to do it and a few days later it actually did get done. So although it wasn't immediately I hope that it'll happen on a regular basis. I do have um spoken just briefly with the Mayor about this and I know we've talked about this before again with Rockwell. We have a very serious uh uh traffic and uh crossing issue with the children. Uh anybody that's tried to cross the street in that area, it's windy, twisty thing. We do that to add beauty and magnificence to our neighborhoods but ya know what it creates.

Mayor Jackson: And to cut down on the speeding.

Councilmember Ochsenhirt: Oh and to cut down on the speeding, it doesn't help. They just go up on two wheels when they go around the corner and then they have to go down real quick because they're trying to avoid my child when she's going across the street to school. We need to address that. We need to apply whatever pressure's necessary to Rockwell to get crossing guards before the end of the year. I, we've talked about it several times. I think that they've had enough time to get a crossing guard somewhere. Um, uh I really hope that were not gonna have a child run over before we have that in place. It is a serious, um very serious situation. We've got a lot of children there and I have no magic answer. As we discussed, it's not a good spot but we've gotta do somethin. So that's my encouragement. I also have one more snow issue, um many of our neighborhoods have these little, I don't even know what you wanna call em. It's not a cul-de-sac but it's one of these little turn in things where they got three or four houses, a little one-way road and they do not get plowed ever. Not as in the last priority, never. We have three of them in our neighborhood; they still have 8 to 10 inches of compacted ice where people cannot get in at this date, you know two weeks after a snow storm still struggling to get in and out of their homes. I think that we need to address that and at least get them on the schedule for some salt if we can at least ya know get a plow through there after everything has been plowed two or three times. But there is, there is still homeowners there that I think we should get a plow through there cause they do a great job but it, it, it's never been plowed in, in all the time we've been here, so we need to do something about that, too. And that's all my ranting.

Mayor Jackson: Will you um get with Chris and tell him specifically which spaces those are after the meeting so that he can follow up?

Councilmember Ochsenhirt: Yes, I will talk to Chris, you better believe it.

Mayor Jackson: I know that we have some cul-de-sacs that it's impossible to turn a snowplow around in, so that's.

Councilmember Ochsenhirt: Well not a cul-de-sac, do you know what I'm talkin about? Where you're on a main street and then you have like a little turn in, like a one-way thing where you go in, in there and they can get in there. Like I say, if they're worried about the plow we should at least raise the plow up and throw salt down. Ya know what, the truck can fit. If they can pull the plow up and salt it at least. They've gotta do somethin.

Mayor Jackson: Talk to Chris and we'll see. Councilmember Ireland.

Councilmember Ireland: Just following with Eric's comment on today's presidential inauguration. Uh as I watched today's very long events, um I was impressed by just thinkin about where else in the world do you have a transition of major significant ideological differences between um one leader and then the one comin in, and yet I was impressed by how smooth that transition was and uh how everybody worked together and um uh everybody comes together and, and we still have a President, the country is still fine, we're, we're able to move on, um and I was just glad to live in this country and appreciate the freedom that we enjoy and, and the wonderful benefits that our Constitution provides us as uh citizens of United States and um anyway, thanks.

Mayor Jackson: Thank you. Councilmember Lifferth.

Councilmember Lifferth: Thank you. I'm at a distinct disadvantage because we've lost the internet and my notes are on an online document somewhere, so I'm gonna wing this one if you will. I'm sure I'll forget some things. I actually have some, nothing significant, just some talking points. But I'd like to concur with what's been said about the momentous uh day for uh the inauguration of Barack Obama and what a major milestone that is in the history of our country. Obviously he's a Democrat and I'm a very staunch Republican, but I'm very enthusiastic about having an African-American as our President and I do hope that the people who disagree with him will disagree with him on issues and never make it personal, never border on treason by attacking our President. I think we're supposed to have different opinions uh and, and disagree on things and that's fine, that's actually a good thing, but let's do it in a civil, mature fashion. Thank you. I don't know if that will help or not but I appreciate that. Thank you. Uh and that's all I'm gonna say; hopefully I can recover my notes by the end of the evening tonight. Thank you, everyone.

Mayor Jackson: Thank you. I, I also enjoyed watching that and I had little thing that I wanted to point out that I found an interesting little silly nuance to it because you know I, I do that. Um it was the ties. Well, President Obama was wearing a red tie and our former President Bush was wearing a blue tie and when you're talking Republican and Democrat they were wearing the exact opposite and so ya know it kinda goes along with what you were saying, Councilmember Ireland, and how ya know they're willing to work together and ya know I know that President Bush's signature color he always wore the blue tie but, it was just kind of an interesting little nuance when you kind of look at the picture, that ya know they were willing to step across and work together and I appreciated um in President Obama's statement um that he appreciated the transition that occurred. And um ya know I had the opportunity to experience that myself last year, in the change from Mayor Richardson to myself and I can't imagine what it would be like to have a hostile situation there because you couldn't accomplish anything. We had a very smooth, seamless transition. It seems that it should be the same with our President's currently. And so I hope again that that will remain the same and it was a very exciting occasion to watch and, and very nice to see how civil and kind that everyone could be with each other and I hope that that can continue. Um let's see, I think, I think that's all that I have at this point. Um so we will go ahead and move on to our items for this evening.

****End of verbatim.****

12. APPOINTMENT

- A. Public Works Board – Brian Richards

MOTION: *Councilmember Cieslak moved to appoint Brian Richards to the Public Works Board for a 4 year term. 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. Richards was not present to receive the oath of office. It will be scheduled at a later time.

CONSENT AGENDA

13. MINUTES

- A. January 6, 2009 – Regular City Council Meeting
B. April 4, 2006 – Regular City Council Meeting
C. September 5, 2006 – Regular City Council Meeting

14. CHANGE ORDERS

- A. Staker Parsons – Valley Drive Improvements
B. Horrocks – Capital Facilities Plan
C. Horrocks – Water Model
D. Nelson Brothers – Water Reclamation Facility

15. FINAL PAYMENT

- A. Staker Parsons – Valley Drive Improvements
B. Triple Excavation – Ranches Storm Drain
C. Tempest – North Ranch Natural Gas

16. REIMBURSEMENT

- A. Reimbursement to Ames Construction for work done without contract but required by City Engineer – Mt. Airey/Clubhouse Dry Utilities and Paving.

17. WARRANTY RELEASE

- A. SilverLake 1a

~~18. BOND RELEASE ENTERING INTO WARRANTY~~

- ~~A. Colonial Park Phase 2~~

**This item was removed from the agenda.*

MOTION: *Councilmember Ochsenhirt moved to approve the Consent Agenda. 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.*

SCHEDULED ITEMS

19. PUBLIC HEARING & RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Adopting an Amended Annexation Policy Plan.

Mr. Mumford explained that the amendment to the Eagle Mountain Annexation Policy Plan includes an addition of approximately 3,370 acres and the removal of approximately 5,660 acres from the boundary. The 3,370 acres includes approximately 3,091 acres located west of Eagle Mountain City between Cedar Fort and Fairfield (referred to as the Pole Canyon area, including the White Hills subdivision), as well as approximately 280 acres located just north of the northwest corner of the existing annexation boundary. The 5,660 acres to be removed from the boundary includes property that has been annexed into Saratoga Springs and Fairfield.

Mr. Mumford reviewed the annexation map with the City Council. He explained that if this is approved tonight it will only be to add these areas to the City's annexation map, this will not approve any detailed information. He stated that the Planning Commission unanimously recommended approval to the City Council.

Councilmember Lifferth asked if the change in boundary would orphan an current utilities. Mr. Trusty explained that there were not any.

Mayor Jackson opened the public hearing at 7:47 p.m.

Bruno Hunsaker, resident of White Hills, explained that the infrastructure in White Hills is not very good. He explained that he and a few others conducted a survey in the area which determined who would be willing to annex and who would not. He said that 8 were undecided, 7 said yes, and the rest said definitely no. He said that the residents do not feel that this is a good idea because the economy is going to get worse before it gets better.

Saratoga Springs City Planner Jim McNulty read a letter to the City Council that had previously been submitted to Mr. Mumford. (*See attachment for letter.*) The letter requested that Eagle Mountain exclude a section of property that Saratoga Springs has also included in there annexation policy plan. Saratoga Springs has designated this property on their land use map as Business Campus.

Mayor Jackson closed the public hearing at 7:56 p.m.

Mayor Jackson asked if there can be overlaps in policy plans and if so would it prohibit either side from annexing or planning an area. Mr. Kinghorn replied that it would not.

Councilmember Lifferth asked if there was any infrastructure in place that could service the north area, and if it is reasonable to provide these utility resources.

Mr. Mumford explained that utilities will be provided for the new grocery store and property to the east of the grocery store as well. He said that the City may be able to provide utilities by the gravel pit area as well.

Councilmember Lifferth asked if the City has spoken with Camp Williams regarding the annexation boundary.

Mr. Mumford said that a few weeks ago a meeting was held in which they discussed the boundary line with them. He explained that Camp Williams asked that the land closet to their arterial range be zoned as agricultural for safety purposes.

Councilmember Ireland asked if it was common for cities to have a jigsaw type boundary line.

Mr. Mumford stated that from his experience this is fairly common. He said that good planning practice would be to try and have straight boundary lines.

Councilmember Cieslak asked what benefits the City would receive from amending the annexation plan to include these parcels of land.

Mayor Jackson explained that adopting this plan will allow the City to entertain the idea of annexing this land into the City. She explained that she would be concerned with having a residential neighborhood next to a business park. This plan will also allow the applicant to annex into the city in the future if the city permits it.

Councilmember Ochsenhirt asked if it is important to remove the property from the annexation plan considering that no one has made application to do anything with that land. He would also be concerned with having a business campus right next to residential homes with no buffer.

Mr. McNulty said that he would like to see the property be put to good use; he feels that putting more single family residential homes in the area is not such a good idea. He explained that the property could be put to better use as some type of business campus.

MOTION: *Councilmember Ireland moved to adopt a Resolution Amending the Annexation Policy Plan. 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.*

20. MOTION – Consideration and Approval of a Warranty Release for Point Lookout A & B.

Point Lookout is a subdivision located in the southwest quadrant of The Ranches. The developers of this project believed they had reached substantial completion of this project prior to November of 2007. Last January, the engineering staff presented the City Council with a list of several subdivisions that had never been requested to enter, or entered into warranty. During this discussion, the developers for Point Lookout requested to be placed on this list, believing that they should have been eligible for a release from warranty in November 2008.

MOTION: *Councilmember Cieslak moved to approve a Warranty Release for Point Lookout A & B. Councilmember Ochsenhirt seconded the motion.*

Councilmember Lifferth encouraged that the roads look as nice as possible when the project is complete.

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

21. BID AWARD – Consideration and Approval of a Bid Award to Western Fence for the Installation of a Chain Linked Fence for the Eagle Mountain Public Works Property.

The proposed fencing was originally included with the upgrades to the wastewater treatment facility. However, the cost of the fence was marked up substantial by the general contractor. Including the fence with that contract would have complicated the repayment process, as this facility is being partially funded by the State. Therefore, City staff requested bids for the fencing as a standalone project. For security reasons, time frame for this project has been accelerated.

MOTION: *Councilmember Lifferth moved to award a bid to Western Fence for the installation of a chain linked fence for the Eagle Mountain Public Works Property in the amount of \$29,934.50. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.*

22. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Acknowledging and Approving an Assignment of Banked Water Entitlement.

Oquirrh Mountain Ranch, LLC has banked water rights for use within the City on various projects. The Assignment before the Council for approval is an Assignment to Bishop Special Asset Management of the banked water entitlement which will be held as collateral by Bishop Special Asset Management. This assignment was presented to the City Council on July 1, 2008 but the loan wasn't executed. The Assignment has been reviewed and is in proper form.

MOTION: *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City acknowledging and approving an assignment of Banked Water Entitlement. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.*

The City Council concurred that in the future these types of items can be put on the consent agenda.

23. CITY COUNCIL/MAYOR'S BUSINESS

At the request of Councilmember Lifferth the following minutes have been transcribed verbatim.

Mayor Jackson: Okay um we have any further business this evening. It is Councilmember Ochsenhirt's turn to begin any comments you might have.

Councilmember Ochsenhirt: I ran out of time rantin and ravin about the snow. I wanted to give my thanks also for the uh uh honor and privilege it is to be a member of this great nation and for the peaceful and uh relatively smooth transition of power. We, we watch every day on the news uh of, of other countries that with their struggles and strife and, and we, we continue to do this

every four years whether we're, we're putting the same joker in or puttin a new joker in um we, we, we seem to just support em and make the best of, of what we've got and I fully uh endorse and support our new President. Though I may disagree with him at times, he is my President now and, and I look forward to positive and happier days. Thank you.

Mayor Jackson: Councilmember Ireland.

Councilmember Ireland: Just wanted to thank these young men for showin up today and uh enjoyin your presence and appreciate ya comin and also White Hills residents, as well as SilverLake resident those uh people who are interested in participating in, in this uh civic process. I appreciate your attendance and, and uh your contributions to the meeting. Thanks.

Councilmember Lifferth: I was able to find my notes, thank you Finn for the computer cable. Uh my only note I wanted to talk about was I appreciate the process that we're going through with the recreation center. And while I am not publicly supporting the recreation center, I do appreciate the fact that we're having open house, we're inviting people of all points of view to ask questions, be more informed, to share their opinion and I think that's the way that local government should work. So I wanted to commend the Mayor and everyone else that's involved in that process and I encourage everyone to take those opportunities to bend your elected officials' ears on the issue that's at hand or anything else uh and make sure that we're aware of what the residents want and we can uh properly address their concerns. So thanks for doing that.

Mayor Jackson: Great. Councilmember Burnham.

Councilmember Burnham: I too just wanted to quickly comment on um the, the change in power going to Barack Obama. There's been a lot of comments in the papers just recently about how maybe um now that we have a black president, maybe we don't need organizations that promote um racial equality. And I would like to say that we have come a long ways but we have a long ways to go um and I don't think that we should get too complacent about that. Um I think it's easy when you are in the majority and you are, you have the skin color of the majority of the people around you, but I grew up in a very different circumstance and um, and faced racial prejudice you know as, as I was growing up with my family. So um I am so grateful that we have come so far, that is exciting. Although I did not support Obama's presidency I am excited that um that he can be President and that we have um American citizens that can put aside so much of the racial issues that we've had um, but just be aware that we have a ways to go and um I hope that we're always vigilant with that and always careful to, to um careful in the way that our City deals with people and also just in the way that we deal with people in general. And I'm grateful for our group of Scouts that are here, they're from my ward and it's fun to see them. So thanks.

Councilmember Cieslak: Um, glad you're here, young men, keep it up. It gets exciting sometimes, sometimes it's not but we appreciate your presence. It's always fun um, it's always fun to serve with these individuals up here. Um just wanted to publicly acknowledge, acknowledge again, I think I've done this several times but, uh the great job that Heather Jackson is doing as Mayor. I think that she is very proactive. Uh she put together that transportation summit, something that's never happened before, we put a couple of cities together to talk about our uh, uh mutual needs and I appreciate that and I think that's something the City has needed for quite some time and I appreciate her stepping up and being proactive in that area and uh I wanna

put a plug out there again for roads. We talked about it, we had a great meeting but wanna see more happening, we wanna keep pushing and one of the biggest things that came out of that, and hopefully this will be put in the paper, that uh they commented that, uh public comment is greatly appreciated. If we can get the, the word out that every house in Eagle Mountain needs to send an email to the Governor, to their elected representatives to let them know about the dire need of our transportations out here. Hopefully, we'll be able to move up on the state's priority list and hopefully we'll be able to acquire the necessary funding that we need to improve our transportation needs. So thanks Mayor for all you've been doing, thanks for gettin that ball rolling and hopefully the public will get the word that we all need to yell as loud as we can to, to get noticed out here.

Mayor Jackson: And with that I have a couple of things to comment on and I'm sad Caleb left because this would have been good for him to hear. But um as you know, prior to that transportation summit I had a meeting with UDOT and asked them to give us a third plow and as you have heard I'm sure in the newspapers and all that, we're not getting the third plow. But what you haven't heard is what we are getting, which is kind of frustrating but, um they did listen to what we had to say and so what they are trying to do is one, um the, the shed that they pull salt and uh the materials that are necessary for plowing the roads out of, is a shed that is located by I-15 and Highway 92. As you can tell, it's rather far away and so trying to get out here and keeping up on our roads is not an easy situation. So they are altering their um, their, their actual planned routes. Um they will be pulling salt from a shed that they have located on 68, I believe it's south of Saratoga Springs but before you get to Goshen or something like that.

Mr. Chris Trusty: Yeah, I think it's by Pelican Point.

Mayor Jackson: I think that's about right, Pelican Point. Thank you. Um nevertheless, it is closer. OK, the other thing is that we currently have two plows that run out here and they run in tandem, that just means that they run together. To cover the area better, what they are going to do is in times when the storms are not super heavy they will split up and run on altering roads, so one'll be on 68 and one'll be on 73 to help to keep that momentum going. When it is a heavy storm they will run in tandem together. They are also trying to put some cameras in along 68 and 73 so that they can see when the need is there. Now not only that. Those are things that they are looking to try and implement immediately. But they're also looking at the future things that they can do for us and they will be requesting funds to put a shed out here and that shed would be located on Redwood Road beside Pioneer Crossing Boulevard. That will, they will be requesting full time equivalencies so that they have additional people to run that, those particular snow plows in addition to what they already have and they would look to hiring someone from Eagle Mountain or Saratoga Springs so that they could quickly get to the plow to accommodate the situation out here. So we will be sending a letter thanking them for their response and encouraging and requesting um, along with ya know their requests for the budget for Region 3, that we echo those sentiments and would like to see that happen. So that's the first thing, second thing is that the, that one of the things that came out of our transportation summit is Councilmember Mark Johnson from Lehi thought it was such a great thing to put together and really wants us to see us kind of do a Lake Mountain Region Board, OK? And he has spearheaded, I met him this afternoon over at the groundbreaking and he will be sending me an email and requesting a Councilmember to be involved in that and I know that Councilmember Burnham was talking with him quite a bit about this um so anyone that is interested, it would be nice if we put one person from our Council to

attend this board. So anyway um at this, is that good with everybody? OK, oh and Nate says he's interested, too.

Councilmember Ochsenhirt: Oh, I'm wrestling for it.

Mayor Jackson: So you guys might have to uh, well you know that um maybe you should leg wrestle, you might do better. Anybody see Jason Chaffetz wrestling? Anyway OK that's a totally different situation but anyway um I'm just pleased to see that we actually sparked some interest and somebody else is going to pick up the ball and run with it for once. Because it seems like we spark some interest and then we're still carrying the ball. So it's really exciting that uh somebody else wants to uh run with something and so I'm very, very pleased to mention that. Um also in echoing what Councilmember Cieslak was talking about with um getting citizens to um make requests for the transportation meetings, um I have been told by all of the legislators I have spoken with recently to specifically send those to the Governor's Office, for one. Um and then uh as well as to the um to the different transportation committees for the Senate and the House. Um when we went to the MAG and COG meeting, which was the night after the transportation summit, it was a long week for me that week, um anyway during that meeting, the COG meeting, we had requested legislators come and we had several that were there, um specifically Representative Becky Lockhart who has really spearheaded the transportation issue specific to Utah County and she is very um proactive on that and she said you know we need citizens, we need citizens crying at the Capitol and stating the needs that we have. I happened to just mention the fact that you know we have a lot of people in, simply just in Eagle Mountain alone, that um might be pregnant and wishing to deliver babies at the hospital and uh I know for a fact that on a Sunday morning leaving your home at a quarter to five in the morning it still takes 45 minutes to get to American Fork Hospital, and that's when there's no traffic! So when leaving at a quarter to five there is virtually no traffic.

Councilmember Lifferth: And you know that from personal experience?

Mayor Jackson: Personal experience last December uh so I volunteered, I said I could be your poster child again if need be and help out with that um but we do need more than just me going um to the Capitol. We need citizens and we need to have um ya know just as many letters, emails and, and whatever we can get to the Governor's Office as well as to our legislators. I really feel at least the Utah County legislators are very, very much trying to get everything they can for our transportation needs. They really want to see the plan that was outlined by MAG implemented, which is a very, very good plan, it's very thorough for the area, the only thing it leaves off is Pony Express Parkway but it's okay because it's, it's necessary because it provides a corridor on both the east and the west side of I-15 to get north and south and then we have east-west corridors connecting them. And that's what we need in order to, to sustain ourselves through the I-15 reconstruction, which does have to happen and does have to happen in the very, very near future. So I would encourage everybody to send letters, cards, emails, call up and cry, whatever you need to do um but get that message to the Capitol. I do know that um Lieutenant Governor Herbert was put on the spot a little bit about the transportation needs by Representative Lockhart today and saying you know, this is what we as legislators intend to do and if we have some agreement from the second floor and he did commit to at least one of the two beings on the second floor um being in agreement with that, so it does sound like he's trying to uh help our cause but we need to give him more ammunition to be able to accomplish that goal. So that's all that I have to report.

Councilmember Lifferth: Could you pass along thanks to your contacts at UDOT for patching the holes on SR 73 going down the hill?

Mayor Jackson: I will gladly pass those along. Did you all happen to notice as well uh on um I think the County portion of uh Pony Express Parkway was also, holes were patched today as well because they were not patched when I drove my child to school but they were patched when I went to go to the uh uh groundbreaking. And that was nice, too, but we will pass those along. So with that, I think we're through.

Councilmember Lifferth: Does Ifo need any time?

Mayor Jackson: Ifo, do you have any items you need to pass along for John?

Mr. Ifo Pili: Yeah he wanted me to talk about how good his Assistant City Administrator was. Um I'm okay, just one thing, you do have your quarterly financial report in your packet. Um we do, we are monitoring the budget like a hawk, uh so just if you have any questions feel free to contact us.

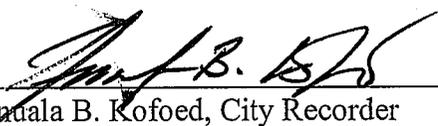
****End of verbatim****

- 24. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
 - B. Financial Report

25. ADJOURNMENT

The meeting adjourned at 8:27 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 3, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 24, 2009

Policy Session at 9:00 a.m.

Eagle Mountain City Training Room, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

POLICY SESSION – TRAINING ROOM

1. Mayor Jackson called the meeting to order at 9:10 a.m.

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Michele Graves, Librarian; Fionnuala Kofoed, City Recorder; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Paul Jerome, Senior Accountant; Jeff Weber, Assistant Public Works Director/Parks & Streets; Davie Norman, Assistant Public Works Director/Water & Wastewater.

2. **MOTION – Consideration and Approval of a Change Order for the Natural Gas System Extension.**

The proposed change order is for the installation of a 4 inch natural gas line which would run from the Town Center regulator station to the Waste Water regulator station.

John Hendrickson informed the Council that the original proposal included running a line from the Lone Tree regulator station to Bobby Wren Boulevard. This portion of the gas line extension had been removed from the proposed project as it went through SITLA property. Currently, there was no development occurring on their property so it didn't make sense to install the line there at this time. Additional details would need to be worked out with SITLA before that portion of the project could be completed. This would be revisited at a later date.

Adam Ferre explained that Tempest was finishing up a separate project here in Eagle Mountain and since they were already out here they could provide reduced unit pricing for the installation of the natural gas lines. This would create looping capability in the City's gas regulator stations creating a more reliable system for the City with substantial cost savings. Mayor Jackson added that Tempest could offer a reduce price for the installation of the lines as they wouldn't need an additional bond or have mobilization costs as their equipment was already out here.

MOTION: *Councilmember Burnham moved to approve a Change Order for the Natural Gas System Extension for Tempest Inc. in the amount of \$67,383.70. 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.*

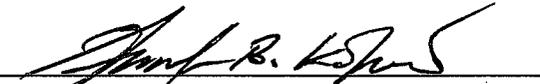
3. **ADJOURNMENT**

MOTION

Councilmember Lifferth moved to adjourn to a Budget Work Session to discuss FY 2009-2010 budget goals and priorities. 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.

The meeting adjourned at 9:24 a.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 3, 2009



Fionnuala B. Kofoid, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 3, 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

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

Mayor Heather Anne Jackson conducted the meeting.

Mayor Jackson called the meeting to order at 4:10 p.m.

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Councilmember Ireland was excused.

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Senior Accountant; Donna Milakovic, Interim Public Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Mike Hadley, Senior Planner; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Deputy.

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and acquisition of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

The meeting was adjourned at 5:25 p.m.

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

Mayor Heather Anne Jackson conducted the meeting.

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Councilmember Ireland was excused.

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Donna Milakovic, Interim Public Information Coordinator; Paul Jerome, Senior Accountant; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Deputy.

4. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:01 p.m.

5. PLEDGE OF ALLEGIANCE

David Lifferth led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Library Story Time for children ages 3 – 5, Tuesdays 10:30 – 11:00 a.m., today through March 17.
- Princess Academy with Miss Eagle Mountain Kim Onions, February 14, 10:30 a.m. – 1:00 p.m. at City Hall, for girls ages 4 – 10, \$10 per child.
- Valentine's Day food drive, February 14, sponsored by the Alliance for Unity. Donations will be picked up door to door.
- Westlake Football Night, February 18, 6:00 – 9:00 p.m. at McDonald's in Saratoga Springs, to benefit the Westlake High School football team.
- Miss Eagle Mountain Pageant and Woman of Achievement Award, February 21, 7:00 p.m. at Eagle Valley Elementary School, \$7 per ticket.
- Tribute to a Hero Program in partnership with Alta Vista Homes. Nomination forms are available at the Eagle Mountain and Alta Vista websites. The presentation will be made at the Pony Express Days Pancake Breakfast, Saturday, May 30.
- Local Officials' Day at the Legislature last week was attended by Mayor Jackson, three members of the City Council, several members of the Youth City Council and their advisors.

7. PUBLIC COMMENTS

Nikki Wickman, 2766 E. Fort Hill Road, read the following statement: "I have two questions and some citizen feedback as a consistent user of the asphalt trail system in Eagle Mountain. Question #1: When we use the mixed-recycle bin, do we know for a fact that someone actually sorts through all that garbage and gets it to the right place to be recycled? Or do they perhaps just take

it to the nearest garbage dump and throw it in? Whenever I use the bin, I can see that some people are throwing their regular household trash in. Could we put up a big sign telling residents not to do that, maybe with the threat that they will be fined and/or lose the privilege of having a convenient place to take all their recyclables?

Question #2: This is not an Eagle Mountain issue at all, but Mayor Jackson, I'm hoping that, as someone who has personal interaction with many local politicians, you might be able to tell me if there is some way for Utah citizens to protest the way the Public Service Commission is proposing to overlay a new area code throughout northern Utah. I firmly believe the geographic district option would be a far more acceptable change. I have family in the Phoenix area and in-laws in the Los Angeles area, both of which went through this transition several years ago. When I spoke to several of my relatives recently about their phone service, they almost could not remember that their area code had changed at all. And it only makes sense to them (and to me) that when they call anyone within their same area code, it's a local call, and they only have to dial 10 digits for a long-distance call. As a local business owner, I'm on the phone A LOT. I do not want to have to dial 10 digits every time I make a call, even on my cell phone, and even to my next-door neighbor. I do not want to have to remember when a business started to determine whether it is an (801) call or a (385) call. This would be an inconvenience that will never go away, rather than a temporary transition, whose effect would not be noticed much after a while, rather like changing Eagle Mountain's zip code to 84005. Do you know how to show support for Legislative Bill HB 215 which Rep. Jim Dunnigan of Taylorsville has introduced?

Asphalt Trail Feedback: Right now the asphalt trail in front of The Ranches Fire Station is being torn up to fix the water lines. As the City begins to replace this trail and to plan for new trails throughout the City, please bear the following in mind. I cannot speak for the baby walkers and dog walkers, but as for the runners, the bike riders, the skateboarders and the drivers of snow plows, the straighter the trail is and the fewer dips there are, the better. Trails that meander and twist gracefully around may be aesthetically pleasing to the eye, but they are simply a pain in the neck for some of us. The snow plows have taken out big chunks of grass in several places along Ranches Parkway and Pony Express Parkway, and in the dark, it's very easy to run, ride, or skate off the trail. In the places where the street lights don't quite reach, it's particularly easy to trip or fall, especially when there is black ice. As for dips and low spots, these are always full of water in the summer and covered with black ice in the winter. And why does every intersection have to have 8-10 panels of concrete? Doesn't it make more sense to keep the trail asphalt all the way through the intersections? Concrete is not pleasant to run or ride on because of the hard surface, the expansion joints and the inevitable cracks and breaks. The northwest corner of Ranches Parkway and Pony Express Parkway is a particularly bad example, and the snow plows tend not to plow there at all, making it necessary for runners and riders to use the street. There is also a problem when the trail is running parallel to the street, but the concrete driveway, for some reason, points out into the street, making it necessary for snow plow drivers, runners and riders to all go out in the street if they don't want to get caught on the "lip" of the concrete, which is very easy to trip or wipe out on. This happens in the Highlands, both where Braxton and Barton Creek Drive enter Ranches Parkway. And, one last side note. If it is ever an option, a bicycle lane on the edge of the road is preferred by most exercising pedestrians because roads are, in general, better maintained than trails. And they are always plowed first by the snow plows and kept clean by the street sweepers. Of course, there is a safety issue with children, and I do understand the limitation. However, I wish you would point this out to UDOT as they plan for the eventual (and long-anticipated) widening of SR 73.

Thank you for your time and attention.”

Mayor Jackson responded that she would provide Ms. Wickman with an email address for District 56 Republican Party Legislative District Chair Ken Smith, who is opposing the area code overlay. She also recommended that Ms. Wickman contact Sen. Madsen and Rep. Sumsion. She stated that the recycling bin is taken to the recycling plant for sorting. The bin was moved to the Public Works Building to reduce the amount of household trash being placed in it. She asked Chris Trusty to explain the concrete installed at street intersections. He stated that truncated-dome inserts are required by law to alert visually-disabled people when they're approaching traffic areas, and the inserts don't install well into asphalt.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Cieslak

Councilmember Cieslak thanked everyone for coming out and participating in local government. He asked everyone to petition state and federal officials by emails and newspaper articles about transportation to get higher on the transportation priority list.

Councilmember Ochsenhirt

Councilmember Ochsenhirt welcomed everyone to the meeting. He thanked Brian Haskell for talking to him personally and working with The Ranches HOA. He looked forward to working with him in the future.

Councilmember Lifferth

Councilmember Lifferth echoed Councilmember Cieslak's comments on transportation. He thanked the Recorder's Office for the extra effort in typing parts of the minutes of the last meeting verbatim. He expressed appreciation to everyone who is involved in local government.

Councilmember Burnham

Councilmember Burnham stated that this was the first year the Youth City Council attended Local Officials' Day at the Legislature. She said the youth represented the city well. Kim Onions has also represented the city well as Miss Eagle Mountain. Eagle Mountain has good teenagers who make a difference in the community.

Mayor Jackson

Mayor Jackson echoed Councilmember Burnham's comments about the youth. She also said that she will be traveling to Washington, D.C., next week to lobby federal representatives. She will not be lobbying about transportation, as that will be addressed in Congress later. She will probably go to Washington again at that time. She stated that the City Managers and Administrators of Eagle Mountain, Lehi and Saratoga met last week with MAG and will take a regional transportation plan to county, state & federal officials.

9. APPOINTMENTS

A. Public Works Board – Robert Clegg

MOTION: *Councilmember Lifferth moved to appoint Robert Clegg to the Public Works Advisory Board for a term of four years. Councilmember Ochsenhirt seconded the motion.*

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

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Clegg.

CONSENT AGENDA

10. MINUTES

- A. January 20, 2009 – Regular City Council Meeting
- B. January 24, 2009 – Special City Council Meeting

11. REDUCED BOND

- A. Meadow Ranch Phase 4

12. FINAL BOND RELEASE – Out of Warranty

- A. Pony Express Parkway (Street Project)

13. CHANGE ORDER

- A. Porter's Crossing Extension Change Order # 1 – Skip Dunn Excavating
- B. Porter's Crossing Extension Change Order # 2 – Skip Dunn Excavating

MOTION: *Councilmember Ochsenhirt moved to approve the Consent Agenda. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

14. MOTION – Consideration of a Reimbursement Agreement for the Valley View Tank.

This item was presented by Public Works Director Chris Trusty. The development agreement for the Valley View water tank stipulated that the developer of this project was required to build a 0.6 million gallon tank for the upper Valley View subdivision. This tank was designed not only to accommodate the higher pressure zone in the Valley View subdivision, but would also include the upper North Ranch subdivision in a new pressure zone, and would provide for additional fire protection for the City with the installation of a pressure reducing valve. The developer for this project already had a reimbursement agreement with the City which allows him to be reimbursed as impact fees are collected by the City. However, because of the excess capacity that has been built into the tank, he is asking to renegotiate this reimbursement agreement to be structured such that an initial payment be made by the City for that portion of the tank which is providing a benefit to the current system, specifically that portion that was allocated to upper North Ranch and for fire suppression.

Discussion ensued on funding of the agreement. Mr. Pili explained that funds are available for a number of projects. This project can be added to the list.

MOTION: *Councilmember Ochsenhirt moved to approve a reimbursement agreement for the Valley View water tank project. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

15. MOTION – Consideration and Approval of an Amendment to a Tolling Agreement Between Cedar Valley Water Company, LLC, and Eagle Mountain City, Extending the Expiration Date to September 5, 2009.

Eagle Mountain City entered into a tolling agreement with Cedar Valley Water Company on October 21, 2008. Cedar Valley Water Company has requested that the agreement be extended until September 5, 2009 to explore a settlement of their claims against Eagle Mountain City.

The motion is reported verbatim at the request of Councilmember Lifferth.

MOTION: *Councilmember Lifferth made the following motion:*

“Madame Mayor, I would like to make a motion.

I would like to extend the tolling agreement with Cedar Valley Water Company. My initial proposal was to extend the tolling agreement by two months. I wanted to give Cedar Valley Water Company the necessary amount of time to complete their due diligence without an inappropriate delay. My objective is to resolve this issue and bring this issue to closure as soon as is prudent.

However, at the recommendation of Jerry Kinghorn and understanding his request to be accommodating of the scheduling needs of legal counsel for the Cedar Valley Water Company, I make the following motion: I move that Eagle Mountain City approve the amended tolling agreement with the Cedar Valley Water Company to extend the termination date of the tolling agreement by three months to Friday, June 5th, 2009.”

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

16. BID AWARD – Consideration and Award of Bid for the 2 Million Gallon Tank for the Well #5 Construction Project.

The City operates three existing water tanks with a total capacity of 4 million gallons (MG). Eagle Mountain City’s Capital Facilities Plan recommended that a new 1.0 MG water storage tank be built in 2007, in addition to the Valley View tank, which has a capacity of 0.6 MG. It then recommended that a 2.0 MG tank be built in 2010. Because the 1.0 MG tank was never built and to take advantage of the economy of scale, the City elected to design the 2 MG tank to be built in the 2008-09 time frame. Earlier this year, the City Council approved a contract with Horrocks Engineering to locate and design this tank. The City prequalified several contractors for the construction of this project, and is recommending that the bid be awarded to Build, Inc.

MOTION: *Councilmember Cieslak moved to approve a bid award to Build, Inc., for a two million gallon water tank for well #5 in the amount of \$1,216,600.00. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

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

Councilmember Lifferth

No comment.

Councilmember Burnham

No comment.

Councilmember Cieslak

Councilmember Cieslak requested that everyone email their elected officials.

Councilmember Ochsenhirt

Councilmember Ochsenhirt wished everyone a good night.

Mayor Jackson

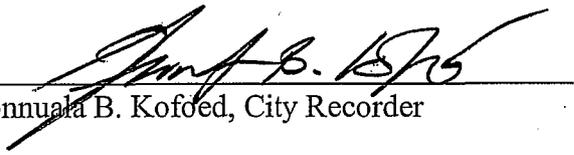
Mayor Jackson asked Miss Eagle Mountain Kim Onions to stand up. She thanked her for her service as Miss Eagle Mountain and wished her well in the Miss Utah pageant.

18. COMMUNICATION ITEMS
A. Upcoming Agenda Items

19. ADJOURNMENT

MOTION: *Councilmember Lifferth moved to adjourn the meeting at 7:39 p.m.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 17, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 17, 2009

Work Session at 5:00 p.m. - Policy Session at 7:00 p.m.

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

5:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

Mayor Jackson called the meeting to order at 5:09 p.m.

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Donna Milakovic, Interim Public Information Coordinator; Gordon Burt, Finance Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief Eric McDowell, Deputy; Dave Norman, Assistant Public Works Director; Ifo Pili, Assistant City Administrator; Jason Walker Management Analyst.

1. AGENDA REVIEW
2. CITY ADMINISTRATOR INFORMATION
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
 - B. Utah County Dispatch District (*Presented by John Hendrickson*)
3. PRESENTATION – Utah County Association of Realtors
4. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn to a Closed Executive Session for the purpose of discussing reasonably imminent litigation and 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.*

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

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:09 p.m.

6. PLEDGE OF ALLEGIANCE

Councilmember Ireland led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- A fundraiser for the Westlake High School Football team will be held February 18, 2009 from 6:00 p.m. to 9:00 p.m. at the McDonald's in Saratoga Springs. A portion of sales that occur at that time will be donated to the Westlake High School Football team.
- The Miss Eagle Mountain Scholarship Pageant will be held February 21, 2009 at 7:00 p.m. in the Eagle Valley Elementary School. Ticket cost is \$7.00 per person, they are available for purchase at City Hall or at the door the night of the pageant.
- The City is currently working on the Tribute to a Hero program. Nomination Forms are available online at www.eaglemountaincity.com or at www.altavistahomes.com. This event will be a part of the Pony Express Days 2009 Events.
- UTA announced the new express bus route for Eagle Mountain City and Saratoga Springs. They will begin service on April 6, 2009; there will be two morning buses and two evening buses. The pickup and drop-off points will be at the LDS Chapel on the East side of Nolan Park.

Mayor Jackson explained that UTA had made an agreement with the LDS Church to use that particular church as a park-n-ride for those who will be using the bus services. She stated that this particular route could be a potential problem during Pony Express Days because the road by the church is typically shut down around that time.

Mr. Trusty explained that he will speak with the UTA representative to see if there are any alternative ideas. He said that UTA doesn't typically like to change their routes and that they would rather have a different location.

Mr. Hendrickson stated that the certificate of occupancy will soon be issued to the new Fire Department building and asked that a dedication be held prior to the next City Council Meeting.

Mayor Jackson explained that a dedication for the Hidden Hollow Elementary School will be held March 3, 2009 at 6:00 p.m. She stated that the Council would try to work this into their schedule even though this is City Council Meeting night.

8. PUBLIC COMMENTS

Megan Templeton, 4132 Wood Road, explained that she would like to see the remaining items for the Wood's subdivision to be completed in a timely manner, specifically the fence that is to be placed along the back line of the resident's yards. She said that she will be fencing her front and sides yards and then will put up a trampoline and playground equipment in her backyard soon. She has contacted her insurance company and they have explained to her that if a child gets hurt on her playground equipment then it is possible that the homeowner, developer and Eagle Mountain City will be liable for any medical expenses because these subdivision improvements have been delayed for so long. She would like to see these items be wrapped up soon.

Mayor Jackson explained that when this subdivision was approved it was approved with some very specific conditions, one being a fence along the backside of these individuals' properties. She said that the developer has failed to make these improvements so the City started to call the bond and during this process the developer stepped in and started to complete these remaining items. The developer tried to give the land behind the homes to the residents in lieu of putting in a fence but it turned out that the property he was trying to give away was actually City property. She explained that these issues will be placed on the next City Council agenda and at that time it will be up to the council to determine which conditions have to be finished and in what time frame.

Mr. Trusty explained that there is \$150,000 left in the bond so that if the developer does not complete the punch list the remaining bond can be used to complete the items.

Mayor Jackson explained that the City is willing to compromise with the developer to a certain degree.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Lifferth

Councilmember Lifferth explained that he is enthusiastic about the UTA Bus Express Route and hopes that it will alleviate some of the traffic problems on S.R. 73.

Councilmember Burnham

No comment.

Councilmember Cieslak

Councilmember Cieslak asked residents to email elected officials regarding transportation needs. He asked the members of the press to include this in their reports. He recognized that it was Presidents Day on Monday and explained that his middle name was Lincoln and that Presidents Lincoln was one of the greatest Presidents of all time.

Mayor Jackson

Mayor Jackson explained that her trip to DC was good and bad. She said that all of the business was taken care of on the first day of the trip. She met with Congressman Matheson, Senator Hatch's Office, Senator Bennett and Congressman Chaffetz. She said that she has seen Congressman Chaffetz cot in his office and that he really does sleep there. She brought forward the same issues as last year to request help with funding for those particular items. Mayor Jackson felt like the meeting was successful; she said that they would like funding from the 2009 appropriations, and if not this year to work on them for 2010.

CONSENT AGENDA

10. **MINUTES**

A. February 3, 2009 – Regular City Council Meeting

11. **FINAL BOND RELEASES – Out of Warranty**

A. Mt. Airey Plat B

B. Mt. Airey Plat F

12. **CHANGE ORDERS**

A. Pony Express Irrigation Line for Well #4 Change Order #1– Skip Dunn & Sons
Excavating

- B. Well #1 & #5 – Clear Construction
- C. 2MG Water Tank #5 – Horrocks Engineering

MOTION: *Councilmember Ireland moved to approve the consent agenda. 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.*

SCHEDULED ITEMS

13. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah Amending and Approving the Eagle Mountain City Policies and Procedures Manual (2008 edition).

The recommended changes in the travel policy are to clearly identify the actual administrative practice of determining reimbursements, per diem, advances, and other requirements related to city business travel. By placing these practices in the manual, the administrative practice will be made official policy. Key elements detail the manner in which reimbursement for the use of personal vehicles will be made, the items that will be used in the determination of the lowest cost method of reasonable travel, the limits on advances, and the manner in calculating per diem.

The changes to the family leave act section of the policy have been made necessary by changes to the federal labor law.

MOTION: *Councilmember Cieslak moved to adopt a Resolution of the City Council of Eagle Mountain, Utah Amending and Approving the Eagle Mountain City Policies and Procedures Manual (2008 edition). 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.*

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

The proposed amendment to the Consolidated Fee Schedule is to reduce the winter natural gas rate from \$9/decatherm to \$8/decatherm and the summer natural gas from \$10.50/decatherm to \$8/decatherm. The new rate would take effect on March 1, 2009 and be reflected in the April billing.

MOTION: *Councilmember Lifferth moved to adopt a Resolution reducing the natural gas rate from \$9 per dekatherm to \$8 per dekatherm in the winter and \$10.50 per dekatherm to \$8 per dekatherm in the summer to take effect on March 1, 2009 therefore amending the Eagle Mountain City Consolidated Fee Schedule. Councilmember Ireland seconded the motion.*

Councilmember Cieslak stated that reducing rates is always great.

Councilmember Lifferth stated that it is good to always offer the correct prices to the residents. He explained that he likes how the City is restructuring this to allow them to go forward and put prices in there to reflect the market rates.

Mayor Jackson explained that this is the first of two resolutions that will restructure the natural gas rates.

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

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

Councilmember Cieslak

Councilmember Cieslak stated that residents need to email their elected officials.

Councilmember Ochsenhirt

Councilmember Ochsenhirt asked that residents show courtesy by shoveling their sidewalks because there are many school children that walk to and from school and it is unsafe for the kids to be walking in the road. He thanked the Mayor and streets department for taking care of the snow/ice buildup in the turn-about.

Councilmember Ireland

No comment.

Councilmember Lifferth

No comment.

Councilmember Burnham

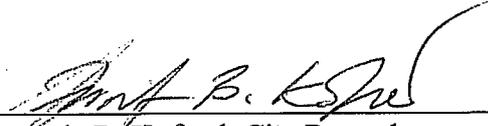
No comment.

16. COMMUNICATION ITEMS
A. Upcoming Agenda Items
B. Financial Report

17. ADJOURNMENT

Councilmember Lifferth moved to adjourn the meeting at 7:36 p.m.

APPROVED BY THE CITY COUNCIL ON MARCH 3, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 3, 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

Mayor Pro Tem Donna Burnham conducted the meeting. Mayor Jackson was excused.

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (arrived at 4:18 p.m.), Ryan Ireland (arrived at 4:10 p.m.), David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; Donna Milakovic, Interim Public Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

Mayor Pro Tem Burnham called the meeting to order at 4:03 p.m.

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
2. 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and acquisition 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 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 meeting was adjourned at 4:53 p.m. The City Council recessed the Closed Executive Session at 5:45 p.m. and attended the Hidden Hollow Elementary School dedication at 6:00 p.m.

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

Mayor Pro Tem Donna Burnham conducted the meeting. Mayor Jackson was excused.

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; Donna Milakovic, Interim Public Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Deputy.

4. CALL TO ORDER

The meeting was reconvened at 7:02 p.m. and Mayor Pro Tem Burnham called the meeting to order.

5. PLEDGE OF ALLEGIANCE

Kevin McCarthy led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The Miss Eagle Mountain Pageant was held last Saturday. Miss Eagle Mountain is Jessica Bare, her first attendant is Hartley Lojik and her second attendant is Brianna Weber.
- The 2009 Woman of Achievement Award was presented at the pageant to Donna Lee Anderson.
- A ribbon cutting for the Fire Station #2 expansion will be held on Wednesday, March 4, at 6:00 p.m.
- Tribute to a Hero nominations are available online at www.altavistahomes.com and www.eaglemountaincity.com.

7. PUBLIC COMMENTS

Doug Page, 7787 N. Crestwood Circle, followed up on emails he sent to the City Council in the last few days. He wanted to know when the Council would respond. Mr. Hendrickson responded that he wrote to Mr. Page saying that the emails regarded a issue which could lead to legal action and he would like to talk to the City Attorney before commenting on it. Mr. Page asked when he could let his two-year-old play in the back yard, since the issue has been going on for four years.

John Hoosier, 1583 E. Tumwater N. Drive, said there are open storm drain vaults near his home that need to be capped and buried. He stated that he has called several people in the City to have them fixed, but has not received a response. He asked if anyone wanted to be sued and if anyone wanted their kids to play in the storm drain system with the neighborhood children. He recently found that his children have been playing inside 36" storm drain pipes. Mike Wren of Eagle Mountain Properties told him they had hired someone to fix them. Later he was told that the City

had shut the project down. Mr. Hoosier said he has called Len Whitney but has not received a response. He said that someone is going to die in the storm drains, since the weather is getting warm and there could be floods. Mayor Pro Tem Burnham recommended that Mr. Hoosier talk to Public Works Director Chris Trusty.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ireland

Councilmember Ireland said the public's participation in City Council meetings was always appreciated.

Councilmember Lifferth

Councilmember Lifferth stated that the Council just returned from the Hidden Hollow Elementary School dedication. He said it was nice to see the fruits of everyone's labors. He recognized the Rockwell High School basketball team won the Charter High School State Championship. He also recognized Dylan Stadel, a resident of Mt. Airey, who won the State High School Wrestling Championship in the 285-pound weight class.

Councilmember Cieslak

Councilmember Cieslak thanked everyone for coming out and being part of local government. He reminded everyone to flood their elected officials with requests for improved transportation. Eagle Mountain's elected officials are Gov. Huntsman, Sen. Madsen, Rep. Sumsion, Rep. Chaffetz, Sen. Hatch and Sen. Bennett. He requested that a link to federal and state elected officials' contact information be placed on the City's website.

Councilmember Ochsenhirt

Councilmember Ochsenhirt appreciated citizen involvement and requested that residents send requests for transportation improvement to elected officials. He asked that residents inform the Council of their concerns.

Mayor Pro Tem Burnham

Mayor Pro Tem Burnham thanked everyone for being at the meeting. She wished her son a happy birthday. She was pleased to see so many residents using the trails and encouraged more to use them. She said the Miss Eagle Mountain Pageant was great and wished Kim Onions the best as she competes in the Miss Utah Pageant. She asked the new Miss Eagle Mountain, Jessica Bare, to introduce herself and her platform. Jessica said that her platform is called Caring Hearts and Hands, which is an awareness program for caregivers to relieve stress in a healthy way to prevent injury to children.

9. APPOINTMENTS

- A. Firefighters Scott Bringhurst and Jeremiah Jensen – Oath of office administered by Fire Chief Rand Andrus
- B. Robert Hill & Alicia Hill to the Youth City Council Advisory Board

MOTION: *Councilmember Cieslak moved to appoint Alicia Hill and Robert Hill to the Youth City Council Advisory Board for a term of one year. 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.*

City Recorder Fionnuala Kofoed administered the oath of office to Robert Hill and Alicia Hill.

Mayor Pro Tem Burnham announced that the Youth City Council would be sponsoring an event on Thursday, March 5, at 4:00 p.m. in the City Council Chamber. A Holocaust survivor will be speaking. Because of the nature of the subject, it was recommended that no one younger than 9th grade students attend.

CONSENT AGENDA

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. 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.*

10. MINUTES
 - A. February 17, 2009 – Regular City Council Meeting
11. WARRANTY BOND RELEASE – Out of Warranty
 - A. Mt. Airey Plat C
12. CHANGE ORDER
 - A. Porter's Crossing Change Order # 3 – Skip Dunn Excavating
13. FINAL PAYMENT
 - A. Eagle Mountain 2008 City Parks Project – MSCI

SCHEDULED ITEMS

PUBLIC HEARING

14. MOTION – Consideration of an Amendment to the Woods Subdivision Final Plat and Development Agreement to Delete Improvement Requirements.

This item was presented by Public Works Director Chris Trusty. The applicant requested that the City Council consider a request to remove certain requirements of the final plat approval and development agreement for The Woods subdivision; specifically, deletion of the requirement to construct an asphalt trail adjacent to the equestrian corridor and to install a vinyl fence buffering the subdivision from the trail corridor. Additionally, the applicant has requested that the requirement to construct an 8-foot-wide concrete sidewalk on the east side of Waddell Street be reduced to a 4-foot-wide sidewalk.

Mr. Trusty recommended that the fence requirement remain, the sidewalk be reduced from 8 feet to 4 feet wide and that the trail corridor be surfaced with gravel rather than asphalt.

Mr. Hendrickson recommended that the walkway behind the fence should be asphalt so snow could be cleared from it for children walking to school.

Mayor Pro Tem Burnham invited the applicant, Tom Wood, to speak. He said that maintenance of asphalt is a burden to the City. He was willing to put down road base instead. He said he was willing to complete the fence and the sidewalk. His only real issue was the asphalt.

Mayor Pro Tem Burnham opened the public hearing at 7:33 p.m.

Ben Templeton, 4132 Wood Road, presented a petition signed by residents of Wood Road requesting that the development be completed as planned, except that the required sidewalk be reduced from 8 feet to 4 feet wide. The petition also requested that the work be completed quickly, as some residents have been there for over two years. He requested that the lot line markers, removed when the gutters were installed, be replaced. He also said that a neighbor asked him to thank the Fire Chief for moving a hydrant that was adjacent to his driveway.

David Landon, 4682 Silver Creek Way, stated that gravel should not be put down in the trail corridor of The Woods because weeds will grow through the gravel. He said that promised items should be built, not be removed as requirements.

Jason Robinson, 4221 N. Major Street, stated that gravel is not good for horses' hooves. Perhaps wood chips or something else easier on horses could be used. He was concerned about children getting hurt by sharing the trail with horses. Councilmember Lifferth asked the difference between gravel and road base to horses' hooves. Mr. Robinson said that road base was slightly easier on the hooves.

Mayor Pro Tem Burnham closed the public hearing at 7:39 p.m.

Discussion ensued as to why the original requirements were made and what would best serve residents of Overland Trails and The Woods. Concerns were safe accommodation of riders and pedestrians, providing a safe path for school children and having the work done in a timely manner. It was recommended that the original agreement not be modified unless it was found to be faulty.

Mayor Pro Tem Burnham asked Mr. Kinghorn what kind of time frame the City could require for completion of the improvements. Mr. Kinghorn explained the process of pulling a bond, which includes meetings to see if accommodation can be reached, then calling the surety, which is typically followed by a time period proposed by the developer to complete the work. The time frame would be reviewed by Mr. Trusty. Changing the requirements would change the time frame.

Mr. Trusty said that he put together a punch list for all of the remaining items. The remaining bond amount is adequate to cover the work.

MOTION: *Councilmember Lifferth moved to approve an amendment to The Woods subdivision final plat and development agreement to reduce the 8-foot-wide sidewalk to 4 feet wide, leaving all other requirements in place and requiring completion of all improvements within 45 days.*

Councilmember Ireland requested an amendment to require that the four feet removed from the sidewalk be reserved for a trail. Councilmember Lifferth accepted the amendment. Councilmember Ochsenhirt requested that the time frame be changed to 60 days. Councilmember Lifferth accepted the amendment.

Councilmember Ireland seconded the motion.

Mayor Pro Tem Burnham asked Councilmember Lifferth to restate the motion.

RESTATED MOTION: *Councilmember Lifferth moved to amend the development agreement for The Woods subdivision to reduce the 8-foot-wide sidewalk on the east and south side of Waddell Street to 4 feet with the remaining 4 feet reserved as a horse trail; maintaining all other requirements and requiring all improvements to be completed within 60 days. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

15. MOTION – Consideration of a Claim against Eagle Mountain City by McArthur Homes.

This item was presented by City Administrator John Hendrickson. McArthur Homes filed a claim against Eagle Mountain City for damage to the basements of two homes, lots 407 and 408 in the Lone Tree subdivision. The damage was caused by a sewer backup in the main line under Bristlecone Road. Eagle Mountain City submitted the claim to the Utah Local Government Trust. On investigation, ULGT determined that the City had no liability and denied the claim. McArthur Homes appealed the denial of the claim.

McArthur Homes' assertion was that a City employee stated that the City directed McArthur to call National Restoration and said the City would pay for the cleanup. The City's investigation found that the employee said the City might pay the bill. In any case, the employee couldn't bind the City to pay. The line had been inspected shortly before the backup and found to be clear, then an adjacent developer caused the line to fill with debris, so the City is not liable.

Mayor Pro Tem Burnham invited the claimant to speak. Mr. John Gassman of McArthur Homes asked why the City came and cleared the line if it wasn't responsible for the blockage. Councilmember Ochsenhirt asked Mr. Trusty why City employees went out and cleared the blockage. Mr. Trusty responded that it was an active line in use by the rest of the subdivision.

Councilmember Lifferth said it would have a chilling effect on society if people willing to offer sound advice were assuming a financial liability. People frequently ask him for advice on drainage problems in their homes and other issues. If he found that offering advice caused him to be financially liable for the outcome of the situation, whether the advice was followed or not, people would stop helping other people. The City employee offered some good advice for solving the problem. If he received a kickback from the firm, that would be a problem, but he was offering a suggestion. Councilmember Lifferth asked the Council not to set a precedent that would penalize those who want to help someone out. He asked Mr. Hendrickson if the staff has had training in not implying liability for the City. Mr. Hendrickson said they have and implied that there would be further training.

Mr. Gassman asked what would have happened if the home had been completed and lived in and the same problem occurred. Mr. Kinghorn said in the absence of any evidence of negligence, the City would not be liable. If the City had intended to pay, the work would have been ordered with a purchase order or something similar. If the blockage had been caused by City negligence, the City would have paid for the removal.

MOTION: *Councilmember Ireland moved to deny a claim from McArthur Homes. 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.

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah Amending Prior Ordinances Authorizing the Disposal of Public Land and Repealing all Provisions in Conflict with the Ordinance and Providing for the Disposal of Certain Parcels of Real Property Owned by the City.

This item was presented by Planning Director Steve Mumford. The proposed ordinance would clarify the lands available for disposal and provide a procedure for administrative disposal of approved parcels. Mr. Mumford explained the new procedure, which would be simpler and less lengthy than the current one.

Mayor Pro Tem Burnham asked if the ordinance included an appeal process. Mr. Kinghorn responded that it did not. He said an appeal process could be added and asked what direction the Council would like to give. There was further discussion about possible appeals processes.

MOTION: *Councilmember Lifferth moved to adopt an ordinance authorizing the disposal of public land and repealing all provisions in conflict with the current ordinance, with an instruction to staff to return with an appeal process. Until an appeal process is in place, appeals should be directed to the City Council.*

Mr. Kinghorn recommended that, rather than enacting the ordinance, it should be referred back to staff for further work. Councilmember Lifferth retracted the motion.

Mayor Pro Tem Burnham opened the public hearing at 8:30 p.m.

Lee Morrison, Conestoga Way, represented the Pioneer Addition Homeowners' Association. He said it was a wonderful thing because the City gets rid of land it would otherwise have to maintain. The HOA would be relieved of maintaining parcels it is responsible for. He suggested that the City consider charging \$1.00 for the land, since the City will save so much money on maintenance.

John Hoosier, 1583 E. Tumwater N. Drive, said a 10-day appeal period is not enough. Some people are gone for more than 10 days and might lose their chance to appeal. He requested that the appeal period be 30 days.

Jennifer Holdsworth, 4632 Independence Way, lives adjacent to one of the properties. Her sprinklers were installed partially into City land and she was required to remove them. She said the City should keep the disposable parcels maintained or charge a fair price and let owners maintain the properties.

Stan Bateman, 3309 E. Kennekuk, thought land disposal was a great idea. He has agreed with his neighbor to purchase a disposable parcel and split it. He asked that the City charge a reasonable amount.

Mayor Pro Tem Burnham closed the public hearing at 8:36 p.m.

Councilmember Ireland said that the Planning Commission recommended that the cost cover the administrative costs. He wasn't sure how to determine fair market value for a small piece of land that couldn't be built on and could only be purchased by an adjacent owner.

City Recorder Fionnuala Kofoed said that, in the recent disposals the City processed, administrative costs were covered and the City was still able to sell the land for the lowest possible price. There were no complaints from the buyers. Mr. Kinghorn said the law doesn't allow the City to give property away. It has to be sold for some value. The City looks for the lowest objective value when setting a purchase price.

Mayor Pro Tem Burnham removed this item from the agenda and referred it back to staff, incorporating the comments made at this meeting.

CITY ADMINISTRATOR'S ITEMS

Mr. Hendrickson said that the gas rate reduction will appear on the April utility bill.

He reported that the budget process is underway. There hasn't been any decision on whether to recommend a tax increase. In recent years the City's portion of the property tax rate has been reduced by 30 – 40%. The preliminary budget workshop for the Council will be held on March 31st. The budget is required to be balanced every year.

He asked Mr. Trusty for an update on the sewer treatment facility and the Porter's Crossing extension. Mr. Trusty said that most of the road sub-base on Porter's Crossing is installed, the box culvert is installed, and the piping of the detention pond is finished. The storm drain was finished, but the wrong box was installed and is being replaced.

Mr. Trusty said the concrete structure of the wastewater treatment plant should be finished this month. Most of the piping is installed. The steel buildings and electrical conduits will be started next month. Alternatives on the Master Control Center are being researched: extending the breezeway of the existing building, extending the breezeway and raising the roof of the building, or constructing a third building.

The initial startup on well #1 should be within two weeks. The pump & motor on well #5 are in the same time frame. Engineering is waiting for the Master Control Center on that before initial start-up.

Mr. Hendrickson reported that the City has been meeting with CWP. The City contracted for 2,500 acre-feet of water over the next 12 years. There has been a lot of interest from several sources on contracting for water in excess of what the City contracted for. Details are being worked out on whether to require prefunding for operation or maintenance fees. The City cannot access interim water approved by State Engineer due to a lawsuit. Developers have been asking what agreement may be created to purchase water from the City will be like. The pipeline will be able to supply almost 44,000 acre-feet of water. Approximately 17,000 acre-feet have been purchased, including the water purchased by Eagle Mountain.

He said that well #4 will not normally be culinary, but may be used for culinary water in an emergency. Generally, it will supplement the parkway watering. Wells 1, 4 and 5 should be enough to prevent water capacity problems this summer.

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

Councilmember Ireland

Councilmember Ireland said he was in favor of making City processes easier for residents and staff. He reminded the staff not to leave small pieces of unimproved open space when approving developments.

Councilmember Lifferth

The Utah Lake Commission has finished its draft report, which is available online. Eagle Mountain was able to participate in the process without joining the Commission. He reminded the Council that the City can join the Commission this year at a lower cost than last year. His email has been down for a couple of weeks. Residents can send email to dlifferth@gmail. He congratulated Mayor Pro Tem Burnham on a great job conducting the meeting. Happy square root day: 3/3/09.

Councilmember Cieslak

Councilmember Cieslak asked everyone to email their elected officials about transportation.

Councilmember Ochsenhirt

Councilmember Ochsenhirt reminded residents that the Council will be back in two weeks and they're invited.

Mayor Pro Tem Burnham

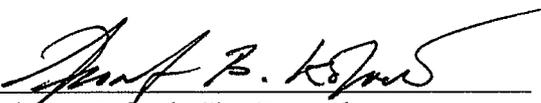
Mayor Pro Tem Burnham thanked residents for coming to the meeting.

18. COMMUNICATION ITEMS
A. Upcoming Agenda Items

19. ADJOURNMENT

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

APPROVED BY CITY COUNCIL ON MARCH 17, 2009



Fionnuala B. Kofod, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 17, 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

Mayor Jackson called the meeting to order at 4:05 p.m.

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (arrived at 4:22 p.m.), Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Donna Milakovic, Interim Public Information Coordinator; Linda Peterson, Public Information Coordinator; Gordon Burt, Finance Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Deputy; Dave Norman, Assistant Public Works Director; Ifo Pili, Assistant City Administrator; Jason Walker Management Analyst.

1. PRESENTATION – Camp Williams COL Dunton discussed artillery exercises scheduled for March through June.
2. AGENDA REVIEW
3. CITY ADMINISTRATOR INFORMATION ITEMS
 - A. Update on the Sewer Treatment Facility (*Presented by 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 reasonably imminent litigation and 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.*

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (arrived at 4:22 p.m.), Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Linda Peterson, Public Information Coordinator;

Gordon Burt, Finance Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Deputy; Ifo Pili, Assistant City Administrator; Jason Walker Management Analyst.

5. CALL TO ORDER

Mayor Pro Tem Donna Burnham called the meeting to order at 7:22 p.m.

6. PLEDGE OF ALLEGIANCE

Jason Webb led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Spring Cleanup will be held during the month of April. Dumpsters will be available at the Public Works Building for residents to dispose of larger trash items. No hazardous waste may be put in the dumpsters. If the dumpsters are full please to not leave items on the ground by the dumpster. The Public Works Building is opened from 7:30 a.m. to 5:30 p.m., Monday through Friday.
- The City's Annual Easter Egg Hunt will be held Saturday, April 11th at 10:30 a.m. at Nolan Park.
- The Fire Department is offering CERT and CPR Courses beginning in April. Please visit the Fire Department page on the City Website for more information.
- The Express Bus Route from Eagle Mountain City to downtown Salt Lake City begins April 6, 2009. For more information please visit the City Website.
- Library Volunteers are needed. Please contact the Library for an application.

8. PUBLIC COMMENTS

Peggy Henry, 3356 Castle Cary Circle, congratulated the City on the success of the bike park. She feels that the children are having a good time using it. She is concerned about the safety of the children; she has been seeing motorized vehicles riding in the park area and feels that this is very unsafe for the children. She suggested that the City look into this issue and that they also consider putting a restroom in the area because the kids are going to the bathroom outside.

Doug Page, 7787 N Crestwood Circle, asked about the status of getting a fence placed along the road in SilverLake. He asked that action be taken. He also requested a meeting with the City Administrator and the City Legal Counsel. He explained that grant funds are available to assist in installing the fence.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone for coming to the meeting. He explained that it is exciting to be involved in the process and that he is appreciative of the resident's comments. He is excited to see spring starting and encouraged everyone to take care of their yard/weeds. He asked that each resident take care of their property in a way that would make them and their neighbor's proud. He thanked all those involved who work on the City parks. He hopes to see more park improvements this year and more public participation.

Councilmember Ireland

Councilmember Ireland thanked the residents for coming to the meeting. He feels that Eagle Mountain is a great community and encouraged residents to reach out to each other and lift one another up in support of the positive things that are taking place. He explained that there is a lot of negativity in the world and encouraged everyone to look for the positive.

Councilmember Lifferth

Councilmember Lifferth explained that he went to the bike park and was glad to see that there were a lot of people there. He explained that Camp Williams would be conducting live fire exercises in April, May and June. He asked residents to be accommodating and as patient as possible. He stated that the Lehi High School Soccer Team has been invited to participate in the only High School Double Header Real Salt Lake. He explained that the game would be held on April 11th and that Lehi will be playing Copper Hills and Salt Lake will be playing DC United. Tickets are sold at cost, there is no fundraiser involved.

Councilmember Cieslak

Councilmember Cieslak is glad to see that residents are using the bike park. He has seen a truck backing up on the trails while children are riding on the path. He asked that the city implement something to keep this from happening. He mentioned that barricades were once mentioned as an option to keep motorized vehicles out. He asked that something also be done to keep people from relieving themselves on the hill. Councilmember Cieslak also thanked City Staff for putting the elected official's link on the website. He reminded residents to write every elected official about the road concerns here in Eagle Mountain.

Mayor Pro Tem Burnham

Mayor Pro Tem Burnham concurred with Councilmember Cieslak's comments. She asked that residents remember that there is a leash law and to please keep animals on leashes when outside. She also asked that pet owners clean up after their animals' messes and to not leave it on other people's yards. She asked everyone to be neighborly so that bad feelings aren't created.

CONSENT AGENDA

10. MINUTES

A. March 3, 2009 – Regular City Council Meeting

11. CHANGE ORDER

A. Waste Water Treatment Plant Change Order #2 – Nelson Brothers Company

B. Sweetwater Road Gas Line Connection – Tempest Enterprises

12. FINAL PAYMENT

A. Porter's Crossing Extension Box Culvert – Oldcastle Precast Amcor

B. Public Works Chain Link Fence – Western Chain Link Fence Company

C. Sweetwater Road Gas Line Connection to the Waste Water Treatment Plant – Tempest Enterprises

MOTION: *Councilmember Lifferth moved to approve the consent agenda. 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.*

SCHEDULED ITEMS

PUBLIC HEARING

13. MOTION – Consideration and Approval of a Conditional Use Permit for the Executive Manor at the Ark of Eagle Mountain.

Mr. Mumford explained that the Ark of Eagle Mountain is proposed as a residential group home for adults being treated for mental health, behavior, and chemical addictions. The proposed location is 2590 Prairie View Drive, within the Westview Heights subdivision.

Mr. Mumford explained that each bedroom can potentially hold two residents but that the applicant has suggested one per bedroom.

Mr. Mumford explained that the parking plan submitted shows additional parking stalls marked #5 and #6, as well as a circular drive. He explained that the group home would be located within a residential zone, which by City Code allows one family per residents. This also can mean up to 3 unrelated persons or 2 unrelated persons and their children. He explained that a small group home includes the following:

- The residential facility establishes a single housekeeping unit shared by no more than 8 related persons.
- Provides counseling, therapy, specialized treatment (not including persons diagnosed with substance abuse problems, and shall not include those staying in a home as a result of criminal offenses or other dangerous anti-social behavior)

Mr. Mumford said that the proposal is for male and female professionals over the age of 18. He explained that City Code allows for a maximum of 8 residents. The facility will be staffed 24 hours a day with security cameras and alarms will be installed. Mr. Mumford explained that this group is covered by the Federal Fair Housing Act, the Americans with Disabilities Act and the Utah Municipal Land Use Act. These prohibit discrimination on the basis of a handicap or disability; this includes residents who would apply to live in the proposed facility and does not protect those who currently use drugs, have been convicted of illegal sale of drugs, sex offenders, juvenile offenders or persons that present a direct threat to others or property of others.

Mr. Mumford explained that some conditions that were initially placed on the home are now being taken care of by the Utah Department of Human Services (DHS). He said that the DHS is very detailed to make sure that all items are within their policy and procedures manual, in which they govern and enforce it. The DHS will issue a probationary 90 day license, and if the group home is still in compliance after those 90 days then they will be issued a license for the remainder of the year. The licensing process is repeated each year. Mr. Mumford explained that all conditions in the code need to be met.

Mr. Mumford explained that the applicant has provided the City with a visitors schedule as well as a parking plan. He explained that the applicant had revised the schedule at the City's request because it seemed a little confusing. The new schedule clarifies that there are different types of family group therapy.

Mr. Mumford explained that the Planning Commission recommended approval of the group home subject to the conditions that staff had provided as well as a few additional items. Specifically that the parking plan be reviewed again and that it be approved on a temporary basis. It was proposed that the parking plan be reviewed again, 90 days after the facility has reached 8 residents. The home will also be subject to building and fire department inspections.

Mayor Pro Tem Burnham asked the applicant if she would like to make any comment before the public hearing was opened.

Mrs. Gloria Boberg explained that she had no future comment but that she would like an opportunity to speak after the public hearing.

Mayor Pro Tem Burnham opened the Public Hearing at 7:54 p.m.

Nikki Wickman, 2756 Court Hill Rd, explained that she likes to see the city not catering to developers. She feels that by allowing this group home it will open the door to developers and builders as an easy way out of a home. She suggested that if this is approved she may decide to open a group home herself on a lot that she owns in the same subdivision. She also stated that she may open a liquor store there.

Charlotte Ducos, 9328 Deerfield Circle, asked how often the DHS would re-visit the group home to make sure that they are in compliance. She felt that this area would not be the best place for a group home.

Richard Schmutz, 8668 Franklin Drive, explained that he has had personal experience with family members going through group homes. He feels that this is the wrong place to have a home like this. He explained that with his brother's group home there were often security breaches and problems with people exposing themselves. He said that these homes should be isolated and not next to existing single family homes.

Chad Burdette, 8807 Franklin Drive, stated that his mother and grandmother worked in a group home and that they had no training or experience. He asked what type of training the workers would have prior to working in the group home. He also stated that this particular group home held monthly meetings with the residents to make sure that they were happy and that they were not having issues with the group home. He feels that this home should do the same.

Kara Brimley, 2484 Overland Drive, feels that this should never be allowed in a residential area, no matter how safe the applicant says it is. She feels that this group should not be around little kids and that this whole subject opened up because the home could not be sold. She was concerned to see that the application had come this far. She feels that the individuals are not handicapped but that they are drug addicts and that it is unsafe to have them in a residential neighborhood.

Tiffany Ulmer, 1320 E Harrier Street, asked if a limit could be put in the development code on how close these types of homes are allowed to be to each other. She explained that Sandy was able to defeat a group home by adding something similar to their code. She asked for details on what happens when residents get their 4 hour breaks, she is concerned that they will be able to wander and leave the property at this time. She also asked what the legal consequence would be if the Council denied this group home.

Caleb Richardson, 8613 Hancock Circle, is concerned with the parking. He does not want to several cars parked at the home or in the driveway. He asked if the parking will be kept out of public sight. He also feels that this will be unsafe to have in a residential neighborhood and that it will not benefit the City.

Nick Hanna, 8861 N Jefferson Drive, feels that this is not the best location for the group home. He asked if this group home makes sense for the community, he feels that it does not. He asked that the City stand up for what they believe in. He also asked what the consequences would be for violations of the group home.

Don Richardson, 3546 E Paine Street, asked if this was the best use for this area and is the home in the best area for success. He asked if the City Council had looked at other group homes to see their successes and failures. He also asked if the emergency services will be prepared for this home.

Nate Bruisk, 3512 E Hayward Drive, feels that the City has been backed into a corner by the builder all because the builder cannot get rid of the home. He asked what the true motive is behind the group home and if it really is because the builder is in a financial pinch. He has heard that the City has been threatened with a lawsuit if this conditional use permit is not approved. He feels that this will be a negative impact on the neighborhood. He feels that there is substantial reason for the City to deny this.

Mayor Pro Tem Burnham closed the Public Hearing at 8:22 p.m.

Mayor Pro Tem Burnham asked the applicant to respond to some of the questions that residents asked during the public hearing.

Mrs. Gloria Boberg explained that the people coming in for treatment are not being forced to come; rather they are coming because they want help. She stated that these people are not currently using drugs and alcohol. She explained that The Ark will not take or keep anyone who is currently using drugs and alcohol and that they have to be medically cleared before they will be accepted.

Mrs. Boberg explained that there are 16 residents living together in another facility and that they barely have time to breathe because they are in counseling sessions, they have therapy assignments and that they have to be responsible for making their beds, cleaning, doing their dishes. She also said that they are under supervision 24 hours a day, 7 days a week. She explained that the program is very structured and that a schedule is provided in the policies and procedures.

Mrs. Boberg said that the law states that you cannot discriminate against people if they are running a facility that is in compliance. She explained that people always say that they don't want these kinds of people in their backyard, but she feels that they are already there. She feels that there is not a single neighborhood that doesn't have someone who is abusing drugs. She stated that these people are not prisoners or bad people. She mentioned that there have been no problems with the existing facilities; she explained that every single person who performs at the Ark has some type of certification, training or licensing by the State of Utah. She explained that ethics and field training takes place every year.

Mrs. Boberg explained that an open house was held for the Ark in which all staff were present to answer any questions or concerns. She said that only one resident showed up. She said that the Ark will hold as many open houses as requested, they will provide a BBQ so that residents can come and get know these people. She explained that people have no clue who they are and who they are treating. She said that they are treating professional people, dr.'s, dentists, nurses, people who treat the public every single day.

Mrs. Boberg explained that as part of an agreement with Eagle Mountain City, they will put in the additional parking that has been requested. She explained that she has an appointment with Wasatch Shadows on 3-18-09 to discuss professional landscaping so that the area does not look like a used parking lot. She wants this to be a beautiful asset to the community. She explained that in the past communities put the group homes on a 6 month trial basis. She said that people do not even know that the group home exists. She had a letter from an elementary school principal in where the elementary school borders the group home. She said that the principal gave them an outstanding recommendation and explained that the City could contact her at any time. Mrs. Boberg explained that they give back to the community.

Councilmember Ochsenhirt feels that the people echo how the vast majority of cities feel about these types of homes. He said that he has people close to him that have been in and out of homes and that he wouldn't want those people living next to him either because of the choices that they have made and the way that they live their lives. He explained that there are laws and statutes that sometimes bind their decisions. He feels conflicted because these types of people need compassion and a place to heal but on the other hand he does not want this in a residential neighborhood.

Councilmember Ireland asked if there was anything the City should look into as far as proximity of group homes was concerned.

Mr. Kinghorn explained that this would be something that the City would want to have in the code.

Councilmember Ireland asked Mr. Kinghorn to comment on the issue with the HOA.

Mr. Kinghorn explained that some of the home owners got legal counsel to look at the CC&R's to see if something could be done about the group home. He stated that because of the way the CC&R's were written, they couldn't prohibit this type of use in their community. He feels that it is possible to write the codes in such a way to prohibit commercial business regardless if there is a disability involved or not. He has not explored this aspect entirely because the City does not have the legal ability to enforce it.

Councilmember Ireland asked if the code allows group homes in commercial areas.

Mr. Kinghorn explained that he had not reviewed the code to see where this would be allowed. He explained that there are so many areas zoned as mixed-use that it makes it difficult for the City to sort out what is and isn't allowed in there.

Mr. Kinghorn explained that he had been to the legal counsel for the League of Cities and Towns, spoken with legal counsel for other cities, and the individuals that defend these types of lawsuits. He said that because of the way that the federal statues and state law are structured, it is not legal

for Eagle Mountain City to discriminate against this group home in the application of its zoning laws. He feels that the conditions will cover the regulation of this type of business.

Councilmember Ireland asked if the group home would be wheel chair accessible.

Mrs. Boberg stated that there is currently main floor access but that the home is not fully wheelchair accessible. She explained that if a resident will require those services they will make the home wheelchair accessible.

Councilmember Ochsenhirt asked if the state statute allows this group home to be located anywhere within the City even though City Code may prohibit it. He also asked if the City could deny the proposed location, giving the opportunity for the applicant to relocate the home elsewhere in the City.

Mr. Kinghorn explained that the City is not allowed to discriminate against their type of use in the proposed area.

Councilmember Ireland asked the applicant what her expectations were for the type of individuals that would be coming in to this group home.

Mrs. Boberg explained that it would be professional people living in the group home. She explained that typically the individuals are professional, have been working in a particular field and holding down a job. She said that the homes are community and family oriented. She feels that the average person that they will be treating will be between the ages of 30 and 65.

Mayor Pro Tem Burnham asked the Utah County Sheriff's office explain the research that had taken place.

Deputy Eric McDowell explained that a few months prior he contacted the Salt Lake County Sheriff's Office to find out what types of calls their office had received concerning the Cottonwood Little Ark. He stated that he did not have any written documentation but rather the Sheriff's Office told him that they primarily receive medical related calls. He said that there had not been any criminal related calls. He explained that due to HIPAA restrictions the Sheriff's Office wasn't allowed to elaborate on the types of medical calls received. He said that having this home in the area would not increase the City's contract costs with the Sheriff's Office. He stated that the Sheriff's Office would be willing to patrol in the area more often if requested by the residents or the City.

Councilmember Cieslak asked the applicant for the name of the elementary school located by the group home in Sandy.

Mrs. Boberg stated that it was Granite Elementary School.

Councilmember Cieslak asked if the applicant had any intentions of locking down the requirements one must meet before living in the group home.

Mrs. Boberg explained that ASAM has criteria that predict whether and individual will be an in-patient or out-patient. She said that there is a form that is scored to determine what type of

treatment an individual would need. She explained that the process is extensive. She offered to tighten up the definition for "professional".

Councilmember Cieslak asked if the forms were available for the Council to review.

Mrs. Boberg stated that she could email or fax those forms over so that the Council could review them.

Councilmember Lifferth explained that he had a family member who has gone through the group home treatment. He feels that some go through because people want to be there, but sometimes it is a result of an individual who is going to lose their job if they do not go through rehab.

Councilmember Lifferth stated that there are many questions that he would still like answered before making a decision on this group home. He asked what the relapse of patients is. He asked if bonding could be put in place to make sure they stay in compliance with City Codes and Ordinances.

Mr. Kinghorn explained that the City must treat them the same way as any other residential use in the area. He said that bonding could be put in place if there was a requirement to install a public improvement to ensure that the promise is kept but that there is nothing involved like this in the case of the group home. He explained that there is a 90 day trial license period with the State of Utah. He said that there are requirements that must be completed by the applicant within that 90 day period.

Councilmember Lifferth expressed concern over the safety of residents living next to the group home.

Councilmember Ireland asked Mr. Kinghorn to clarify item number 4d.

Mr. Kinghorn stated that the paragraph is clarifying the definition of disability, which is anyone addicted to alcohol or a controlled substance. He explained that they cannot be a threat to themselves or others if they will be living in the group home. He said that the City can ask the DHS to conduct monthly checks to make sure that the people being admitted into the group home are not a threat to themselves or others. He explained that this is not a correction facility. He has found that complaints regarding these group homes typically go away after the first six months.

Councilmember Ireland asked when the applicant intends on working on the basement.

Mrs. Boberg said within the next six months.

Councilmember Ireland asked when the applicant would have a site plan showing the landscaping & parking.

Mrs. Boberg explained that the designer will need to put the plan together and that she does not know when this will be completed. She has asked that the plan be completed as soon as possible.

Mr. Hendrickson stated that the City would need to review the plan to make sure that it is in compliance.

Councilmember Ireland would like the requirements to state that if the applicant loses their state license their conditional use permit will be revoked as well. He asked the applicant how many staff members would be in the home at one time.

Mr. Boberg said that on average it would be 2 but that it could be up to 4 staff members at one time.

Councilmember Ireland asked if the 3 car garage would be used by the staff members.

Mrs. Boberg explained that the parking would be used by staff and family members of the clients. She stated that clients are not allowed to have vehicles and that most of them are from out of town.

Councilmember Ireland recommended that item number 30 under residential house rules be removed. It states that residents vehicles must be registered, licensed and parked in assigned locations. He asked that it be removed since clients aren't allowed to have vehicles.

Mrs. Boberg said that there might be an exception where somebody may need medical treatment in which case they would need to travel back and forth from a doctor's office.

Councilmember Ireland stated that he was under the impression that only family members were allowed to take the clients to and from appointment.

Mrs. Boberg explained that she does not want to promise that a client won't ever have a vehicle at the home because there is a slight chance where it may be necessary. She said that 99.9% of the time clients won't need their own vehicle.

Councilmember Ireland asked that something be put in the conditional use permit that states that the parking spaces are for visitors only. He does not want to see multiple cars parked out in the street.

Mrs. Boberg stated that she did not want to see vehicles parked in the street either. She explained that there is no intention to allow clients to have vehicles at any time while living at the group home. She feels that she cannot promise that there will never be a car though because there may be a special case where a client needs their own vehicle. She stated that she could commit that no client can have a vehicle unless it is for a medical reason.

Mr. Hendrickson explained that there is a potential for 8 clients to be living at the residence. He said that this gives the potential for 8 families to come and visit and 2 staff members to be there. The parking proposal only has 6 parking places which will mean people will be parking in the street if 10 cars are there at a time.

Mr. Kinghorn suggested that it be restricted so that no more than 2 parking spaces can be used by the clients which would keep it from routinely collecting resident's cars there.

Mrs. Boberg explained that family visitation is staggered every hour and a half which would prevent cars from piling up at the home.

Mr. Jeremy Boberg explained that there are six proposed parking spaces as well as an additional 3 or 4 more spaces in the horseshoe shaped driveway in the front of the home. He feels that this will keep people from parking in the street. He said that the driveway will be completed this year.

Councilmember Ireland asked if the applicant would be okay with the conditional use permit stating that no more than 2 parking stalls can be used for the clients.

Mrs. Boberg stated that she would give Councilmember Ireland a 100% commitment on that. She said that she does not want to have clients with cars but at the same time she has to follow the law as well and she can't deny someone the right to a vehicle.

Mr. Hendrickson asked if one would be a reasonable accommodation.

Mr. Kinghorn feels that this is what the client has expressed as reasonable.

Mr. Hendrickson asked that there be a more professionally drawn site plan that will show all shrubs, trees, fencing & etc. He also asked that the area be adequately screened and that the Council add a professional drawn landscape plan to the list of requirements before approval.

Mr. Hendrickson noted that the applicant's application states that they will be dealing with minors. He asked that this be changed to read that the home will not be dealing with minors.

Mrs. Boberg explained that they have never treated minors and that they don't want to treat minors. She said that her license from the state allows her to treat adults only.

Councilmember Ireland asked how many dogs would be at the home.

Mrs. Boberg explained that there is one drug dog named Abby. She said that she has been trained by the DEA to find drugs. She stated that the dog is only brought out to check the home and that she will not be living here. She also stated that at some point there will be horses on the property.

MOTION: *Councilmember Ireland requested that a report on emergency calls made to group facilities be submitted, that the proposed conditions be amended as follows:*

- 1. That a professionally prepared landscape plan is submitted to staff and that the parking and screening are approved by staff so that the home appears as much like a residential home as possible.*
- 2. That the improvements are completed within 6 months of the approval date.*
- 3. That the planning commission recommendation be included in the conditional use permit, specifically the one resident per bedroom condition.*
- 4. That no more than one resident's vehicle is allowed on the premises.*
- 5. That the business license be updated to exclude anything regarding minors.*
- 6. That there is no staff or resident parking allowed on the street; and that the Conditional Use Permit for the Executive Manor at the Ark of Eagle Mountain be tabled until the April 7, 2009 City Council Meeting.*

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.

During the discussion of the motion Councilmember Lifferth stated that he would also like to know the relapse rate and how many safety and emergency calls are made to other group home facilities. He asked that staff put together a report expanding on Deputy Eric McDowell's original findings.

14. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Appointing a Board of Equalization and Review for the Eagle Mountain City, Utah North Ranch Special Assessment Area No. 2008-2: Setting the Dates for the Board of Equalization to Hear and Consider Objections and Corrections to any Proposed Assessments; Authorizing the City Recorder to Publish and Mail a Notice of Meetings of the Board of Equalization and Review; and Related Matters.

Eagle Mountain City Council created an Assessment Area in North Ranch for natural gas on September 16, 2008. The proposed Resolution appoints the City Council as the Board of Equalization and Review for Eagle Mountain City. The Board will consider any objections and corrections to the assessment list created by the City Engineer as it pertains to the Assessment Area. The City Council will discuss and set dates for the hearings.

MOTION: *Councilmember Ireland moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, Appointing a Board of Equalization and Review for the Eagle Mountain City, Utah North Ranch Special Assessment Area No. 2008-2: Setting the Dates for the Board of Equalization to be April 21, 2009 at 5:00 p.m., April 22, 2009 at 7:00 p.m. and April 23, 2009 at 7:00 p.m. with the members of the board being the current City Council. 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.*

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah Amending Prior Ordinances Authorizing the Disposal of Public Land and Repealing all Provisions in Conflict with the Ordinance and Providing for the Disposal of Certain Parcels of Real Property Owned by the City.

The proposed ordinance amends the existing City ordinance providing for disposal of City owned land and clarifies the lands available for disposal. The ordinance also provides a procedure for administrative disposal of approved parcels. This ordinance was presented to the City Council at the March 3, 2009 meeting but no action was taken. At the Council's request and appeals process has been included in the Ordinance.

MOTION: *Councilmember Cieslak moved to adopt an Ordinance of Eagle Mountain City, Utah Amending Prior Ordinances Authorizing the Disposal of Public Land and Repealing all Provisions in Conflict with the Ordinance and Providing for the Disposal of Certain Parcels of Real Property Owned by the City. Councilmember Lifferth seconded the motion.*

Councilmember Lifferth asked if there were any pending petitions to dispose of public land.

Mrs. Kofoed explained that there have been several anxious individuals who have been waiting for this approval and that the Council can expect to see some applications fairly quickly.

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

16. AGREEMENT – Consideration and Approval of an Agreement for Professional Services between Eagle Mountain City and Canon Business Solutions for IT Services.

Eagle Mountain City published a Request for Proposals for providing the City with IT services in December 2008. A pre-proposal conference was held on December 16, 2008, where interested parties could tour the facilities prior to submitting a bid. After evaluating the bids, staff recommended that the City Council approves the agreement with Canon Business Solutions for IT services.

Councilmember Lifferth asked what the separation process would be if the City decides to terminate services.

Mr. Hendrickson explained that Cannon would need to be notified by letter 30 days in advance.

Mayor Pro Tem Burnham explained that a fee can be associated with that termination if services have been done.

MOTION: *Councilmember Cieslak moved to approve an Agreement for Professional Services between Eagle Mountain City and Canon Business Solutions for IT Services as presented in the amount of \$5,525.00. Councilmember Ireland seconded the motion.*

Councilmember Lifferth asked if the IT services will be available to the Council if they are having technical issues.

Mr. Hendrickson explained that the Council would need to go through a contact person at the City first. This will be Steve Olsen.

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

17. AGREEMENT – Consideration and Approval of the State of Utah School and Institutional Trust Lands Administration Certificate of Sale and Water System Agreement.

The Agreement between Eagle Mountain City and the State of Utah School and Institutional Trust Lands Administration is for property located in Hidden Valley. The City intends to build a water tank and lines to expand the City's water system and in exchange for the property, the City will increase the capacity of the tank and water lines to service the Hidden Valley project. The tank capacity and water lines will be increased to an amount comparable to the value of the land where the proposed tank will be located.

MOTION: *Councilmember Ireland moved to approve the State of Utah School and Institutional Trust Lands Administration Certificate of Sale and Water System Agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.*

Councilmember Lifferth asked when this would be implemented.

Mr. Trusty explained that it should be completed during the summer/fall of 2010.

18. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth is glad that there is community involvement and open process with various items. He wants everyone to be involved, informed and educated and invited residents to email the Council.

Councilmember Cieslak

Councilmember Cieslak explained that it was Councilmember Lifferth's idea to put the list of elected officials on the City Website and asked that the credit be given to him. He explained that UDOT is considering the stimulus package and that there is an upcoming meeting on April 22 & 23 in Salt Lake City. He said that this will mean more money for roads and he encouraged residents to attend the meeting and to continue writing elected officials about the road issues in the area.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone for the respectfulness in handling the topics presented tonight. He feels glad that there are people who take the time to understand the issues and processes.

Councilmember Ireland

Councilmember Ireland thanked everyone for participating in the meeting. He requested that staff look further into group homes from a development code standpoint. He is thankful that it is this particular group home and that it's not a different organization bringing clients with different types of backgrounds in.

Councilmember Burnham

Councilmember Burnham expressed that she does not like to table items on the agenda because it can greatly affect the applicants. She wants to have the best set of conditions laid out that will be best for the City, residents and applicant. She didn't feel that there was a good set of conditions laid out for the group home which was her reasoning for tabling the item. She thanked everyone for coming to the meeting.

19. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

20. ADJOURNMENT

Councilmember Lifferth adjourned the meeting at 9:47 p.m.

APPROVED BY THE CITY COUNCIL ON APRIL 7, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 7, 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

Mayor Pro Tem Donna Burnham conducted the meeting. Mayor Jackson was excused.

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. Councilmember Cieslak was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Paul Jerome, Senior Accountant; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

Mayor Pro Tem Burnham called the meeting to order at 4:07 p.m.

1. EMPLOYEE RECOGNITION – Jordan Harris/Lineman Certification
2. DISCUSSION – Capital Facilities Plan and Impact Fee Updates
3. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
4. 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
 - B. Parks and Trails Master Plan Update (*Presented by Steve Mumford*)
5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation, the acquisition of real property, and the professional competence of an individual, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

The meeting was adjourned at 4:45 p.m.

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

Mayor Pro Tem Donna Burnham conducted the meeting. Mayor Jackson was excused.

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

6. CALL TO ORDER

Mayor Pro Tem Burnham called the meeting to order at 7:07 p.m.

7. PLEDGE OF ALLEGIANCE

Chris Trusty led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- Dumpsters will be available at the Public Works building from 7:30 a.m. to 5:30 p.m. Monday through Friday through April. If dumpsters are full, please do not leave trash around them.
- The Easter Egg Hunt will be held on Saturday, April 11, at 10:30 a.m. sharp.
- The SR 73 widening project began yesterday and is expected to take three months to complete.
- Pony Express Days will be held from May 29 to June 6. Registration and entry forms for events are available on the City web site.
- The City has 250 trees for sale at a discounted price in honor of Arbor Day. Trees cost \$65 each and are available at the Public Works Building.

9. PUBLIC COMMENTS

Those speaking in favor of The Ark of Eagle Mountain:

Joey Wright, 336 N. Mill Rd., Heber
Laura Boberg, 13677 Mt. Cortina Way, Riverton
Chris Taylor, 704 Ludvig St., Rock Springs, WY
Steve Brunken, 2049 Normandy Woods Ct., Holladay
Cathy Brunken, 2049 Normandy Woods Ct., Holladay
Danny Hales, 270 N. 350 E., Pleasant Grove
Paula Bruce, 432 Rolling Sage Way, Saratoga Springs
Lenise Herman, 1565 W. 50 N., Pleasant Grove
Scott Cromar, 8089 E. Fern Cr., Midvale
Thayer Crouse, 8089 E. Fern Cr., Midvale
Molly Stahler, 4856 Glenn St., SLC

Jessica Huch, 13677 Mt. Cortina Way, Riverton
Jody Cole, Midvale
Tyler Huch, 13677 Mt. Cortina Way, Riverton
Raylene Watt, 656 W. 650 N., Clearfield
Christopher Watt, 656 W. 650 N., Clearfield
Dexter Parkinson, 6727 W. Spring Hollow Lane, Highland

Those speaking in opposition to The Ark of Eagle Mountain:

William Morgan, 2603 Express Way
Nikki Wickman, 2766 E. Fort Hill Rd.
Jennifer Konold, 9467 N. Sunset Dr.
Jorge Sagastume, 9053 Alexis Lane
David Morgan, 995 Fir, Provo

Those speaking on other topics:

Bruce Guyant, 2199 E. Jordan Way, requested that weeds and garbage be cleaned up and the City enforce its codes, as the current condition of the City makes it look unattractive and provides cover for rodents and other pests.

Kristine Beesley, 2431 Ox Yoke Drive, requested that Bobby Wren Blvd. be completed with this year's budget funds and not be delayed until next year.

Bryan Free, 7654 Red Kite Way, welcomed Amanda Hammond to the Parks and Recreation Advisory Board. He also supported completion of Pony Express Pkwy., Pioneer Crossing and other local road projects.

Lee Morrison, 4611 Conestoga Way, requested completion of Bobby Wren Blvd., due to safety issues, congestion and the possibility of personal injury or wrongful death lawsuits. He objected to city money being spent on recreation projects when Bobby Wren is a more critical project.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Cieslak

Councilmember Cieslak thanked everyone for attending the meeting. He said it is important to take an active role in local government. Those who need to make decisions need to listen to both sides and make an equitable decision. The Council has heard a lot of support and lot of opposition to The Ark of Eagle Mountain. While it's clearly a good service, the question is whether this is a good location for the service. He has listened and done his due diligence, and when it comes time to make a decision, he'll do so. He also talked about transportation and thanked everyone who has made comments to their elected officials.

Councilmember Ochsenhirt

Councilmember Ochsenhirt stated that the Council is doing everything possible for transportation in Eagle Mountain with the limited dollars available. He encouraged patience, understanding and diligence. He loves the community, which makes it very difficult to be an elected official when the city is facing difficult issues. The Council does the best it can to provide the best decisions for the community as a whole. Sometimes the decision is already made and the Council has to approve it. He said that places like The Ark are needed, but need to be located in an appropriate place that is safe for the community.

Councilmember Ireland

Councilmember Ireland appreciated everyone attending the meeting. He responded to Mr. Morrison about the skate park and ball fields, explaining that the money used for those projects was restricted to those uses. He expressed appreciation for the UTA bus service to Eagle Mountain and is waiting for the express bus that was promised.

Councilmember Lifferth

Councilmember Lifferth thanked Utah County for patching potholes along the county road between Eagle Mountain and Saratoga Springs. He said that, while the construction at the crossroads is causing delays, it will make transportation a lot better when it's finished. He was happy about the bus service. He wished the Mayor and her son the best and appreciated the professional way in which Mayor Pro Tem Burnham conducted this meeting.

Councilmember Burnham

Councilmember Burnham expressed appreciation for those attending the meeting, especially to the two children who made public comments. It's a scary thing even for an adult to do. She assured those who spoke on both sides of the issue that their comments were listened to. She hoped that they felt heard. She said she was elected to make the best choices she could, she would do so and she would stand by her decisions. She was grateful that people were willing to share their comments and help her make better decisions.

11. PROCLAMATION – “Clean Out the Cabinet” requested by Intermountain Health Care, American Fork City and supported by the Utah County Council of Governments.

Mayor Pro Tem Burnham read the “Clean Out the Cabinet” proclamation, which is appended to these minutes.

MOTION: *Councilmember Lifferth moved to approve a proclamation declaring April, 2009, “Clean Out the Cabinet Month.” 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.*

12. APPOINTMENTS

- A. Public Works Board – Clint Moser and David Dunn
- B. Parks and Recreation Board – Amanda Hammond

MOTION: *Councilmember Cieslak moved to appoint Clint Moser and David Dunn to the Public Works Advisory Board for terms of two years and Amanda Hammond to the Parks and Recreation Advisory Board to complete a term ending in 2011. 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. Moser received the oath of office from City Recorder Fionnuala Kofoed. Mr. Dunn and Ms. Hammond were not present at the meeting.

CONSENT AGENDA

13. MINUTES

A. March 17, 2009 – Regular City Council Meeting

14. CHANGE ORDER

A. Well #1 and Well # 5 Project Change Order #2 – Clear Construction Company

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. 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

15. MOTION – Consideration and Approval of a Conditional Use Permit for the Ark of Eagle Mountain.

This item was presented by Planning Director Steve Mumford. The proposed Ark of Eagle Mountain is a residential group home for adults being treated for mental health, behavior, and chemical addictions. The Ark would be located at 2590 Prairie View Drive in the Westview Heights subdivision. The City Council held a public hearing on March 17, 2009, but no action was taken. The application for Conditional Use was tabled until this meeting.

Mr. Mumford presented the updates and changes made since the last meeting:

Confusion as to the presence of minors in the facility was cleared up. Minors may visit residents or attend family therapy sessions, but they would not be treated at the facility. A clarifying email from the applicant was attached to the application.

A professional landscaping plan has been submitted and the applicant will have six months to complete landscaping & parking. The landscaping will include a six-foot-tall, sight-obscuring fence.

Regarding the condition that only one resident be allowed per room, the applicant submitted three letters from other treatment program managers stating that the option of sharing rooms is therapeutically beneficial to residents. The program is limited to eight residents, even if more bedrooms become available.

No more than one resident's vehicle will be allowed on the property. No resident or staff parking will be allowed on the street. On-street overflow visitor parking will be allowed, as will 20-minute staff or resident parking, such as will allow for pick-ups and drop-offs.

Councilmember Lifferth said that he understood the need for facilities such as The Ark; however he believed that, since The Ark will not have medications, residents may break into surrounding homes to find drugs. He stated that it is negligent for The Ark to be located so far from the nearest emergency room, since the applicant stated at the last Council meeting that suicide attempts are a problem in treatment facilities. He was concerned that the residents would be in a facility where they would not have easy access to jobs, grocery stores or other places they'll need to go.

Councilmember Ireland addressed the motion to table the item at the last Council meeting. He said that items are only tabled if additional information or documents are required so that the Council can make the best possible decision. On the conditional use permit process, he stated that a conditional use permit has more requirements than other homes because it will not be used like a regular home.

Councilmember Ochsenhirt stated that a treatment facility is different from other homes, therefore there has been a lot of discussion for and against it. He was troubled that he had never received an adequate answer to the question of why the treatment center needed to be placed in a neighborhood. Because the decision had already been made by legal precedent, he didn't feel that he could take the best action. He recommended that the applicant be a good neighbor.

Mayor Pro Tem Burnham stated that she has been torn by this decision, in part because she has experienced a SWAT team in her neighborhood, due to a neighbor who didn't want help and put the neighbors at risk. She would rather live next door to people who wanted help. However, she would like to see this facility on a bigger lot.

Councilmember Cieslak asked Ms. Boberg what the recidivism rate is for the program. She said they have a 72% success rate, meaning no relapse within one year, as opposed to a 38% national average. He asked her what the aftercare process is. She said that there is a weekly aftercare group which conducts therapy, does projects, runs a children's outreach group, participates in conferences, and does community service. Former residents who need help at other times can call her. Those needing extensive help need to return to resident status. If the program is at capacity at the time, the family would normally be called or a staff member would be sent to help the person find a safe place. Councilmember Cieslak asked if the program would know if a resident left the facility. Ms. Boberg said that there are five to six groups a day, and residents have partners or roommates to help keep each other accountable. Councilmember Cieslak asked if anyone has left The Ark's other facilities. Ms. Boberg said one facility is near a 7-11 with a payphone, which is normally where anyone goes if they walk away, and staff goes and picks them up. If a resident wants to leave the program before finishing treatment, a family member is called to pick them up. Councilmember Cieslak asked, in terms of being good neighbors, what plans the program had to improve Eagle Mountain. Ms. Boberg asked the aftercare group members in the audience if they would be willing to do cleanup or other projects in the city. They said they would.

Councilmember Lifferth asked for a specific description of the consequences of violating the conditions of the conditional use permit. Mr. Mumford read condition #16:

"Failure of the Licensee to comply with or to enforce any of the conditions herein shall result in a review of non-compliance by the Utah Department of Human Services, Office of Licensing which may result in fines, probation, and revocation of licensure. If the Utah Department of Human Services, Office of Licensing, revokes the license for this location, this Conditional Use Permit automatically expires. Conditions violated that are not enforced by the Utah Department of Human Services, Office of Licensing, may lead to violation notices and fines by the City, and eventual revocation of the business license and conditional use permit. A first violation shall result in a violation notice. A second violation occurring within any eighteen month period shall result in a fine of five hundred dollars to the Licensee. A third violation occurring within any eighteen month period shall result in a fine of two thousand dollars to the Licensee. The fines set for violation as provided herein shall be paid within ten days of receipt of the notice of the imposition of the fine. A fourth violation occurring within any eighteen month period shall result

in the revocation of the license to operate the Group Home and no license shall be reissued to the Licensee, the principals of the Licensee if the Licensee is an entity, or any alter ego of the Licensee for a period of at least two years following such revocation. Eagle Mountain City shall have the right to deny a permit to any individual or entity (or their principals or alter ego) that has had more than one revocation of a permit to operate a Group Home."

There was discussion on whether the consequences for violation should be changed. Mr. Kinghorn said that this is the only conditional use that Eagle Mountain has ever put a fine schedule in leading to revocation. This schedule has been created to fit this particular use, based on some used for similar applications in other communities and on precedent.

MOTION: *Councilmember Ireland moved to approve a conditional use permit for The Ark of Eagle Mountain, subject to the conditions noted in the staff report [appended to these minutes], with the clarification that the fence indicated in the landscape plan be a six-foot, sight-obscuring fence. 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.*

Councilmembers clarified their votes with the following comments:

Councilmember Ireland asked why The Ark had to go in this location, as there are many better locations.

Councilmember Lifferth said he had the same clarification, adding that the facility is needed, perhaps in Eagle Mountain, but this is not the optimum location.

Councilmember Cieslak referred to his opening comments, in which he said it is his responsibility to make a decision for the greatest good as he perceives it, weighing all factors and considering all sides.

Councilmember Burnham said she echoed Councilmember Cieslak's comment.

Councilmember Ochsenhirt said he is not against clinics, but believes it is in the wrong place. The City has made overtures to move it, which he felt was a reasonable accommodation.

16. BID AWARD – Consideration and Award of Bid to Clear Construction Company to Construct a Waterline to Feed the Evaporative Cooler at Well Pump Station #4.

The City began pumping well #4 last summer. It quickly became evident that, although the water was safe to drink, there was a taste and odor problem. It was decided that the water would not be used as a normal culinary source. A new secondary water line is being installed so the water can be used to irrigate Pony Express Parkway, Ranches Parkway and Nolan Park. The evaporative cooling system is currently using the well water to cool the building. The hydrogen sulfide in the water is beginning to corrode the electrical equipment and brass pipes inside the pump building. In order to prolong the life of the electrical motor and motor control centers, it is necessary to connect the evaporative cooler waterline to the City's existing water system.

MOTION: *Councilmember Lifferth moved to approve an agreement with Clear Construction for construction of a water line to the evaporative cooling system at well #4 in the amount of \$6,750.00. 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.*

17. BID AWARD – Consideration and Award of Eagle Mountain Open Space Maintenance Agreement Bid to Elite Grounds.

The City Council asked City staff to investigate the value of outsourcing the City's park maintenance. City staff evaluated outsourcing and issued an RFP for that service. The maintenance contract will require the bidder to remove trash and leaves and to mow and trim turf areas on a weekly basis. The work will be supervised by the Parks Department supervisor.

MOTION: *Councilmember Lifferth moved to award a bid to Elite Grounds for parks and open space maintenance for fiscal years 2009 and 2010 in the amount of \$62,567.12 per season. 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.*

18. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Lifferth

Councilmember Lifferth had no comment.

Councilmember Cieslak

Councilmember Cieslak asked everyone at the meeting to do something to help out with transportation issues.

Councilmember Burnham

Councilmember Burnham said that she was sending a couple of emails a day in rotation and challenged residents to do the same, even if it's just once a week.

Councilmember Ochsenhirt

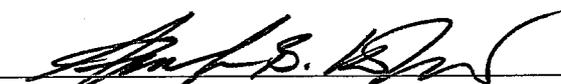
Councilmember Ochsenhirt had no comment.

City Administrator John Hendrickson reported that he and Mayor Jackson have discussed transportation with Mayor Parker of Saratoga Springs, Rob Smith of Alpine School District, MAG Executive Director Darrell Cook and Utah State Transportation Commission Chair Stuart Adams. All say it's important that residents send letters and emails specifically to their own elected state representatives and the County Commission. He described goals and progress on several local transportation projects.

19. ADJOURNMENT

Councilmember Lifferth moved to adjourn the meeting at 9:35 p.m.

APPROVED BY CITY COUNCIL ON APRIL 21, 2009



Fionnuala B. Kofoed, City Recorder

PROCLAMATION

PROCLAIMING APRIL, 2009, AS CLEAN OUT THE CABINET MONTH

Whereas, Utah led the nation in prescription drug abuse in 2007 with a record 519 drug-related deaths, the majority of which were caused by prescription drug abuse; and

Whereas, in 2007 drug abuse deaths exceeded automobile fatalities for the first time in the state's history; and

Whereas, most of the prescription drugs being abused are not purchased on the street, but are coming from our own medicine cabinets; and

Whereas, young people are currently the fastest growing group of drug abusers; and

Whereas, one of the simplest ways to combat this problem is to properly secure or dispose of unused prescription drugs; and

Whereas, Eagle Mountain City wishes to encourage parents to talk with their children about the risks associated with abusing prescription drugs; and

Whereas, Eagle Mountain City wishes to raise public awareness regarding the destructive effects of prescription drug abuse in our community; and

Whereas, the Utah County Council of Governments (UCOG) has pledged its full support to address the issue of prescription drug abuse; and

Whereas, all the cities in Utah County will be participating in the Clean Out the Cabinet initiative;

Now, therefore, I, Donna Burnham, Mayor Pro Tem of Eagle Mountain City, and the Eagle Mountain City Council join with other communities across the County in proclaiming April, 2009, as Clean Out The Cabinet Month.

Dated this 7th day of April, 2009.

Mayor Pro Tem Donna Burnham

Councilmember David Lifferth

Councilmember Eric Cieslak

Councilmember Nathan Ochsenhirt

Councilmember Ryan Ireland

April 9, 2009

Gloria Boberg
12112 Mountain Shadow
Sandy, UT 84092
nanaboberg@aol.com

Dear Ms. Boberg,

This letter is to inform you that the Eagle Mountain City Council approved your Conditional Use Permit application for the Ark of Eagle Mountain group home occupancy and use at its meeting on April 7, 2009, subject to acceptance by you and the Ark of Eagle Mountain as the Utah State approved licensee, and compliance with the following conditions:

1. The Group Home proposed in your application which shall be located at 2950 Prairie View Drive, Eagle Mountain City, Utah, shall conform to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator of the Ark of Eagle Mountain ("the Licensee") shall obtain all licenses required by the State to operate the Group Home. Prior to occupancy of the Group Home or its use by the Licensee, a parking plan and improvement schedule shall be submitted to the Planning Director for approval. The plan shall include a minimum of six (6) off-street parking stalls, landscaping or fencing to screen the parking areas (fencing to be six-foot sight-obscuring), and a schedule for completion of the additional parking & landscaping. Visiting and group schedules will detail visiting hours and visiting times for invited visitors as described in the Policy and Procedure Manual of the Licensee. The proposed plan shall demonstrate that traffic and parking will be managed to minimize traffic impacts. The Parking Plan to be approved on a trial basis to be reviewed by Planning Staff 90 days after the Ark is fully operational with eight residents/patients. The Ark shall advise the City when they are fully staffed.
2. The Group Home shall conform to all State and local building, safety, health and zoning requirements applicable to similar structures. The only outdoor signage permitted is a nameplate and address sign no larger than 2 square feet, and property control signs (no parking, no trespassing, etc.).
3. The Group Home shall be occupied by no more than eight (8) residents who meet the criteria set forth in these conditions and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member.
4. All staff members shall be over the age of 18. The Group Home shall be occupied only by individuals over the age of 18 who meet the following criteria as individuals who are disabled or handicapped; having a physical or mental impairment that substantially limits one or more of a person's major life activities. Admission criteria may also include but is not limited to the following:
 - a. Individuals who have been diagnosed with an addiction to alcohol or a controlled substance (as defined in Utah Code Section 58-37-2, as amended) who are not currently using controlled substances and are medically stable;
 - b. Individuals who are unable to abstain from the use of alcohol or a controlled substance without the structured supportive setting offered by a Group Home; and
 - c. Individuals who have completely and voluntarily abstained from the use of alcohol and all controlled substances and are medically clear for treatment.
 - d. The term "person(s) with a disability" does not include persons diagnosed with kleptomania, pyromania, transvestism, pedophilia, exhibitionism or voyeurism, or any history of sexual or physical assault, not resulting from physical impairments or other disorders.
5. The Licensee shall not allow any person to become a resident of the Group Home until the Licensee has verified compliance of the proposed resident with the requirements of Paragraph 4 above. For purposes of verifying

compliance with subsections 4a and 4b, the Licensee shall obtain written certification from a Medical Doctor (MD), Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), Licensed Psychologist, Licensed Psychiatrist, Licensed Substance Abuse Counselor (LSAC) or Nurse Practitioner (APRN) certified in mental health and substance abuse counseling, that the proposed resident meets the criteria of those subsections. For purposes of verifying compliance with subsection 4c, the Licensee shall keep current statistics, census records, clinical records and documentation of medical stability. Statistic and census records that are not protected by confidentiality may be viewed by licensing entities upon request.

6. All residents in the home must completely abstain from using alcohol and all controlled substances not required by a physician during the period that a person is a resident in the Group Home. Any resident of the Group Home who uses alcohol or a controlled substance not permitted by these conditions, whether on or off the premises, shall be immediately expelled from the home and shall not be readmitted without meeting the screening criteria in Paragraph 4 above, However, nothing contained herein shall be construed to prohibit a resident from taking a prescription drug for which a resident has a valid and current prescription.
7. No alcohol, unprescribed controlled substances or drug paraphernalia shall be allowed on the premises of the Group Home. Firearms may be carried only by private security or uniformed peace officers that hold legal permits to carry. No resident of the Group Home shall initiate any contact of any kind with residents of the neighborhood except:
 - a. In the case of notice or prevention of an emergency which may cause personal injury, death or substantial property damage.
 - b. Residents who are cleared by staff to attend local worship services will come in contact with neighbors; this is unavoidable. Spirituality and faith are major components of the Ark's recovery philosophy.
8. The Licensee (or designee) shall maintain compliance with the requirements of all conditions under their licensure (including Conditional Use Permit Conditions). In addition, upon receipt of notice of a possible violation, the Licensee (or designee) shall immediately investigate whether a violation has occurred and take appropriate enforcement action. The Licensee must comply with and assist the Utah Department of Human Services, Office of Licensing and/or the City in investigating complaints or licensing violations.
9. In order to verify ongoing abstinence from drugs and alcohol, each resident shall submit to at least three random urinalysis tests per month that test for the presence of alcohol and controlled substances. Any resident testing positive for alcohol or non-prescribed drugs, or who refuses to submit to a test, shall be immediately expelled from the Group Home. The Licensee shall maintain records of urinalysis test results. Such records are available to the Utah Department of Human Services, Office of Licensing for inspection upon request. At least one substance abuse or alcohol testing method must occur daily, including one of the following: urinalysis, blood, hair follicle, breathalyzer, and visual observations. The Licensee tracks statistics on race, gender, relapse, and many other verifiable conditions that must be made available upon request.
10. Residency in the Group Home shall be on a strictly voluntary basis; although, forms of coercion may be used to encourage a person into treatment (employer requests, court orders, DOPL requirements, spouse ultimatums, and self-admissions). Residents seeking admission into treatment will be required to demonstrate their desire for admission through established intake screenings and assessments. As a measure to verify appropriate resident admissions, each resident must remain in compliance and follow through with assigned work and obey house rules. Residents found to be habitually noncompliant and unmotivated will be expelled from the program. The Applicant must also document house rules as found in Policies and Procedures. Such rules shall be made available for inspection upon request to the Utah Department of Human Services, Office of Licensing. Persons subject to a commitment order from a court will not be admitted.
11. The Group Home shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others. An individualized written assessment of each person who is proposed to become a resident of the Group Home shall be performed to determine if such person would constitute a direct threat prior to allowing occupancy of the Group Home by such person. The assessment shall be performed and certified by an independent Medical Doctor (MD), Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), Licensed Psychologist, Licensed Psychiatrist, Licensed Substance Abuse Counselor (LSAC) or Nurse Practitioner (APRN) that is licensed and approved by the Utah Department of Professional Licensing

(or other equivalent licensing board of another state) and certified in mental health and substance abuse counseling. Licensee shall not admit any person who has a history of sexual or physical violence or who may be a threat to themselves or someone else. The Licensee shall provide documentation to the Utah Department of Human Services, Office of Licensing that an individualized assessment has been performed for each resident, and no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others.

12. The Group Home shall be used as a Group Home without structural or landscaping alterations that would change the structure's residential character. Landscaping shall be established and well maintained in a manner consistent with the standard of maintenance for yards and landscaping of other homes in the immediate neighborhood. Security measures will be enforced 24/7 via staff, 24-hour recorded audio and video surveillance and an active alarm system.
13. No person sentenced for a felony crime of possession with intent to distribute a controlled substance, distribution of a controlled substance, a crime involving the use of a weapon, firearm or violence, burglary, unlawful entry, or sexual crimes shall be an occupant or staff member in the Group Home.
14. The Licensee shall maintain and provide sufficient documentation and other evidence of operations reasonably required by the Utah Department of Human Services, Office of Licensing and which must be made available for inspection upon request to establish compliance with the requirements of these conditions for use of the premises as a Group Home. Appropriate authorities and licensing entities shall have the right to inspect appropriate documentation upon request to verify compliance.
15. No professional counseling, therapy or other treatment shall be provided in the Group Home for any person other than a resident or invited guest of the resident of the Group Home.
16. Failure of the Licensee to comply with or to enforce any of the conditions herein shall result in a review of non-compliance by the Utah Department of Human Services, Office of Licensing which may result in fines, probation, and revocation of licensure. If the Utah Department of Human Services, Office of Licensing, revokes the license for this location, this Conditional Use Permit automatically expires. Conditions violated that are not enforced by the Utah Department of Human Services, Office of Licensing, may lead to violation notices and fines by the City, and eventual revocation of the business license and conditional use permit. A first violation shall result in a violation notice. A second violation occurring within any eighteen month period shall result in a fine of five hundred dollars to the Licensee. A third violation occurring within any eighteen month period shall result in a fine of two thousand dollars to the Licensee. The fines set for violation as provided herein shall be paid within ten days of receipt of the notice of the imposition of the fine. A fourth violation occurring within any eighteen month period shall result in the revocation of the license to operate the Group Home and no license shall be reissued to the Licensee, the principals of the Licensee if the Licensee is an entity, or any alter ego of the Licensee for a period of at least two years following such revocation. Eagle Mountain City shall have the right to deny a permit to any individual or entity (or their principals or alter ego) that has had more than one revocation of a permit to operate a Group Home.
17. The Licensee shall at a minimum provide the following information and shall notify the City whenever any of the following information changes:
 - a. The name, address, and telephone number of the Licensee or applicant;
 - b. The name, address, and telephone number of each person who has an interest in the ownership or operation of the Group Home whether personally or through a partnership, corporation, trust or other entity.
 - c. Any changes to the Ark of Eagle Mountain Policies and Procedures Manual (including House Rules).

Other information requested is always available through the Utah Department of Human Services, Office of Licensing.

18. The City may deny the issuance of a License to operate the Group living home to a person (including any entity) if the City reasonably finds that issuance of a License or permit to such person would likely create a threat to the health or safety of other individuals or would likely result in physical damage to the property of others. The City may also deny the issuance of a permit if the applicant or any person described in compliance

with Paragraph 18 above has a history or has been found guilty of operating a similar facility in violation of state or local law.

19. If the Licensee incurs a penalty for a violation of the conditions herein the Licensee shall have the right to appeal such action to the City Administrator or his designee at an informal hearing to be held no later than twenty (20) business days following the City's receipt of the Licensee's notice of appeal. The notice of appeal shall be in writing and shall be delivered to the City Recorder either in person or by certified U.S. mail within ten (10) business days of the Licensee's receipt of notice of the imposition of the penalty. The notice of appeal shall identify the appellant, set forth the nature of the action that is being appealed, and state the grounds for appeal. Within ten (10) business days of the hearing, the City Administrator or a designee shall issue a decision either affirming or reversing the imposition of the penalty. Any person who is aggrieved by the City Administrator's decision may file for relief in any court of competent jurisdiction within thirty (30) days of the City Administrator's decision.
20. Rules for Residential Treatment Programs are in place Under the Utah Department of Human Services, Office of Licensing, Rule 501-19. Prior to licensing, a facility must show compliance and be verified by licensing inspectors. These inspectors check compliance by inspecting all files and records, interviewing staff, visiting with clients and their family members. Licensing Inspectors respond instantly to complaints and determine corrective measures if needed. By state law, DHS has open access to all patient records and business documentation without having to have consent of Ark residents to bypass HIPPA or CFR 42. The Ark will be open 24/7 to inspectors from this office without notice. DHS will inform Eagle Mountain if the Executive Manor at the Ark of Eagle Mountain is non-compliant. If a treatment facility is found non-compliant there are varying degrees for corrective measures from a written warning, \$10,000 fine or loss of license to operate the group home.
21. The permit and license issued pursuant to the conditions set forth herein shall be nontransferable and shall terminate if the structure is devoted to a use other than a Group Home or the structure or use fails to comply with all conditions, building, safety, health and zoning requirements of the Eagle Mountain City Code applicable to similar structures.
22. The operation of the Group Home shall receive and maintain the approval of the appropriate Utah State agency at all times.
23. All use of the residence is subject to the Fire Department and Building Department inspections and compliance with all applicable building and fire codes.
24. The landscaping and parking improvements (as presented on the approved professional landscape plan) shall be completed within six months of the date of this letter.
25. No more than one resident's vehicle is allowed on the premises.
26. No staff or resident parking shall be allowed on the street for more than twenty (20) minutes.

Please note that the parking improvements and the front yard landscaping must be completed by October 7, 2009, according to the approved landscape plan. We also appreciate your offer to involve yourselves in the community through service, education, etc, and we encourage you to do so as often as possible, as long as it does not conflict with the approved conditions. Your business license will be issued upon receiving approval from the Fire Chief and Chief Building Official following their inspections of the facility.

Please contact us if you have any questions.

Sincerely,

Mayor Heather Anne Jackson

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 21, 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

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

Mayor Heather Jackson called the meeting to order at 4:08 p.m.

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Gordon Burt, Treasurer; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

1. AGENDA REVIEW
2. CITY ADMINISTRATOR INFORMATION ITEMS
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
3. **5:00 P.M. ADJOURN AND CONVENE AS THE BOARD OF EQUALIZATION FOR THE NORTH RANCH SPECIAL ASSESMENT AREA** – The City Council will adjourn and convene as the Board of Equalization for the North Ranch Special Assessment Area.

Mayor Jackson appointed Councilmember Donna Burnham as Chairperson of the Board of Equalization.

4. RECONVENE AS THE EAGLE MOUNTAIN CITY COUNCIL – The City Council will reconvene as the Eagle Mountain City Council immediately following the Board of Equalization hearing.
5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the acquisition 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 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 meeting was adjourned at 6:02 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: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Gordon Burt, Treasurer; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; Jason Walker, Management Analyst.

6. CALL TO ORDER

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

7. PLEDGE OF ALLEGIANCE

Sergeant Eric McDowell led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- On Monday, April 27th at 2:00 p.m. there will be a ground breaking ceremony for Coop's Market. This will be held on the North side of S.R. 73 at the Ranches Parkway intersection.
- April is spring clean-up month. Dumpsters will be available at the Public Works Building from 7:30 am to 5:30 pm, Monday through Friday. No hazardous materials may be put in the dumpsters.
- Trees are available for the residents to purchase at a discounted price in order to celebrate Arbor Day. More information on the next shipment of trees if available at www.eaglemountaincity.com.
- Pony Express Days will be held May 29th – June 6th. Registration and entry forms for events are available on the City website. May 7th is the submission deadline for most events. A brochure of events will be emailed to the residents in early May.

9. PUBLIC COMMENTS

James Pope, 859 Russell Road, explained that kids are stilling using the trail adjacent to the skate park and coming out into the road without watching for cars. He feels that the dirt berm has helped reduce the noise from the skate park but feels that it would help the neighbors if it was longer and taller. He is still hearing loud noises from the skate park.

Charles Cotton, 4391 N Major Street, lives south of the skate park. He explained that the noise from the skate park is very loud. He has seen skaters on top of the pavilion. He feels that the new fence installed does not do anything.

Councilmember Lifferth asked that a sound test be conducted.

Mayor Jackson explained that one had been completed already and that after public comment she would address the concerns.

Mark Mach, 4347 Major Street, asked his son to tell the Council what kind of words he has been hearing from the kids at the skate park. Nathan Mack stated that he is hearing swear words often. Mr. Mach does not like the skate park being located so close to his home and he asked what the Council is going to do about the problems that it has been causing. He asked the Council to give him specific answers.

Mayor Jackson explained that the fence around the skate park is not meant to sound proof the area. She stated that it is there so that if there are issues with the skate park and people breaking the rules, the City can close the park. She explained that the park will be open and closed during certain hours.

Jason Walker explained that the Health Department came out and performed a benchmark sound test before any sound proofing was applied to the ramps. The sound levels at the time were unacceptable, approximately 80 decibels.

Mr. Partridge explained that foam padding had been applied at the base and skirting of the ramps. He explained that foam padding was also hung underneath the ramps. He stated that by doing this it had brought the decibels down to approximately 60.

Mr. Walker explained that the City has done everything they have been asked to do and everything they have promised to do. He stated that they would be willing to test the sound levels again.

Mayor Jackson asked if a gate would keep kids from going onto the street.

Mr. Trust feels that kids will still go around this out into the street.

Mayor Jackson feels that the profanity problem is a big issue. She asked that the signage state that no profanity is allowed. She said that if the problem persists the park will close, a public meeting will be held in which the City will explain their expectations of the skate park to the skaters.

Mike Wren, 4109 N Major Street, explained that he lives too far away to be bothered by the skate park noise but is concerned that his neighbors are being disturbed by it. He feels that the City should do whatever it takes to make the residents happy. He asked that the reimbursement agreement item not be removed from the agenda. He explained that he will commit to getting the easement as quickly as possible.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ireland

Councilmember Ireland explained that UTA has now provided the Eagle Mountain/Saratoga Springs route with an improved bus. He thanked UTA and stated that the bus is mostly full now.

Councilmember Lifferth

Councilmember Lifferth explained that he is excited for the Coop's Market groundbreaking and that he is also looking forward to Pony Express Days.

Councilmember Burnham

Councilmember Burnham stated that she was excited for Coop’s Market to begin construction. She explained that residents would like to legally use the open space that the City currently owns but has not yet improved. She explained that she has investigated this idea in Eagle Park and that it may be possible to write an agreement with the residents to let them lease the property. She asked if the express bus is charging for the Wi-Fi.

Councilmember Cieslak

Councilmember Cieslak explained that a resident had expressed concern to him about the bike park. He stated that the email had been passed on and that the City had done a great job in getting signage in place. He thanked Chris Trusty, Jeff Weber, and John Hendrickson. He publicly recognized Darrin Garrett and Cougar Hall for their efforts as well. He reminded everyone about the transportation issues and asked residents to express concern to elected officials.

Councilmember Ochsenhirt

Councilmember Ochsenhirt encouraged residents to take care of their yards to make their neighborhoods a better place to live. He thanked residents for coming to the Council Meetings and expressed appreciation for their involvement.

Mayor Jackson encouraged residents to support local business and to support the new grocery store. Mayor Jackson feels that some progress is being made in regards to the transportation issues.

11. **APPOINTMENT**

A. Public Works Advisory Board – Allen Martin for a one-year term

MOTION: *Councilmember Cieslak moved to appoint Allen Martin to the Public Works Advisory Board for a one year term. 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.*

Mrs. Kofoed administered the oath of office to Mr. Martin.

Mayor Jackson asked that Mr. Ferre and Mr. Trusty get in contact with the board members to set up meeting times.

CONSENT AGENDA

12. **MINUTES**

A. April 7, 2009 – Regular City Council Meeting

13. **CHANGE ORDER**

- A. Capital Facilities Plan Change Order #2 – Horrocks Engineering
- B. South Service Area Waste Water Facility Change Order #3 – Nelson Brothers

14. **FINAL PAYMENT**

A. SR 68 Guy Wire Relocation Project – Probst Electric

**Item number 15 was removed from the consent agenda and placed under the scheduled items.*

MOTION: *Councilmember Lifferth moved to approve the consent agenda subject to the removal of item number 15, Reimbursement Agreement. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Erick Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

15. REIMBURSEMENT AGREEMENT

A. Reimbursement Agreement with Eagle Mountain Development for the Rerouting of a Storm Drain Located within the Sweetwater Subdivision without an Easement.

MOTION: *Councilmember Ireland moved to approve a Reimbursement Agreement with Eagle Mountain Development for the rerouting of a storm drain in the amount of \$62,809.00 subject to the following conditions:*

- 1. That the easement is completed and approved by the City.*
- 2. That the legal description is submitted.*
- 3. That the work is completed according to City standards.*

Councilmember Lifferth seconded the motion.

Councilmember Lifferth asked for a time frame of when this project would occur.

Mr. Wren explained that it would be completed as soon as possible.

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

PUBLIC HEARING

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending and Reenacting Title 17 of the Eagle Mountain City Municipal Code Concerning Residential Group Homes.

The proposed Ordinance amends Title 17 of the Eagle Mountain City Municipal Code, adding a separation requirement between group homes within the City.

Mr. Mumford explained that clustering of group homes may have a negative impact on neighborhoods. Eagle Mountain City has a fairly unique situation in that there are large lot areas, and small lot areas. He explained that in Sandy, Lehi and other cities here in Utah there is a half mile, quarter mile and three quarter mile separation between group homes. He explained that staff and the Planning Commission recommend a minimum buffer of one mile between group homes.

Councilmember Lifferth stated that this is something that could possibly stand up in court.

Mayor Jackson opened the Public Hearing at 7:49 p.m.

No public comment was made.

Mayor Jackson closed the Public Hearing at 7:49 p.m.

MOTION: *Councilmember Cieslak moved to adopt an Ordinance of Eagle Mountain City, Utah, Amending and Reenacting Title 17 of the Eagle Mountain City Municipal Code Concerning Residential Group Homes to include a one mile separation requirement between group homes. 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.*

PUBLIC HEARING

17. MOTION – Consideration and Approval of the Simpson Springs Final Plat Amending and Vacating Lots 4 and 5.

The Simpson Springs Final Plat was a 17-lot subdivision that the City Council approved on July 20, 1999. Later in 2006, the City Council approved a Site Plan for an LDS church site for lots 4 and 5. The two lots were not combined at the time of approval. This application proposes to vacate Simpson Springs Plat A lots 4 and 5 and combine the vacated lots as the Simpson Springs Road Church.

Mayor Jackson opened the Public Hearing at 7:51 p.m.

No public comment was made.

Mayor Jackson closed the Public Hearing at 7:51 p.m.

MOTION: *Councilmember Lifferth moved to approve the Simpson Springs Final Plat Amending and Vacating Lots 4 and 5. 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.*

18. BID AWARD – Consideration and Award of Bid to AGEC for Geotechnical Services for Soil Testing at the Wastewater Treatment Facility.

When the City bid the SSA Wastewater Treatment Facility, there was confusion as to who was responsible to pay for the concrete and material testing for this project. Nelson Brothers, the contractor for this project, solicited bids from three geotechnical companies: AGEC, Geo Strata, and Earthtec. Nelson Brothers has suggested that they will cover the costs for the concrete testing if Eagle Mountain City will pay for the soils testing. All trip charges for soils testing only will be billed to Eagle Mountain City, while trip charges for concrete testing only or concrete and soils testing will be billed to Nelson Brothers.

Councilmember Ireland thanked Mr. Trusty for providing a total fiscal impact budget.

MOTION: *Councilmember Cieslak moved to award a bid to AGECE for Geotechnical Services for Soil Testing at the Wastewater Treatment Facility in the amount of \$24,000.00. 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.*

19. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Authorizing Natural Gas Transactions with UAMPS.

Earlier this year, Eagle Mountain City entered into a Natural Gas Project Master Agreement with UAMPS which provided the City with a mechanism to participate with UAMPS to purchase gas. This Resolution formalizes the Agreement and allows the City to purchase gas through UAMPS if the need arises.

Councilmember Lifferth asked what percentage of the annual usage is 500 dekatherms.

Mr. Hendrickson stated that it is slightly more than the City's annual amount.

Mr. Ferre explained that this amount allows for growth adjustment if necessary.

MOTION: *Councilmember Lifferth moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, Authorizing Natural Gas Transaction with UAMPS subject to the following conditions:*

1. *The amount of gas purchased under the agreement may not exceed 500,000 dekatherms in any calendar year.*
2. *The term of any transaction may not exceed five years, unless it is for the purchase of prepaid gas, in which case the term may not exceed thirty years.*
3. *The expected price for gas purchases in a calendar year shall not exceed \$6.00 per dekatherm.*

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.

20. AGREEMENT – Consideration and Approval of an Agreement Between Eagle Mountain City and Elite Grounds for Open Space Maintenance.

The Eagle Mountain City Council awarded a bid for open space maintenance to Elite Grounds at the April 7, 2009, City Council meeting. The proposed agreement sets the terms, specifications and special conditions for the maintenance of the open space.

MOTION: *Councilmember Ochsenhirt moved to approve an agreement between Eagle Mountain City and Elite Grounds for Open Space Maintenance. Councilmember Cieslak seconded the motion.*

Councilmember Lifferth asked what budget impact this had to the regular grounds maintenance budget.

Mr. Hendrickson explained that this will reduce the maintenance budget by approximately \$20,000.00.

Councilmember Lifferth asked what the opt out clause would be.

Mr. Kinghorn explained that it is 48 hours.

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

21. 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 reminded residents to be patient with the road construction going on.

Councilmember Ireland

No comment.

Councilmember Lifferth

Councilmember Lifferth stated that Eagle Mountain is a wonderful place to live.

Councilmember Burnham

No comment.

Councilmember Cieslak

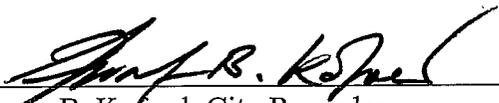
Councilmember Cieslak encouraged residents to email the elected officials about the transportation issues. He thanked residents for participating in the Council meetings.

22. COMMUNICATION ITEMS
A. Upcoming Agenda Items
B. Financial Report

23. ADJOURNMENT

Councilmember Lifferth moved to adjourn the meeting at 8:00 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 5, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 5, 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, Ryan Ireland, David Lifferth (arrived 4:35 p.m.) and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Nick Camberlango, Management Intern; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Jeff Thompson, Plans Examiner; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

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

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. 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.
 - A. Update on Sewer Treatment Facility *(Presented by Chris Trusty)*
 - B. Update on Parks and Trails Master Plan *(Presented by Steve Mumford)*
 - C. Update on City Wide Computer System *(Presented by Canon Business Solutions)*
 - D. Update on Purchase of F7500 Brush Truck *(Presented by Chief Andrus)*
3. 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 acquisition 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 acquisition of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:09 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: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

4. CALL TO ORDER

Mayor Heather Jackson called the meeting to order at 7:06 p.m.

5. PLEDGE OF ALLEGIANCE

Jeremy Sitwell led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The Queen's Royal Guard visited Rockwell High School this morning.
- As part of Military Appreciation Week, the City is sponsoring a volunteer project to beautify and maintain the Utah Veterans' Memorial Park on May 20 from 4:00 – 7:00 p.m. Other projects will be scheduled weekly throughout the summer.
- Military care package donation boxes are located in the schools and at City Hall through May 27. Boxes will also be available at various sites during Pony Express Days.
- Pony Express Days will be held from May 28 – June 6. The theme is "Tribute to Our Troops." Details are available on the City website, the current newsletter and a brochure which will be mailed to residents.

7. PUBLIC COMMENTS

No public comments were made.

8. CITY COUNCIL/MAYOR'S ITEMS

- A. Report from North Ranch Gas Special Assessment Area Board of Equalization Hearings.

Councilmember Lifferth

Councilmember Lifferth rented City Hall for his daughter's wedding reception last weekend. He was proud to show Eagle Mountain to his family visiting from out of town. He appreciated everyone who makes the City a great place to live.

Councilmember Burnham

Councilmember Burnham thanked the staff and volunteers working on Pony Express Days. She said that anyone wanting to volunteer can contact Angie Ferre or Linda Peterson.

Councilmember Cieslak

Councilmember Cieslak thanked the Scouts for participating tonight and everyone who attended. He mentioned that yelling or using angry language does not make the City work harder. He suggested that people express their concerns to the right department or agency. He thanked Rep. Sumsion for the very impressive work that he does.

Councilmember Ochsenhirt

Councilmember Ochsenhirt was excited for Pony Express Days. He said the City has accomplished a lot in the last few years in improving parks, roads, communication with residents and response to public concerns. He encouraged residents to have pride in the community.

Councilmember Ireland

Councilmember Ireland asked Public Works Director Chris Trusty to have a flood-prone spot on the Sweetwater Trail repaired. He suggested that, now that there is a trail for pedestrian and bike traffic, the speed limit be raised on Sweetwater Road. Mayor Jackson asked Sgt. McDowell to respond. Sgt. McDowell explained that changing the speed limit on a road requires a traffic study. Because the road is narrow, with a median and no shoulder, single car accidents are not unusual at the turns. The road would need to be widened to safely raise the speed limit. City Attorney Jerry Kinghorn said that the City's agreement with SITLA limits the speed limit and doesn't allow for widening the road.

Mayor Jackson

Mayor Jackson reported that the groundbreaking for Coop's Market was held last week.

Councilmember Burnham read the following report from the Board of Equalization for North Ranch Special Assessment Area 2008-2: "It is the decision of the Board that the proposed assessment list is equitable and that the improvements being financed by it constitute a benefit to the properties to be assessed."

9. PROCLAMATION

A. Military Appreciation Week – May 18, 2009

MOTION: *Councilmember Cieslak moved to approve a proclamation declaring the week of May 18, 2009, as Military Appreciation Week. 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.*

CONSENT AGENDA

10. MINUTES

A. April 21, 2009 – Regular City Council Meeting

MOTION: *Councilmember Cieslak moved to approve the Consent Agenda. 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

11. MOTION – Consideration of Impact and Building Fee Waiver for Dr. Bart Gardiner for a Medical Building.

Dr. Bart Gardiner has requested that the impact and building fees for his new medical building, which will be located in the Eagle Mountain Business Campus, be waived.

Councilmember Ireland thanked Dr. Gardiner for his willingness to locate his business in Eagle Mountain. He was concerned about the City Council deciding who should and should not pay fees, when nonpayment of fees means that someone else has to pay the costs covered by those fees. He did support waiving fees that would not have to be paid by other taxpayers. Councilmember Lifferth did not believe that any group should be subsidized by any other; however, he felt that, since Eagle Mountain needs more businesses, the City should provide incentives to the first provider of each type of business in the city. Councilmember Ochsenhirt was concerned about how to appropriately respond to potential requests for waivers from future business owners.

There was discussion on Dr. Gardiner's support for the City in opening the first business in Eagle Mountain other than developers. While his won't be the first dental office building in the City, it will be the first to house physicians' offices.

There was also discussion on the differences in fees charged for new buildings. Some are City fees. Some are contracted with other entities and can't be waived, such as the TSSD connection fee. A decision was made to grant a partial waiver of fees.

MOTION: *Councilmember Lifferth moved to waive connection and other building fees for Dr. Gardiner up to an amount of \$44,371.66. Councilmember Cieslak seconded the motion. Those voting aye: Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those voting no: Donna Burnham and Ryan Ireland. The motion passed with a vote of 3:2.*

12. AGREEMENT – Consideration and Approval of an Interlocal Cooperation Agreement for Water Supply Purchase Funds Between the Eagle Mountain City Redevelopment Agency and Eagle Mountain City.

Eagle Mountain City issued its Water and Sewer Bonds (2006 Series) to fund the purchase of interests in water to benefit the City and to fund the construction and improvement of water infrastructure. It is proposed to use \$250,000.00 of the bond proceeds to acquire banked water entitlements for the use of economic development of the Gateway Project to meet water standards for the commercial projects in the Community Development Area.

MOTION: *Councilmember Burnham moved to approve an interlocal cooperation agreement for water supply purchase funds between the Eagle Mountain City Redevelopment Agency and Eagle Mountain City in the amount of \$250,000.00. 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.*

13. AGREEMENT – Consideration and Approval of an Agreement for Water Supply Purchase and Dedication and Funding Escrow for Certain Onsite Improvements Between the Eagle Mountain City Redevelopment Agency, Eagle Mountain City, S.L.6, LLC and Eagle Mountain Marketplace, LLC.

This agreement allows the Eagle Mountain City Redevelopment Agency to acquire 34 acre-feet of Eagle Mountain City banked water entitlements to meet development standards for businesses to

encourage the economic development of the Coop's Market site. Funds from the purchase will be used to benefit the construction of the onsite improvements at the site by the placement of the funds paid by the Eagle Mountain City Redevelopment Agency in escrow with the City to provide part of the funds necessary to complete the onsite improvements at the site. The City will inspect and approve the release of the funds from the escrow as improvements are completed. The City will not be reimbursed for these funds.

MOTION: *Councilmember Cieslak moved to approve an agreement for water supply purchase and dedication and funding escrow for certain onsite improvements between the Eagle Mountain City Redevelopment Agency, Eagle Mountain City, S.L.6, LLC and Eagle Mountain Marketplace, LLC. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

14. ORDINANCE – Consideration and Adoption of an Ordinance Confirming the Assessment List and Levying an Assessment Against Certain Properties in Eagle Mountain, Utah, North Ranch Special Assessment Area No. 2008-2 (“the Assessment Area”), for the Purpose of Financing the Cost of Certain Improvements Consisting of the Extension of Natural Gas Lines, and the Installation of Connection Laterals as Well as Other Miscellaneous Work Necessary to Complete the Improvements; (Collectively, the “Improvements”); Providing for Certain Remedies Upon Default in the Payment of Assessments; Establishing the Effective Date of this Ordinance; and Related Matters.

This formal action legally sets monetary obligations and assesses the individual properties in the North Ranch Natural Gas Special Assessment Area for benefitted properties as proposed in the Assessment list heard by the Board of Equalization and authorizes all actions necessary to proceed as provided by law to levy and collect the proposed assessments.

City Attorney Jerry Kinghorn explained the payment schedule for the assessments. Residents will have until June 5 to prepay the entire assessment. The first payment notice on assessments not prepaid will go out on March 17, 2010. The first payment will be due one year after the effective date of this ordinance: May 11, 2010.

MOTION: *Councilmember Ochsenhirt moved to accept the recommendation and decision of the Board of Equalization and adopt the ordinance confirming the assessment list and levying the assessment, as set forth in the agenda language. 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.*

15. BID AWARD – Consideration and Award of Bid to Geneva Rock for Appaloosa Way Rotomill and Overlay.

Appaloosa Way, located in the Friday's Station subdivision, is in very poor condition. There have been several instances of sub-base failure and curb and gutter have been replaced by the City in several areas. With that work complete, the remaining road is to be rotomilled and an overlay is to be placed. This will restore the structural integrity of the road.

The Council discussed reallocating funds among the bids being awarded this evening. The approximate differences are:

Appaloosa Way rotomill & overlay – \$3,500 over budget
Eagle Mountain Blvd. slurry seal – \$8,500 over budget
Eagle Point Park Trail construction – \$8,300 under budget
Walden Park parking lot – \$4,800 over budget
Mt. Airey Drive pavement repair – \$29,500 under budget

Once all the projects are funded, the Mt. Airey Drive project will still be approximately \$20,300 under budget. Those funds will be used to repair additional areas of Mt. Airey Drive.

MOTION: *Councilmember Lifferth moved to use additional budget funds to award a bid to Geneva Rock for the Appaloosa Way rotomill and overlay project in the original bid amount of \$45,159.50, rather than the bid alternate recommended by staff. 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.*

16. BID AWARD – Consideration and Award of Bid to Staker Parson for Eagle Mountain Boulevard Slurry Seal.

In conjunction with the City's road maintenance program, Eagle Mountain Boulevard from Sweetwater Road to Lake Mountain Road is scheduled for a type III slurry seal.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Staker Parson for the Eagle Mountain Blvd. slurry seal project in the amount of \$34,795. 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.*

17. BID AWARD – Consideration and Award of Bid to Staker Parson for the Construction of the Eagle Point Park Trail.

Last year, the City bid out improvements to Eagle Point Park. Initially, a trail around the park was included in the bid but because of the escalation of asphalt prices, the City removed the trail from the bid packet with the intent that it could be bid in the spring or delayed indefinitely. There has been a significant reduction in asphalt prices and therefore the trail project was bid out.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Staker Parson for the Eagle Point Park Trail project in the amount of \$23,299.60. 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. BID AWARD – Consideration and Award of Bid to Staker Parson for the Construction of the Walden Park Parking Lot.

Walden Park, located south of Pioneer Addition and north of The Landing, was constructed based on the Master Park Plan for the Pioneer Addition Master Park Plans. These improvements included a seeded soccer field and a pavilion. Currently, the pavilion is accessed by a dirt and gravel parking lot. This project includes the grading and paving of the existing parking facility, as well as the associated storm drainage system.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Staker Parson for the Walden Park parking lot in the amount of \$62,042.05. 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.*

19. BID AWARD – Consideration and Award of Bid to Geneva Rock for the Mt. Airey Pavement Repair.

Last fall Eagle Mountain City contracted with Kilgore Paving for a rotomill and overlay for the western portion of Mt. Airey Drive. Because of the added costs of rotomilling the portion of the road between the islands, that area was removed from the contract with Kilgore with the understanding that the City would go out to bid to replace the failed pavement in the island areas at a later time.

Geneva Rock discovered that, due to an error, its bid was approximately \$10,000 less than it should have been. However, the company is willing to honor the bid.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Geneva Rock to for the Mt. Airey pavement repair project in the amount of \$26,903.65, with the remaining \$20,316 from other projects to be used for additional Mt. Airey pavement repairs. 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.*

20. MOTION – Consideration and Approval of a Protected Record Classification and Ratification of Settlement Agreement.

The City has reached a Settlement Agreement with one of the parcel owners involved the 138 kV line property acquisition. The Agreement is intended to be a protected record under the Government Records Act to prevent information regarding the settlement payment from becoming public information. As long as the City is in the process of acquiring properties from property owners, the settlement payments need to be protected from becoming public information to prevent the use of the payment amounts in mediation, arbitration or litigation proceedings. Each property is evaluated independently and the basis for settlement with one party should not be used as evidence in other proceedings. The City Attorney recommends that the Council approve the Settlement Agreement discussed in the Closed Executive Session as a protected record and ratify the Settlement Agreement executed by the Mayor under prior authorization from the Council.

MOTION: *Councilmember Cieslak moved to approve a protected record classification and ratification of a Settlement Agreement as discussed in Closed Executive Session. 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.*

21. RESOLUTION - Consideration and Adoption of a Resolution Accepting the FY2009-2010 Tentative Budget, Setting the Budget Public Hearing for June 16, 2009, and Directing such Notice to be Published.

The State Code requires that the City Council review and tentatively adopt a budget by the first regularly scheduled meeting in May; additionally, the City Council needs to establish the time and place of the public hearing before the final budget is adopted.

Mayor Jackson mentioned some of the capital projects funded in the tentative budget:

- Library expansion
- Splash pad in a regional park
- Additional work on Mid-Valley Park
- Initial construction of Bobby Wren Blvd.
- Smith Ranch Rd. repairs
- Eagle Mountain Blvd. slurry seal
- Partial funding of the Ranches Parkway extension
- Improvements to other parks

Mayor Jackson noted that the City has maintained its reserve fund at 18%, the maximum allowed by State law, which very few cities in Utah have been able to do. No services are being cut, no employees are being laid off, no rates are being raised and there is no increase in the City's certified tax rate. In addition, there was a recent decrease in the natural gas rate.

MOTION: *Councilmember Lifferth moved to adopt a resolution accepting the FY 2009-2010 tentative budget, setting the budget public hearing for June 16, 2009, and directing such notice to be published. 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.*

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 stated that Eagle Mountain works aggressively to attract businesses and wants to do so in a responsible way. Although the Council has some disagreements on how that should be done, they work well together.

Councilmember Ireland

Councilmember Ireland said it was good to work with everyone on the Council.

Councilmember Lifferth

Councilmember Lifferth said he enjoys a good debate, allowing everyone to make an informed decision. He appreciated Councilmember Ireland's position on the fee waiver issue. He was willing to vote to waive fees on this occasion to jump-start the economy in Eagle Mountain.

Councilmember Burnham

Councilmember Burnham expressed appreciation for the respectful way that the Council disagrees and works through difficult issues. She looks forward to Dr. Gardiner's success. She shared Councilmember Ireland's concerns, as well as the fact that a dental building has already been built in Eagle Mountain without a waiver of fees.

Councilmember Cieslak

Councilmember Cieslak appreciated the way the Council conducts themselves. Residents have spoken to him several times about the level of respect with which the Council members treat each other. He reminded everyone to email their elected officials and continue to raise awareness about transportation issues.

Mayor Jackson

Mayor Jackson complimented Rep. Sumsion on his responsiveness to the City's needs. He called her on Sunday evening to ask for help in putting together a transportation meeting with several entities in the area. She expressed appreciation for Councilmember Ochsenhirt for making a very difficult vote on the fee waiver issue. The Council works well together on disagreements, which is important because talking issues out to arrive at good a compromise is the only way to make good decisions. She complimented Councilmembers Ochsenhirt and Lifferth on working together to improve the outcome for Mt. Airey Drive. Councilmember Lifferth asked Mayor Jackson how she would have voted if Councilmember Ochsenhirt had passed on the fee waiver vote. She said that she would have voted yes, because Dr. Gardiner located his business in the City so early in its development and has remained in the City ever since.

23. ADJOURNMENT

MOTION: Councilmember Cieslak moved to adjourn the meeting and reconvene as the Eagle Mountain City Redevelopment Agency. 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.

The meeting was adjourned at 8:13 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 19, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 19, 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

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Jason Walker, Management Analyst; Nick Camberlango, Management Intern; Jenalee Harper, Deputy Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; Kent Partridge, Building Official; Mike Hadley, Senior Planner; David Norman, Staff Engineer.

Mayor Heather Jackson called the meeting to order at 4:11 p.m.

1. AGENDA REVIEW – The City Council reviewed the items on the Consent Agenda and Policy Session Agenda.
2. 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
 - B. Report on Capital Facilities Plan – *Discussion Item Only*
3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will 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.

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 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.*

The meeting adjourned at 5:44 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: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Jason Walker, Management Analyst; Nick Camberlango, Management Intern; Jenalee Harper, Deputy Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Relations Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; Kent Partridge, Building Official; Mike Hadley, Senior Planner; David Norman, Staff Engineer.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Mr. Lee Morrison led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The Utah Veterans Memorial Park Project will be held Wednesday, May 29, 2009 at the Camp Williams Cemetery. Trees and bushes will be planted. Volunteers are welcomed.
- A Military Appreciation Concert will be held Friday, May 29, 2009 by the local 3rd Graders from Pony Express and Eagle Valley Elementary Schools.
- A Military Care Package Drive is being held. Donations boxes are located at City Hall and all Eagle Mountain schools. More information on this drive can be found at www.eaglemountaincity.com
- Pony Express Days will be held May 28 – June 6, 2009. A complete schedule of events is available on the website. Many events are free and residents are encouraged to attend.

7. PUBLIC COMMENTS

Jennifer Edwards, 5121 Lake Mountain Road, explained that the Friends In Need Animal Rescue is a nuisance. She stated that on May 12, 2009 the Planning Commission made revisions to the original conditional use permit that was issued to the Animal Rescue that jeopardize the safety of her children and neighbors. She explained that that the Animal Rescue has been in violation of their conditional use permit since 2004. She asked for an explanation as to why their conditions were never enforced. Mrs. Edwards explained that she, her husband and children have been attacked by the dogs and that she does not want the dogs to be allowed off the property.

Mayor Jackson explained that several residents that live near the Friends In Need Animal Rescue attended the Planning Commission meeting. She asked Mr. Mumford how many of those residents spoke against it.

Mr. Mumford stated that only one resident spoke against it. He also explained that 2 to 3 residents spoke in favor of the Animal Shelter. Mr. Mumford explained that the Planning Commission felt comfortable with the changes being made to the original conditional use permit.

Councilmember Lifferth asked what circumstances led the Planning Commission to re-visit the original conditional use permit and consider revisions.

Mayor Jackson explained that the applicant had submitted an application to revise the original conditional use permit so that they could come into compliance. She stated that it was then brought forward to the Planning Commission.

Mr. Mumford explained that a meeting was held to address some of the concerns. He stated that the applicant was told to come fully into compliance with the original conditional use permit conditions or submit an application to have their permit reviewed again.

Mayor Jackson explained that Mrs. Edwards has made several complaints over the past few years. She stated that she could not answer as to why nothing had been done about the non-compliance issues before she was in office. She stated that since it has been brought to her attention she has worked with the applicant to help them come into compliance. She explained that the Planning Commission originally objected to changing the original conditional use permit but because of positive comments made by the residents they felt that the changes would not have a negative impact on the surrounding residents.

Mr. Hendrickson explained that the City did not encourage the Friends In Need Animal Rescue to make application for revisions to their conditional use permit. He explained that when asked by the applicant for another option the City explained that the applicant could possibly make application for changes to the conditional use permit. He stated that the City only encouraged them to come into compliance.

Mr. Mumford explained that the Planning Commission unanimously approved the changes.

Mr. Ireland explained that because the applicant is on a large lot they are allowed to have up to 12 horses. He explained that they only needed a permit for the dogs, not the other animals.

Mr. Mumford explained that agricultural zoned lots are allowed to have an unlimited number of animals as long as it is not a nuisance to the neighbors.

Mayor Jackson explained that the ACO Officer conducted an inspection of the kennels at the Animal Rescue and that the applicant was in compliance.

Sergeant McDowell explained that the ACO Officer found that the kennel was in compliance with county restrictions and that it was one of the cleanest kennels the officer has seen for the number of dogs in the kennel.

Councilmember Cieslak asked what constitutes a public nuisance.

Mr. Kinghorn explained that something becomes a nuisance when a condition on a property becomes unhealthy or people next to you are unable to use their property because of the condition created. He explained that there are more specifics like weeds and garbage but that they are not relevant to the Animal Rescue.

Doug McLaughlin, 3168 E Snowy Owl Road, explained that a home in his neighborhood located at 3174 E Snowy Owl Road has become a nuisance. He stated that two months ago the individual living in the home put up signage advertising to sublet rooms in her home. He explained that she was successful and that about a month ago two of her rooms were rented out to two single guys & their girlfriends. He explained that Len Whitney has contacted them several times telling her that she is in violation because these are non-family members that she is renting to. He stated that once she was aware that she was no longer in compliance she changed her story and is now telling people that she is just renting to family members. He continued to explain that loud parties are now being held at the residence and that individuals are getting drunk and driving. He feels that the area is now unsafe for his family and his neighbors. He asked the Council for help in taking action to make this individual come into compliance.

Michael Wheat, 3179 Snowy Owl Road, explained that the home Mr. McLaughlin spoke about is across the street from him. He stated that on May 13 a party was held at the previously mentioned residence and that around 11:00 p.m. the party became out of control. He explained that the police were called out to the residence 3 times that evening. He stated that an individual became drunk and got into a fight with others at the party and then proceeded to get into a car and leave the neighborhood. He also felt that the neighborhood was now unsafe for his family and neighbors. He asked the Council for help in taking action to make the neighborhood safe again.

David Tiek, 7524 N Snowy Owl Road, feels that the previously mentioned home is violating the noise ordinance. He feels that they are also violating the subletting ordinance. He would like to see this situation taken care of.

Mayor Jackson asked what the definition of a family is.

Mr. Kinghorn stated that it is no more than 3 related individuals. He also asked to see the police reports and Mr. Whitney's reports so that he can determine what type of action the City can take.

Sergeant McDowell explained that the woman who left the party drunk was arrested and transported to jail for a DUI.

Councilmember Lifferth asked if the appropriate step for residents to take is to call the police in a situation like this.

Mayor Jackson explained that it is and that the DUI issue would most likely be a 911 call. She thanked the residents for taking the proper steps and stated that the City would do what they could to fix the problem.

Councilmember Cieslak explained that he lives in the area as well and he too heard the party on May 13.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland explained that he was reminded of the frustrations of heading westbound on S.R. 73 in the evenings and thanked the Council for letting him attend his daughter's graduation.

Councilmember Lifferth

Councilmember Lifferth stated that he was looking forward to Pony Express Days.

Councilmember Burnham

Councilmember Burnham encouraged everyone to attend the service project at the cemetery on May 20th. She also encouraged residents to attend the events at Pony Express Days.

Councilmember Cieslak

Councilmember Cieslak encouraged everyone to contact their elected officials about the road conditions in Eagle Mountain. He stated that he would like the City to look into the renting and subletting issues. He asked that when the carnival for Pony Express Days arrives that the Sheriff's Department increase their patrol of the area.

Mayor Jackson

Mayor Jackson explained that several of the appropriation requests that have been made have moved forward from the Senator's office to specific committees. She explained that the following projects were those that moved forward to the specific committees: The BLM Trail Project, CUP Water Line, and Reuse Project for Engineering and the Library Project. She explained that Senator Bennett and Hatch both sent off the Library and BLM Requests and that only one office sent the CUP Water Line Request and the other the Reuse Project.

Councilmember Ireland asked what the BLM Trail Project was.

Mayor Jackson explained that it will be an area designated specifically for ATV trails, Equestrian trails and bike trails by Lake Mountain.

Mayor Jackson explained that a portion Bobby Wren Boulevard was included in the preliminary budget as a capital project. She stated that it will be a 2 lane road up to the first street that meets it from the Pioneer Subdivision. She also explained that a transportation meeting was held and that a request will be made to the County Commissioners Office to discuss a 3.4 million dollar allocation towards a one mile stretch of road in Eagle Mountain. She explained that this means that in the future Eagle Mountain will need to work with Saratoga Springs to acquire the right of way for the 5 lane roads.

Mr. Hendrickson explained that roads are expensive and that because Eagle Mountain is a newer City it is hard to get the funds allocated because Eagle Mountain is low on the priority list. He explained that it has taken 2 years worth of work just to be heard.

9. **PROCLAMATION**

A. Cancer Awareness Weeks – May 31 through June 13, 2009

Mayor Jackson read the Proclamation for Cancer Awareness Weeks and encouraged residents to attend the event in Payson City.

MOTION: *Councilmember Cieslak moved to approve the Proclamation designating the weeks of May 31 through June 13, 2009 as Cancer Awareness Weeks as read by Mayor Jackson. 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.*

CONSENT AGENDA

10. MINUTES
 - A. May 5, 2009 – Regular City Council Meeting
11. CHANGE ORDER
 - A. Porter's Crossing Change Order #4 – Skip Dunn
 - B. Well #1 & #5 Change Order #3 – Clear Construction Company
12. REVISED BOND LETTER
 - A. Antelope Meadows Phase 1
13. LANDSCAPING BOND LETTER
 - A. Antelope Meadows Phase 1
14. FINAL PAYMENT
 - A. Well #4 HVAC Line – Clear Construction

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. 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.*

SCHEDULED ITEMS

15. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Acknowledging and Approving Assignment of Banked Water Entitlement.

This Resolution approves the Assignment of Certain Banked Water Entitlements to Zions Bank as collateral. The City will hold title to the water right and recognize the interest of Zions Bank to authorize use of the banked water for development purposes and as otherwise authorized by the City Code.

MOTION: *Councilmember Cieslak moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, Acknowledging and Approving Assignment of Banked Water Entitlement. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

16. BID AWARD – Consideration and Award of Bid to Skip Dunn for the Mid Valley Regional Park Turn Lane.

The City Council approved the improvements to the Mid Valley Regional Park, Phase 1 last year. It is anticipated that the park will be used for City sports events this fall. This project will allow for the installation of a turn lane which will allow southerly traffic flow to continue uninterrupted toward the City Center. The current construction of Sweetwater Road makes it difficult to make a left-hand turn when leaving the park and the installation of the turning lane will alleviate that problem.

Mr. Hendrickson explained that the amount to be awarded is actually \$27,867 not \$9,837 as shown on the agenda summary. He also explained this was budgeted to come out of the \$600,000 in grant funds that was received but that the grant does not allow the funds to be used for roads. He stated that the funds would have to be taken from capital projects and recommended that if the Council approves this they state that it is contingent upon those funds being available.

Councilmember Ireland asked if any of the \$27,867 could be taken from those grant funds.

Mr. Hendrickson explained the full \$27,867 would have to come out of the capital project fund and that none could be taken from the \$600,000 in grant money.

MOTION: *Councilmember Ireland moved to table the 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.*

17. BID AWARD – Consideration and Award of Bid to Skip Dunn for the Mt. Airey Park Storm Drain.

The City has collected park fees-in-lieu for improvements to the Mt. Airey Park. In discussions with Mt. Airey residents, it was determined that rerouting the storm drain to allow the pass-through of nuisance water would provide for a more practical use of the open space in this park. Once the storm drain is relocated, it is anticipated that neighborhood residents and City staff will make recommendations for the distribution of volunteer labor and remaining funds to best complete amenities within this park.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Skip Dunn for the construction of the Mt. Airey Park Storm Drain in the amount of \$9,837.00. Councilmember Lifferth seconded the motion.*

Councilmember Lifferth asked what the time frame for this project would be.

Mr. Trusty explained that they will begin construction the next day even though the bonds are not yet in place.

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

18. AGREEMENT – Consideration and Approval of Restatement of Firm Transportation Service Agreement Between Eagle Mountain City and Kern River Gas Transmission Company.

The proposed Amended Agreement incorporates by reference a number of terms that are under regulation by the Federal Energy Regulatory Commission, which regulates interstate natural gas transmission pipelines; the Amended Agreement is not intended to increase or lower the City's costs for natural gas.

MOTION: *Councilmember Lifferth moved to approve a Restatement of Firm Transportation Service Agreement Between Eagle Mountain City and Kern River Gas Transmission Company as presented. 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. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Lifferth

No comment.

Councilmember Burnham

No comment.

Councilmember Cieslak

Councilmember Cieslak reminded residents to email elected officials about the transportation issues in Eagle Mountain.

Councilmember Ochsenhirt

Councilmember Ochsenhirt encouraged residents to attend Pony Express Days.

Councilmember Ireland

Councilmember Ireland stated that a resident had asked him to pass thanks along to staff and those who assisted in getting the sewer tunnels covered up in a timely manner. He stated that he is looking forward to working with the scout troop at the cemetery project.

Mayor Jackson

Mayor Jackson explained that she attended the Utah County Sheriff's Departments Award Ceremony and wanted to recognize all of those from Eagle Mountain that were given awards. She also stated that it was wonderful to see the girl from Eagle Mountain receive an award for saving her brother.

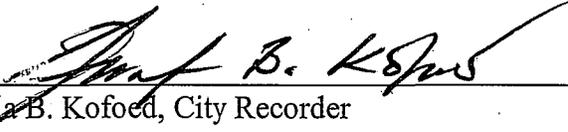
20. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report
- C. Lobbyist Report

21. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 8:08 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 19, 2009

A handwritten signature in black ink, appearing to read "Fionnuala B. Kofoed", written over a horizontal line.

Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 2, 2009

Work Session and Policy Session 4:00 p.m.

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

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, David Lifferth and Nathan Ochsenhirt. Councilmember Eric Cieslak participated telephonically and joined the meeting in person at 5:03 p.m. Councilmember Ireland was excused.

STAFF MEMBERS PRESENT: Fionnuala Kofoed, City Recorder; Jerry Kinghorn, City Attorney; Steve Mumford, Planning Director; John Hendrickson, City Administrator; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Jenalee Harper, Deputy Recorder; Kent Partridge, Building Official; Ifo Pili, Assistant City Administrator; Gordon Burt, Finance Director; Adam Ferre, Energy Division Manager; Sergeant Eric McDowell, Utah County Sheriff; David Norman, Staff Engineer; Jason Walker, Management Analyst.

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

1. PRESENTATION – Alpine School District/New Eagle Mountain Elementary School Design
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda

POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Councilmember Ireland was excused.

STAFF MEMBERS PRESENT: Fionnuala Kofoed, City Recorder; Jerry Kinghorn, City Attorney; Steve Mumford, Planning Director; John Hendrickson, City Administrator; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Jenalee Harper, Deputy Recorder; Kent Partridge, Building Official; Ifo Pili, Assistant City Administrator; Gordon Burt, Finance Director; Adam Ferre, Energy Division Manager; Sergeant Eric McDowell, Utah County Sheriff.

3. CALL TO ORDER

Mayor Jackson called the meeting to order at 5:24 p.m.

4. PLEDGE OF ALLEGIANCE

Michael Lifferth led the Pledge of Allegiance.

5. INFORMATION ITEMS/UPCOMING EVENTS

- MAG had a special meeting of the MPO to discuss transportation issues. At this meeting they award 3.5 million dollars to the expansion of Pony Express Parkway.
- UDOT has allocated 5 million dollars to widen SR 73 up to Ranches Parkway. It will be a four lane road.
- Pony Express Days Events are being held during the first week of June.

CONSENT AGENDA

6. MINUTES
 - A. May 19, 2009 – Regular City Council Meeting
7. CHANGE ORDER
 - A. 1.2 MGD Water Reclamation Facility Change Order #4 – Nelson Brothers Construction
8. SITE PLAN
 - A. Antelope Meadows Revised Church Site Plan
9. FINAL BOND RELEASE
 - A. Antelope Meadows Plat 1
10. EASEMENT
 - A. Direct Communications Easement

MOTION: *Councilmember Cieslak moved to approve the consent agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

11. AGREEMENT – Consideration and Approval of an Access and Improvements Agreement and Right of Way Dedication Plat Between Twelve Horse Ranch, LLC, RCA 65, LC and Eagle Mountain City.

This Agreement provides for the dedication of the right of way necessary to extend public access to the property north of the RCA property and from the Coop's Market site. The Agreement provides for dedication of the road and cost sharing of improvements by private parties.

MOTION: *Councilmember Cieslak moved to approve an Access and Improvements Agreement and Right of Way Dedication Plat between Twelve Horse Ranch, LLC, RCA 65, LC and Eagle Mountain City. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

12. ORDINANCE – Consideration of an Ordinance of the City Council of Eagle Mountain City, Utah, for Temporary Signage.

The severe economic downturn has had an obvious negative effect on home and lot sales in the City. Builders, realtors, and developers have approached the City asking for temporary

accommodations for certain directional signage that is currently restricted by the Development Code. This is a proposed temporary solution for signage within the City.

MOTION: *Councilmember Ochsenhirt moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, for Temporary Signage. Councilmember Cieslak seconded the motion.*

Councilmember Lifferth explained that it is important to be supportive of all businesses in Eagle Mountain. He said that if other types of businesses approach Eagle Mountain on the signage subject, the City needs to be accommodating.

Councilmember Burnham explained that she is concerned that only one type of business is being represented. She is concerned that signage is going to show up everywhere if this is approved.

Mayor Jackson explained that this came about because the signage is already up and has been this way for some time.

Councilmember Ochsenhirt explained that this is only a temporary thing and that the building community was the only group that approached the City regarding this application. He stated that residents and businesses need to approach the City if they want signage.

Councilmember Burnham stated that residents have asked to be allowed to put up signage.

Mayor Jackson explained that approximately one year ago the temporary signage code was changed to be more accommodating. She said that garage sale signage is currently not allowed.

Those voting aye: Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those voting no: Donna Burnham. The motion passed with a 3 to 1 vote.

13. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Approving the Interlocal Cooperation Agreement Establishing the Utah Lake Commission, Authorizing the Mayor to Present the Resolution with a Request to Become a Voting Member of the Commission and to Authorize the Execution of all Other Documents Required in Connection with Membership in the Utah Lake Commission.

In order for Eagle Mountain City to become a member of the Utah Lake Commission it is necessary for the City to adopt a resolution to formalize the agreement. The purpose of the Utah Lake Commission is to encourage and promote multiple uses of the Lake; foster communication and coordination; promote resource utilization and protection; maintain and develop recreation access and monitor and promote responsible economic development.

MOTION: *Councilmember Lifferth moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, approving the Interlocal Cooperation Agreement establishing the Utah Lake Commission, authorizing the Mayor to present the Resolution with a request to become a voting member of the Commission and to authorize the execution of all other documents required in connection with membership in the Utah Lake Commission with an opt out date of June 1, 2010. Councilmember Cieslak seconded the motion.*

Councilmember Ochsenhirt asked if this can be renewed after the opt out date.

Councilmember Lifferth explained that the City can join again at any time.

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

Councilmember Ochsenhirt would like to see something beneficial happen by being a part of this committee and recommended that the City opt out if there is nothing beneficial.

Councilmember Lifferth explained that the Utah Lake Commission has an annual event that draws attention to the lake; however, this event has typically been held during Pony Express Days.

Mayor Jackson asked Mr. Lifferth to propose a date change of the event so that it does not conflict with Pony Express Days.

Mr. Hendrickson explained that a carp removal project is also taking place at the lake.

14. BID AWARD – Consideration and Award of Bid to Skip Dunn for the Mid Valley Regional Park Turn Lane.

The City Council approved the improvements to the Mid Valley Regional Park, Phase 1 last year. It is anticipated that the park will be used for City sports events this fall. This project will allow for the installation of a turn lane which will allow southerly traffic flow to continue uninterrupted toward the City Center. The current construction of Sweetwater Road makes it difficult to make a left hand turn when leaving the park and the installation of the turning lane will alleviate that problem. This item was tabled from the May 5th meeting.

MOTION: *Councilmember Burnham moved to award a bid to Skip Dunn for the Mid Valley Regional Park Turn Lane in the amount of \$27,687.00. Councilmember Cieslak seconded the motion.*

Councilmember Ochsenhirt apologized for coming across harsh during work session in regards to the turn lanes along Sweetwater Road.

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

15. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ochsenhirt

No Comment.

Councilmember Lifferth

Councilmember Lifferth stated that he is excited for the Bike Park opening. He thanked everyone for voting in favor of the Utah Lake Commission item. He asked that the area code 801 be put on our event signage next to phone numbers to avoid future confusion with overlapping area codes.

He also asked that public comment always stay on the agenda even if the meetings are short so that the public can have an opportunity to speak. He stated that he is looking forward to the upcoming Pony Express Days events.

Councilmember Burnham

Councilmember Burnham echoed Councilmember Lifferth's comments and also expressed her appreciation for the Youth Council and thanked them for doing a wonderful job in helping with the Pony Express Days events.

Councilmember Cieslak

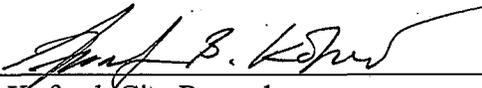
Councilmember Cieslak was happy to see such a great turnout at the Pony Express Days events so far. He thanked everyone for their efforts in expressing the City's transportation concerns and was glad to see that something is going to be done about it.

16. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items

17. ADJOURNMENT

The meeting adjourned at 5:49 p.m.

APPROVED BY THE CITY COUNCIL ON JUNE 16, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 16, 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 4:20 p.m.), Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Jason Walker, Management Analyst; Nick Camberlango, Management Intern; Kelsy Alsup, Management Intern; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Shawn Chipman, Lieutenant; Cory Wride, Sergeant.

Mayor Heather Anne Jackson called the meeting to order at 4:08 p.m.

1. PRESENTATION – Parks and Recreation Advisory Board Update.
2. AGENDA REVIEW – The City Council will review 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will 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.

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 6:23 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: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Gordon Burt, City Treasurer; Jason Walker, Management Analyst; Nick Camberlango, Management Intern; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Shawn Chipman, Lieutenant; Cory Wride, Sergeant.

5. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:14 p.m.

6. PLEDGE OF ALLEGIANCE

Kent Partridge led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- The Senior Advisory Council ice cream social will be held on June 22 at 5:00 p.m. at the Nolan Park pavilion. The event is free and everyone 55 and older is invited.
- The June 23 Planning Commission meeting is cancelled.
- Funding is approved for the Pony Express Parkway extension. Funding for the widening of SR 73 to Ranches Parkway is in process with UDOT.
- The City offices will be closed on July 3 in observance of Independence Day.

8. PUBLIC COMMENTS

None.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Cieslak

Councilmember Cieslak said Pony Express Days was awesome and he received a lot of positive feedback. He thanked the Mayor for her work on transportation and thanked residents for the emails they sent to elected officials. America is great because the government listens to the citizens. He noted that at the state Republican convention, a resident of Eagle Mountain was a member of the Honor Guard.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked City staff and citizens who put in countless hours on Pony Express Days. He encouraged residents to continue to contact elected officials on issues. He was in the Pacific Northwest last weekend and talked to a number of people who knew where Eagle Mountain is. Someone in Canada thanked him for the City's approval of the bike park.

Councilmember Ireland

Councilmember Ireland thanked the Mayor and City staff—especially Angie Ferre, Linda Peterson and Donna Malakovich—for Pony Express Days. He appreciated being able to buy trees at the City tree sale for a very reasonable price. He asked that reports be provided to the Council on the votes taken at Utah Lake Commission meetings. He expressed concern that the temporary signage ordinance passed at the last meeting applies only to developers, not to homeowners or other businesses.

Councilmember Lifferth

Councilmember Lifferth applauded the technology, such as social networking, which documents events such as the protests after the recent election in Iran and bypasses censorship. He suggested that the City use tools such as Twitter or Facebook to communicate with residents. It could have enabled the City to inform residents about events such as last week's traffic jam, when an accident on I-80 caused traffic to be routed through Eagle Mountain on SR 73. He thanked City staff, officials and residents for a successful Pony Express Days.

Councilmember Burnham

Councilmember Burnham thanked City staff, especially Angie and Adam Ferre, for their work to put on Pony Express Days. She was excited about the upcoming election season and the opportunity it gives to citizens to express themselves and vote. She encouraged citizens to get information to make an educated vote. She read the following quote from Rep. Jason Chaffetz: *"I knew when I ran for Congress that fighting would be part of the job description. I came here to fight for what I believe in, to fight to be heard and to fight for the interests of the people I serve. The problem is, so did everyone else. Fighting, or more accurately, debate, is a natural and beneficial part of the legislative process. The trick is knowing where to draw the line between productive debate and destructive debate. Quite simply, productive debate produces something positive, whether agreement or simply mutual understanding. Destructive debate sets out to destroy the character of the fighters. Fighting for ideas and policies can all too easily morph into personal attacks against those who disagree with us."* She said that the Council sticks to productive debate. She asked that candidates who want to run for office consider whether they can engage in productive debate.

Mayor Jackson

Mayor Jackson said Pony Express Days was fabulous. Senator Bennett attended. She appreciated the City employees' efforts and Sgt. 1st Class Bob Hill for his tremendous involvement in Pony Express Days. This year's celebration coincided with Air Force Week, which allowed the City to have the Max Impact concert. Angie Ferre sang during the encore. She received a couple of complaints that the concert went too late, making the fireworks so late that some children couldn't awake to see them. The fireworks will start earlier next year. The City is discussing doubling the amount of trees available at the tree sale next year and the possible use of social networking technology. The Mayor recently helped judge the Little Miss Santaquin Pageant. The Pony Express Re-ride came through Eagle Mountain on Monday and the riders appreciated the Sheriff's Office for helping them get through the city. Next year is 150th anniversary of the Pony Express, which will be the theme of Pony Express Days.

CONSENT AGENDA

10. MINUTES

A. June 2, 2009 – Regular City Council Meeting

11. CHANGE ORDER

- A. Appaloosa Way Rotomill and Overlay Change Order #1 – Geneva Rock
- B. Porter’s Crossing Extension Change Order #5 – Skip Dunn Excavation

12. REVISED BOND LETTER

- A. Sweetwater Phase 2
- B. Heatherwood on the Green Phase 1

MOTION: *Councilmember Lifferth moved to remove the June 2, 2009, minutes from the Consent Agenda for discussion and approve the remainder of the consent agenda. 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.*

MOTION: *Councilmember Lifferth moved to approve the June 2, 2009, minutes as amended to include the “no” vote on item #12 and to specify an opt-out date of June 1, 2010, in the motion on item #13. 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

PUBLIC HEARING

13. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Final Amendments to the Fiscal Year 2008-2009 Budget.

This item was presented by City Treasurer Gordon Burt. Utah State Code requires that any final increases in the budget be adopted after a public hearing and prior to the fiscal year ending. The City’s budget is being amended to cover all anticipated expenditures through the fiscal year ending June 30, 2009. The amended budget should cover all eventualities so that the City will not be cited by the State Auditor’s Office for budgetary non-compliance.

The proposed increases are as follows:

General Fund:	\$476,435.00
Impact Fee Fund:	\$275,532.00
Capital Projects:	\$720,000.00
Enterprise Fund:	\$23,940.00
Debt Service Fund:	\$126,000.00
Total:	\$1,621,907.00

City Administrator John Hendrickson clarified a large increase in the Public Safety budget. The dispatch agreement was not included in the original FY 2009 budget, an oversight which has been corrected. There was also about \$110,000 in overtime for deputies. The law enforcement agreement may be revised for the 2010 fiscal year.

Councilmember Lifferth proposed that the City institute a policy requiring that the Council be notified as soon as the costs of an agreement exceed the agreed-upon amount.

Mr. Hendrickson mentioned that the City budgeting process overestimates expenditures and underestimates revenue to make sure that there is always a margin for unexpected expenses.

Mayor Jackson opened the public hearing at 8:05 p.m. Hearing no comments, she closed the hearing.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, amending the fiscal year 2009 budget and authorizing the City Administrator to use the unreserved fund balances in the General Fund to cover a potential shortfall of income if necessary, or to transfer to the Capital Projects Fund any unreserved fund balance over the 18% limit allowed by State statute. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

PUBLIC HEARING

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2009-2010 Budget.

This item was presented by City Administrator John Hendrickson. The State Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The tentative budget was accepted by the City Council on May 5, 2009. The City Council can move to adopt the final budget after a public hearing, as proposed or with amendments. The final budget will be the document that governs the City's expenditures for fiscal year 2009-2010.

A summary of the proposed budget is as follows:

General Fund:	\$8,129,431.00
Capital Projects Fund:	\$15,792,644.00
Enterprise Fund:	\$10,959,836.00
Debt Service Fund:	\$4,195,133.00
Internal Service Fund:	\$46,405.00
Total:	\$39,123,449.00

The proposed budget reflects a reduced expectation for growth. The certified tax rate, which is one of the lowest in the county, will not be increased. Employees will not receive a cost of living increase this year and several positions have been eliminated by attrition. Vehicle and equipment expenditures will be limited.

Councilmember Ireland asked how changes in County assessments affect the tax revenue received by the City. Jason Walker explained that the amount received by the City does not change. The County changes the tax rate on assessed value to keep the City's property tax revenue the same. Tax revenue is increased by taxation on growth.

Councilmember Ireland asked why the budget for infrastructure does not allow for depreciation. Mr. Hendrickson replied that depreciation schedules don't reflect actual costs of infrastructure maintenance. Using depreciation schedules would raise rates unnecessarily. The City's fund reserves are estimated to cover a reasonable amount of infrastructure maintenance and repair, while not raising rates any more than necessary. Rates are reduced if reserves are adequate to do so.

Councilmember Ireland asked what the \$1.7 million administrative transfer from utility funds to the General Fund is designed to fund. Mr. Hendrickson replied that the funds cover utility-related overhead paid out of the General Fund.

Mayor Jackson opened the public hearing at 8:41 p.m. Hearing no comments, she closed the hearing.

MOTION: *Councilmember Cieslak moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, adopting the fiscal year 2009-2010 budget as presented. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

PUBLIC HEARING

15. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Adopting a Parks and Open Space Master Plan.

This item was discussed during Work Session. The proposed Parks and Open Space Master Plan will guide the future development of parks, trails, and other open space throughout the City. This Resolution formally adopts the plan. The plan is posted on the City's website. It will be the basis for some changes in the Development Code and will need to be considered when calculating impact fees.

Mayor Jackson opened the public hearing at 8:43 p.m.

Elsie Erler, SITLA, encouraged the Council to adopt the plan. Parks and open space help bring new residents and improve the quality of life for current residents. She appreciated the opportunity to review a previous draft of the plan and make comments, some of which were incorporated into the current document. She said the plan will be an excellent tool for maintaining consistent standards.

Mayor Jackson closed the public hearing at 8:45 p.m.

MOTION: *Councilmember Lifferth moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, adopting a Parks and Open Space Master Plan. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City, Utah, and Kern River for Interruptible Gas.

This item was discussed in Work Session. Kern River recently launched an initiative to revise its "pro forma" Interruptible Transportation Service Agreements (TSAs) to ensure compliance with Federal Energy Regulatory Commission (FERC) regulations. On April 24, 2009, FERC approved Kern River's new pro forma agreements for application to new and existing TSAs.

It is Kern River's intent that the terms and conditions of this contract will not be changed.

MOTION: *Councilmember Lifferth moved to approve an agreement between Eagle Mountain City, Utah, and Kern River for interruptible gas. 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.*

17. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City, Utah, and the National Park Service.

This item was discussed in Work Session. The agreement between Eagle Mountain City and the National Park Service is for funding for improvements to a graveled parking area and directional and interpretive signage along a section of the Pony Express Trail located south of the Lone Tree subdivision.

MOTION: *Councilmember Lifferth moved to approve an agreement between Eagle Mountain City, Utah, and the National Park Service. 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. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City, Utah, and Intermountain Health Care for an Employee Assistance Program.

This item was discussed in Work Session. This agreement is for an employee assistance program offered through Intermountain Health Care (IHC), the City's health care provider. The program offers unlimited, free counseling sessions for marital conflict, parenting, substance abuse, depression, workplace stress, financial wellness, crisis counseling, etc. The program also provides training for supervisors regarding personal employee issues that may cause job performance decline. Employee on-site group trainings are also provided.

MOTION: *Councilmember Cieslak moved to approve an agreement between Eagle Mountain City, Utah, and Intermountain Health Care for an Employee Assistance Program. 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. BID AWARD – Consideration and Award of Bid to Kenny Seng Construction for the Pony Express Parking Lot.

This item was discussed in Work Session. The City Council approved the improvements to the parking lot at Pony Express Park. In addition to the pavement, City staff included the chip seal of the gravel access road to the parking lot. This will help to eliminate dust, and reduce wear and tear on the road.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Kenny Seng Construction for the Pony Express parking lot in the amount of \$68,101.20. 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. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth

No comment.

Councilmember Burnham

No comment.

Councilmember Cieslak

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt received some requests from residents for better traffic control after the parade because some had to wait 25 minutes to leave the area by car.

Councilmember Ireland

No comment.

Mayor Jackson

No comment.

21. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

22. ADJOURNMENT

MOTION: *Councilmember Cieslak moved to adjourn the City Council meeting and reconvene as the Redevelopment Agency of Eagle Mountain City. 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.*

The meeting was adjourned at 8:55 p.m.

APPROVED BY THE CITY COUNCIL ON JUNE 23, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 23, 2009

Policy Session at 5:00 p.m.

Eagle Mountain Administration Conference Room, 1650 East Stagecoach Run, Eagle Mountain, Utah
84005

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

5:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder.

1. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 5:05 p.m.

2. ORDINANCE – Consideration and Adoption of a Ordinance of the City Council of Eagle Mountain, Utah, Enacting a Requirement for the Payment of a Filing Fee in connection with filing a Declaration of Candidacy for Elective Office in Eagle Mountain City.

This item was presented by City Recorder Fionnuala Kofoed. The proposed ordinance would enact a filing fee for candidates seeking elective office in Eagle Mountain City. Staff recommended that the Council adopt the ordinance and set the fee at \$60 which staff believed would cover time and materials for each candidate who filed for office. The cost for mailing candidate pamphlets wasn't included in the cost breakdown presented to the Council.

Discussion ensued regarding background checks that the City would perform if a candidate agreed to the procedure when filing for office. Performing background checks wasn't an action item on the agenda and the Council agreed that they would discuss the item at a later date. The Council discussed the breakdown of the proposed fee and the following motions were made.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of the City Council of Eagle Mountain, Utah, enacting a requirement for the payment of a \$35.00 filing fee in connection with filing a Declaration of Candidacy of Elective Office in Eagle Mountain City. Councilmember Lifferth seconded the motion. Those voting aye: Ryan Ireland and David Lifferth. Those voting no: Donna Burnham, Nate Ochsenhirt, Eric Cieslak. The motion failed with a 3 to 2 vote.*

MOTION: *Councilmember Burnham moved to adopt an Ordinance of the City Council of Eagle Mountain, Utah, enacting a requirement for the payment of a \$50 filing fee in connection with filing a Declaration of Candidacy of Elective Office in Eagle Mountain City. Councilmember Ochsenhirt seconded the motion. Those voting*

aye: Donna Burnham, Eric Cieslak, Nate Ochsenhirt and David Lifferth. Those voting no: Ryan Ireland. The motion passed with a 4 to 1 vote.

3. ADJOURNMENT

MOTION: *Councilmember Ochsenhirt moved to adjourn the City Council meeting at 5:55 p.m.*

The meeting was adjourned at 5:55 p.m.

APPROVED BY THE CITY COUNCIL ON JULY 7, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 7, 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 4:20 p.m.), Ryan Ireland (arrived 4:13 p.m.), David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Nick Camberlango, Management Intern; Kelsy Alsup, Management Intern; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Information Coordinator; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

Mayor Heather Anne Jackson called the meeting to order at 4:08 p.m.

1. PRESENTATION – Master Development Agreement – SITLA
2. PRESENTATION – Fiscal Analysis for Pole Canyon – Lewis Young Robertson and Burningham
3. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
4. 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation, the professional competence of an individual, and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Ochsenhirt moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation, the professional competence of an individual, and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. 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.*

The meeting was adjourned at 6:14 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: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

6. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:19 p.m.

7. PLEDGE OF ALLEGIANCE

Donna Milakovic led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- Movie in the Park, July 24, SilverLake Amphitheater, dusk, Charlotte's Web, free, donations to library expansion welcome.
- City offices will be closed on July 24
- UVU classes will be held at Westlake High School starting this fall.
- Seniors' luau, cc chambers, 7/27, 5:00 p.m.
- City is on Twitter, go to web site to sign up, emergency notices, road closures, events and other news.

9. PUBLIC COMMENTS

Tiffany Ulmer, 1320 Harrier Street, spoke about the proposed donation of The Ranches Golf Course. She wanted to know why the city should accept a golf course that has been losing money. She didn't feel that the information provided did not provide enough information as to the worst-case scenario if the City refuses to accept the donation. Since the golf courses will be leased to the management company for \$1.00 per year, she felt that residents should have a similar lease price when community gardens are approved.

Sam Roberts, 9073 Mt. Airey Drive, thanked the City for the parks and recreation available. He appreciated the beginning of construction on Mt. Airey Park. He said he represented others who are willing to provide sweat equity to stretch the park money and improve neighborhood. He asked what the time line on completion of the park will be. He also said that he supported the transfer of the golf course to the City.

David Adams, 274 S 600 E, Alpine, represented Bigg Homes. He spoke on two issues: (1) He's been requested to remove the billboards along Hwy. 73. He asked for 30 days to work with the City to find a way to retain the signs, but make them acceptable to the City. The signs direct 33% of Bigg's potential buyers to their office. (2) He asked that the impact fees charged with building permits not be paid when the permits are pulled. He would like to pay them with certificates of occupancy are issued.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham was excited that the City is on Twitter. She is not, however, the dburnham@gmail.com listed on Twitter. That is a Daniel Burnham who has listed the wrong email address.

Councilmember Cieslak

Councilmember Cieslak was excited to see family members of the new fire fighters in the audience. He thanked all of the City's public safety workers. He encouraged residents to continue to contact their elected officials on transportation, in this case the advance warrant study the City is requesting from UDOT regarding the intersection of Redwood Road and the Pony Express Parkway extension.

Councilmember Ochsenhirt

Councilmember Ochsenhirt expressed condolences to the family of Sadie Huish, a little girl who recently died of cancer. He thanked the community for the support provided to the family. He urged residents to take care of one another.

Councilmember Ireland

Councilmember Ireland asked why Shadow Drive is blocked by concrete barricades. He asked that the ordinance regulating watering in the schedule be reviewed. It's virtually unenforceable and encourages residents water on schedule rather than when the lawns need it. He recognized the blessings of living in a free country. He encouraged residents to read the Constitution and learn what it means.

Councilmember Lifferth

Councilmember Lifferth wished everyone a happy Independence Day this past week. He went to Washington, D.C. and was grateful for those who sacrificed for freedom. He was excited about the economic development opportunities coming to the city and appreciated the work of the Mayor and staff in bringing those opportunities to the city.

Mayor Jackson

Mayor Jackson said that Sadie was this year's Little Miss Eagle Mountain and a very sweet little girl. The community has learned a lot by trying to help Sadie and her family. She said that Independence Day is her favorite holiday. She grew up outside Washington, D.C. in a military family, which helped her to appreciate the freedom in this country. She appreciated the opportunity to ride with the Pony Express Association in two parades on Saturday.

Mayor Jackson introduced Donna Milakovic, President of the Lehi Area Chamber of Commerce, who presented the Mayor with a check for \$300.00 raised by the Tribute to our Troops charity ride during Pony Express Days. The money is a donation towards shipping costs for care packages to

be sent to members of the military overseas. In coordination with an Eagle Scout project, enough items were also collected for 44 care packages.

11. OATH OF OFFICE

- A. Eagle Mountain Fire Department – Juan Delgado and Marcus Lazzar

Juan Delgado and Marcus Lazzar were sworn in by Chief Andrus.

CONSENT AGENDA

MOTION: *Councilmember Cieslak moved to approve the Consent Agenda, with the exception of item #14, which was removed from the agenda. 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.*

12. MINUTES

- A. June 16, 2009 – Regular City Council Meeting
B. June 23, 2009 – Special City Council Meeting

13. CHANGE ORDER

- A. Well #1 and #5 Change Order #4 – Clear Construction Company
B. Mid Valley Regional Park Change Order #1 – Skip Dunn

14. FINAL PAYMENT

- A. Porter's Crossing Extension – Skip Dunn
This item was removed from the agenda.

15. LETTERS OF SUPPORT

- A. Grade Separated Crossing at Lehi Main Street and Railroad
B. Proposed Toll Bridge Across Utah Lake

SCHEDULED ITEMS

16. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Requesting that the Utah Department of Transportation Perform an Advance Warrant Study for the Intersection of Redwood Road and Pony Express Parkway and Establishing an Effective Date.

This item was presented by Mayor Jackson. The proposed Resolution is a request from Eagle Mountain City to Region 3 of the Department of Transportation to perform a warranty study in advance of the construction of the intersection of the Pony Express Parkway extension and Redwood Road in advance of the opening of Westlake High School. Alpine School District has already passed a similar resolution and Saratoga Springs will vote on one, as well. The construction of the extension will create increased traffic, which will require a traffic signal at the intersection.

MOTION: *Councilmember Lifferth moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, requesting that the Utah Department of Transportation perform an advance warrant study for the intersection of Redwood Road and Pony*

Express Parkway and establishing an effective date of July 7, 2009.

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

17. BID AWARD – Consideration and Award of Bid to Staker Parson for Bobby Wren Boulevard, Phase 1.

This item was presented by Chris Trusty. The City Council approved the construction of Bobby Wren Boulevard, Phase 1, in the FY 2010 budget. This base bid allows for 24 feet of asphalt from Sweetwater Road to the first entry to Pioneer Addition 5. The base bid did not include curb and gutter, and only included 3 inches of the total 5 inch section. As such, an additive alternate for the curb and gutter and an additional two inches of asphalt was also bid. A second additive alternate for road base to be placed from Pioneer Addition 5 to Pioneer Addition 7 was also included in the bidding process. The work will be completed shortly after school starts. \$250,00 was budgeted for the project, so the bid came in under budget, even with the two bid additions included in the award.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Staker Parson for Bobby Wren Boulevard, Phase 1, in the amount of \$207,237.31 and authorize the Mayor to sign a contract in that amount. 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.*

18. BID AWARD – Consideration and Award of Bid to Staker Parson for Smith Ranch Road Pulverize and Overlay.

This item was presented by Chris Trusty. The City Council approved the construction project to pulverize and overlay Smith Ranch Road as part of the FY 2010 budget. With the completion of the Porter's Crossing project, traffic will be reduced on this road. The pulverize and overlay project will significantly improve the condition of the road. Staker Parson was not the low bid, but the low bidder previously did sub-standard work for the City. The bid was less than the amount budgeted.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Staker Parson for the Smith Ranch Road pulverize and overlay project in the amount of \$109,536.00 and to authorize the Mayor to sign a contract in that amount. 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.*

19. AGREEMENT – Consideration and Approval of a Donation Agreement for The Ranches Golf Course.

This item was presented by John Hendrickson. Ames Construction has offered the City ownership of The Ranches Golf Course property in the form of a donation free and clear of any fiscal encumbrances. Ames builds golf courses, but doesn't generally manage them and the golf course has lost money. They would be unlikely to be able to sell it. The donation also includes other items such as property and equipment associated with the course, a cash donation of \$650,000 and

a Verizon/Cricket cell tower lease worth approximately \$600,000 over the next ten years. There will also be a lease for wireless internet connection worth approximately \$30,000 over ten years. The terms of the donation are still under negotiation.

The motion on this item was combined with the motion on the following item.

20. AGREEMENT – Consideration and Approval of an Operation, Management and Lease Agreement for The Ranches Golf Course.

This item was presented by John Hendrickson. The City does not want to accept the donation unless it can contract for management of the golf course. This agreement provides operation, management and leasing for The Ranches Golf Course through Vanguard Golf Management Group, which manages and operates the Thanksgiving Point and Sand Hollow golf courses in Lehi and St. George. They would operate it, in part, as an alternative to Thanksgiving Point when Thanksgiving Point is fully booked. Vanguard would lease the golf course for \$1.00, be responsible for all the debts and expenses of the course and retain all the profits. The company will have the option to buy the course. It has expressed interest in building a new clubhouse, but would have to buy the course in order to do so.

The Council felt that more discussion and negotiation was required before voting on the donation and the lease agreement.

MOTION: *Councilmember Lifferth moved to table a donation agreement and an operation, management and lease agreement for The Ranches Golf Course. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

21. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Cieslak

Councilmember Cieslak thanked residents for their comments and interest in local government. He encouraged them to contact elected officials and UDOT in support of the advance warrant study.

Councilmember Ochsenhirt

Councilmember Ochsenhirt mentioned the 4th of July and how wonderful it is to live in a free country. He thanked the members of the Council for expressing their opinions with respect for one another.

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Lifferth

Councilmember Lifferth announced his candidacy for re-election. He recognized the Mayor and everyone on the Council for the work that they do. Although they disagree at times, all of them work for the best interests of the city.

Councilmember Burnham

Councilmember Burnham asked residents to take the time to be educated voters in the upcoming municipal election. There will be meetings, newspaper articles and other sources of information about the candidates.

Mayor Jackson

Mayor Jackson said she and the Council members all disagree at times, but appreciate each other as friends and colleagues. She asked the City Recorder how many candidates are running for election at this point. So far, only the incumbents are running. The filing deadline is July 15 at 5:00 p.m., not the office closing time of 5:30. She said updates to the watering ordinance are being considered.

Mr. Hendrickson reported that all five wells are running. Water tank #5 will be completed by October. The sewer treatment plant will be completed by the end of the year. Parks are being built and improved. The City has adopted a Parks and Open Space Master Plan. The Capital Facilities Plan sections for water, sewer, electrical and streets are complete. The City is evaluating how much water it will purchase from the Central Water Project, in addition to the 25,000 acre-feet already purchased. Pony Express Parkway is being extended to Redwood Road.

There was a water pressure drop due to a problem with the SKATA control system. Although the pumps came on and the filled the tanks quickly because all wells are online. He said that City staff appreciates how well the Council handles things and allows the staff to handle things.

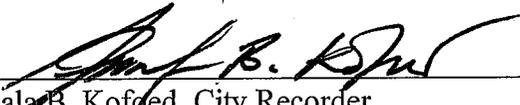
22. COMMUNICATION ITEMS

A. Upcoming Agenda Items

23. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 8:26 p.m.

APPROVED BY THE CITY COUNCIL ON JULY 21, 2009



Fionnuala B. Kofod, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 21, 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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak (arrived at 4:43 p.m.), Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Nick Camberlango, Management Intern; Kelsy Alsup, Management Intern; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Linda Peterson, Community Information Coordinator; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

Mayor Heather Anne Jackson called the meeting to order at 4:08 p.m.

1. PRESENTATION - Energy Department Staff Recognitions
2. PRESENTATION – Recreation Center Update
3. DISCUSSION – Pole Canyon Annexation and Master Development Plan
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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
6. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will 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.

MOTION: *Councilmember Lifferth 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 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.*

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

7. CALL TO ORDER

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Nick Camberlango, Management Intern; Kelsy Alsup, Management Intern; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Linda Peterson, Community Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

Mayor Heather Anne Jackson called the meeting to order at 7:20 p.m.

8. PLEDGE OF ALLEGIANCE

Chief Rand Andrus led the Pledge of Allegiance.

9. INFORMATION ITEMS/UPCOMING EVENTS

- Friday, July 24th is Pioneer Day. To celebrate the Library will be hosting a movie in the park that evening. The movie will be Charlotte's Web and it will begin at sunset. Donations of cash or books are welcome for the new Library expansion.
- UVU is looking for teachers to teach community classes being offered at the WestLake High School. No teaching degree is necessary. Further information is available on the City website.
- Eagle Mountain City is now using Twitter. To sign up to receive notifications from the City, please see the City website at www.eaglemountaincity.com. The City's Twitter address is <http://twitter.com/emcityorg>.
- Several Public Works projects are currently in the works. One in particular will be the pulverization of Smith Ranch Road. This road will be closed beginning July 22, 2009 for two weeks and will be open to local traffic only.
- Drainage pipes will be installed along the Pony Express Trail. This should take approximately 7 to 10 days.

Councilmember Lifferth asked if the installation of drainage pipes would affect the traffic along Sweetwater Road.

Mayor Jackson explained that there may be vehicles off to the side of the road but that it should not be a major impact to traffic.

10. PUBLIC COMMENTS

Tiffany Ulmer, 1320 Harrier Street, thanked the City for fixing several of the roads in the City as well as improving several open spaces. She also thanked Wal-Mart for agreeing to sell uniforms required by local schools; they normally don't do this. She expressed concern over waiving fees for Dr. Hart's medical building. She feels that this is something that the City should not be doing.

She asked that the City come up with a policy for fee-waivers for businesses. She also expressed concern with the City taking over the golf course. She does not want Eagle Mountain to get into the golfing business.

11. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Cieslak

Councilmember Cieslak was glad to see residents getting involved in meetings. He thanked the candidates for putting their names in for office. He encouraged everyone running for office to stick to the issues and to not bring up the past or anything that will not be beneficial for the City. He thanked Tiffany Ulmer for making public comment on several items.

Councilmember Ochsenhirt

Councilmember Lifferth explained that he is excited for Pioneer Day. He feels fortunate to be able to do work locally and is happy to see the pride residents take in their yards. He encouraged residents to maintain their yards and to help those that are struggling in this economy. He said that he was happy to see all of the progress being made on City parks.

Councilmember Ireland

Councilmember Ireland echoed Councilmember Cieslak's comments regarding the election. He also thanked those who are willing to serve and spend their time helping the City. He encouraged candidates and supporters of candidates to be respectful of others and the issues.

Councilmember Lifferth

Councilmember Lifferth explained that he is looking forward to the activities on Pioneer Day. He thanked the residents for getting involved in the issues and for sharing their thoughts. He requested that residents always be educated on the issues. He explained that the golf course item is governed by disclosure laws. He said that several residents have expressed concern with not being able to know the issues completely therefore leaving them unable to give recommendations their elected officials.

Councilmember Burnham

Councilmember Burnham asked why the community garden project was not on the agenda. She thanked the City for fixing the flooding issues behind her home and several of her neighbors. She said that unfortunately the City's property is now being flooded. She encouraged residents to take the time to get to know the candidates and to make an educated vote.

Mayor Jackson explained that the individual behind the community gardens project has recently moved out of the city. She explained that the City has picked the project up and is working diligently to try and put together a policy.

Mr. Hendrickson said that the existing gardens that residents have built on City property have not been touched and will remain there until a policy is in place.

Mayor Jackson is excited that the City will be holding an event on Pioneer Day this year.

CONSENT AGENDA

12. MINUTES

A. July 7, 2009 – Regular City Council Meeting

13. CHANGE ORDER

- A. Waste Water Treatment Plant Change Order #5 – Nelson Brothers
- B. Water Line for Well Number 5 Change Order #2 – Horrocks Engineering
- C. Mt. Airey Park Storm Drain Change Order #1 – Skip Dunn
- D. Bobby Wren Boulevard Construction Project Change Order #1 – Staker Parson

14. WARRANTY RELEASE

- A. Sweetwater Phase 1 Warranty Bond Release (Out of Warranty)

MOTION: *Councilmember Ireland moved to approve the consent agenda. 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.*

SCHEDULED ITEMS

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

The proposed resolution will amend the Consolidated Fee Schedule to include changes to the Timpanogos Special Service District NSA treatment fee per ERU, power rates, business license fees, development application fees, cost of a bound street guide, and the addition of a candidate filing fee.

Councilmember Lifferth said that he feels businesses should be notified before changes are made to the business fees.

MOTION: *Councilmember Lifferth moved to adopt a Resolution of the City Council of Eagle Mountain, Utah amending the Consolidated Fee Schedule with the exception of business licensing fees. Councilmember Ireland seconded the motion.*

Councilmember Ochsenhirt asked if Councilmember Lifferth suggested that all changes to business licensing be removed.

Councilmember Lifferth stated yes. He asked that before any changes are made the home based business are informed of the proposed changes.

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

Mayor Jackson asked that business owners be notified regarding the fee changes and that it be brought back to next meeting.

16. RESOLUTION – Consideration and Approval of a Resolution Adopting a Red Flag Policy and Identity Theft Prevention Program for Eagle Mountain City.

Federal Law and Federal Trade Commission regulations require creditors who collect credit information and bill utility services in arrears, to adopt policies and regulations to assist in the detection of identity theft. The proposed resolution will adopt a policy for employees of the City to follow to help prevent identity theft. The proposed policy is adapted from a model policy for governmental utilities.

MOTION: *Councilmember Cieslak moved to adopt a Resolution adopting a Red Flag Policy and Identity Theft Prevention Program for Eagle Mountain City. 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. RESOLUTION – Consideration and Approval of a Resolution Amending the Policies and Procedures Manual.

Due to scheduling of 24-hour shifts at the Fire Department, full time firefighters accrue leave at 1.5 times the rate of other full time employees of the City. These accruals were determined by using accruals of other Fire Departments. Also, the vacation accrual rate for full time firefighters could put them at the 240 hour carryover maximum, currently allowed by the Manual, at a faster rate than other full time employees. Policies currently require that all accrued vacation leave above 240 hours be forfeited every January 1 of the year following the calendar year in which the hours were accrued. It is recommended that this number of hours be increased to 468 hours for firefighters (most fire departments allow 480 hours).

MOTION: *Councilmember Cieslak moved to adopt a Resolution amending the Policies and Procedures Manual as proposed in the staff report. [Accrual at 1.5 times the usual City rate and 468-hour maximum accrual before annual forfeit]. Councilmember Lifferth seconded the motion.*

Councilmember Lifferth asked if this change would help retain firefighters over time.

Chief Andrus feels that it will have a neutral effect. He stated that they are not losing firefighters because of the benefits package but because of the wages.

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

18. MOTION – Consideration and Approval of Impact and Building Fee Reimbursement for Dr. Ryan Hart Dental Building.

Mr. Hendrickson explained that the City has received a request from Dr. Ryan Hart asking for a reimbursement of fees for connection and building permit fees in the same manner that was done for Dr. Gardiner. Dr. Hart is requesting this reimbursement because he feels that he too is a one of a kind first time business as stated in Ordinance 18-2005. Mr. Hendrickson explained that there was question as to whether or not the hard costs should be waived. He recommended that if the Council approve this request that they also put a moratorium on the Ordinance to have changed to the correct intent. He stated that staff does not take a position in this matter as they do not have a jurisdiction over it.

Councilmember Ochsenhirt asked if the moratorium should be included as part of the motion.

Mr. Kinghorn explained that an Ordinance should be brought before the Council at the next meeting repealing the current Ordinance.

Councilmember Ireland asked how you can repeal something if it doesn't exist. He said that the Ordinance expired in 2007.

Mr. Kinghorn explained that what expired was the authority of the City Administrator to grant waivers. He said that waivers can still be granted.

Mr. Hendrickson explained that the original intent of the ordinance was to allow the City Administrator to grant fee waivers to the first business types to build within the City. He explained that this ability expired in 2007, no longer giving Staff the ability to grant fee waivers, therefore leaving it to the Council to decide.

Councilmember Lifferth asked if the entire \$40,000 were considered to be soft cost fees.

Mr. Hendrickson explained that it is made up of hard and soft costs.

Councilmember Lifferth asked for a total of hard costs.

Mr. Ferre explained that out of the \$40,000 approximately 80% would be hard costs. The rest would be labor and installation costs.

Councilmember Ireland feels that it is wrong for others to pay for these fee waivers. He said that it is not fair for taxpayers to pay for a building or service. He stated that if there are costs associated with a business coming to town then the business should pay for those not others.

Councilmember Burnham explained that she voted against Dr. Gardiner's waiving of fees because she felt that the citizens of Eagle Mountain could not recover those costs. She was also concerned with waiving hard costs because these come from the City. She feels that Dr. Gardiner was not the first business and that it was actually Dr. Hart because he had a building built here first. She stated that because the fee waiver was given to Dr. Gardiner she will do the same for Dr. Hart.

Councilmember Ireland asked if Councilmember Burnham would feel the same if Dr. Hart was a pediatrician.

Councilmember Burnham stated that she would still vote no for the same reasons she voted no on Dr. Gardiner's fee waivers.

MOTION: *Councilmember Lifferth moved to waive soft fee costs for Dr. Hart up to a maximum amount of \$20,000.*

Councilmember Cieslak asked Councilmember Lifferth how he came up with the \$20,000 amount.

Councilmember Lifferth explained that based on Mr. Ferre's description of the hard costs for the electrical connections, he subtracted that amount from the original \$40,000.

Councilmember Burnham asked why Councilmember Lifferth chose this option this time and not for Dr. Gardiner, as well.

Councilmember Lifferth explained that he had a lot of heartburn waiving hard costs for Dr. Gardiner. He explained that he has spoken with several individuals on the matter and feels that it may have been inappropriate on his part to vote for the waiver of hard costs on Dr. Gardiner's item.

Councilmember Ochsenhirt seconded the motion.

Mayor Jackson asked that the motion be restated.

Mrs. Kofoed reminded the Council that the motion would need to state reimbursement of fees, because Dr. Hart's office has already been built.

RESTATED MOTION: *Councilmember Lifferth moved to reimburse up to \$20,000 in soft costs to Dr. Hart. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ochsenhirt explained that his previous decision on Dr. Gardiner's item was based upon the hard costs. He feels that approving the soft costs is okay.

Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those opposed: Ryan Ireland. The motion passed with a 4 to 1 vote.

19. AGREEMENT – Consideration and Approval of an Operation, Management and Lease Agreement for The Ranches Golf Course.

This agreement provides operation, management and leasing for The Ranches Golf Course through Vanguard Golf Management Group, which manages and operates the Thanksgiving Point and Sand Hollow golf courses in Lehi and St. George.

Mr. Hendrickson explained that several months ago a representative from Eagle Mountain Links approached the City about donating the golf course that they have owned for a number of years. He said that during the evaluation process funds were offered to allow the City to ease into the ownership of the course. He explained that the golf course under its current ownership has been losing approximately \$300,000 a year in operation and maintenance fees. The City's initial thought was that the City would not run the golf course. Mr. Hendrickson believed that it would be in the best interest of the City to lease the golf course to Vanguard Golf Management Group who may eventually purchase the golf course. He explained that this company currently leases the Thanksgiving Point Golf Course and golf courses in St. George and Hurricane, Utah. This donation will be free of all encumbrances along with \$650,000 to be used for the benefit of the golf course. In the agreement with Vanguard it states that they shall receive \$90,000 up front for their start up costs. All marketing, inventory and etc. will be changed. Every year Vanguard will be required to present the City with a budget and request which will be up to the Council for approval. If the fund runs out it will be up to Vanguard to supply the difference. The City estimates that

Vanguard will break even on the golf course in three to four years. There will always be \$50,000 in the operation reserve fund. The well would be required to remain with the City.

Councilmember Lifferth asked if the \$50,000 that is to remain in a reserve fund should be included in the motion made on this agreement.

Mr. Hendrickson stated that it did not need to be included in the motion.

Mayor Jackson explained that if these agreements pass tonight a budget amendment will be presented to the Council at a future meeting in which the reserve fund would be included.

Mr. Hendrickson explained that there is always reservation in accepting something like this. He said that the difference in this is that the golf course will come with no debt. He feels that Vanguard will do a great job in maintaining the golf course and turning it around for profit. The equipment Vanguard receives will be under a lease for \$750.00 dollars a month. This money will be put into the reserve fund.

Mr. Kinghorn explained that an equipment lease will be presented to the Council at a later time.

Mayor Jackson explained that the City would like to add to the agreement that they be allowed to hold three golf tournaments a year with the green fees and equipment rentals waived.

A representative from Vanguard stated that this would fine.

Councilmember Cieslak explained that in the reports it shows that the maintenance fees become less and less each year. He asked if this was because golf courses become easier to maintain the longer they are around.

The representative from Vanguard explained that they do become cheaper to maintain over the years especially if they are being maintained in a cost efficient way.

Councilmember Ireland asked if Vanguard wants to own the course and if they can take it over today. He feels that the City should not be in the golf course ownership business.

Vanguard feels that a management deal is best for them. They feel that this way any shortfalls will be covered so that they can purchase the golf course in the future.

Mayor Jackson explained that Vanguard cannot build a building on City property. Leasing the property puts Vanguard in charge of everything such as utilities and maintenance.

Vanguard explained that the first year will tell them whether or not they will want to purchase the golf course. They feel that within the next year they will have a much better grasp on whether or not they will purchase the golf course. They will do everything in their power to capitalize on the prime playing season.

MOTION: *Councilmember Ochsenhirt moved to approve an Operation, Management and Lease Agreement for The Ranches Golf Course with Vanguard Golf Management*

Group including the addition of the equipment lease agreement and the three City sponsored tournaments. Councilmember Lifferth seconded the motion.

Councilmember Lifferth feels that the City should not be in the utility or the golf business. He explained that several years ago the City had an opportunity to sell the Telecom business. He said that there were several steps that the City had to go through in order to sell that service. He feels that by leasing the golf course to Vanguard, it is just a step in the process to the final result of eventually selling the golf course. He does not want to see the City go into the golf business long term. He feels that the City is not bailing out Amesco and that the City is absolutely not anxious to take over this golf course. He feels that long term this will be the best solution for the City.

Councilmember Ochsenhirt echoed Councilmember Lifferth's comments. He feels that the City should not be in the golf course business. He said that the failure of the golf course would do more damage to the City than it can take at this time. He thanked the staff for working hard to make this process understandable.

Councilmember Burnham feels that the City should not be in the golf course business. She explained that Vanguard could walk away from the golf course two years from now if they can't make a go of it. She said that they don't know if this will cost taxpayers money or not. She worries that if the City does not take this over will it become a weed infested area but she strongly feels that the City should not be in the golf course business.

Councilmember Ireland said that the City is considering bailing out a failing business. He said if they were making money this discussion would not be before the Council. He feels that from a principal perspective this is not a role the government should be in. He feels that businesses should compete against business and that the government should not get in the way. He said that if the agreement included a date that Vanguard would buy the golf course then he would be in favor of the proposal tonight.

Councilmember Cieslak explained that when he ran for office he hoped to fix road issues, water and economic development. He feels that anything they can do to encourage economic development will be a benefit for the City. He feels that this is a good business decision and that if it is done right it can be turned around very quickly.

Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth, Nathan Ochsenhirt. Those opposed: Ryan Ireland. The motion passed with a 4 to 1 vote.

Councilmember Burnham explained that she voted yes for the lease agreement because the lease agreement will not come about if the donation agreement is not approved. She did not feel comfortable saying yes to the donation agreement without the lease agreement in place.

20. AGREEMENT – Consideration and Approval of a Donation Agreement for The Ranches Golf Course.

Eagle Mountain Holdings and Eagle Mountain Links LLC have offered the City ownership of The Ranches Golf Course property in the form of a donation free and clear of any fiscal encumbrances. The donation also includes other items such as property and equipment associated with the course, a cash donation of \$650,000 and a Verizon/Cricket cell tower lease.

MOTION: *Councilmember Cieslak moved to approve a Donation Agreement for The Ranches Golf Course. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ireland feels that this is a win for everyone except for the residents of the City.

Councilmember Lifferth thanked everyone for their positions taken on this item. He explained that he conducted a poll of this donation on his website and that according to the poll, people were in favor of the donation. He feels that when people have a chance to understand the issues they are willing to see that this is a win-win for everyone involved.

Those voting aye: Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those voting nay: Donna Burnham and Ryan Ireland. The motion passed with a 3 to 2 vote.

21. AGREEMENT – Consideration and Approval of an Indemnification Agreement with Eagle Mountain Holdings LLC and Eagle Mountain Links LLC Concerning the Golf Course Donation Agreement.

This Agreement provides for recourse by the City against Eagle Mountain Holdings LLC and Eagle Mountain Links LLC if third party claims are brought against the City for any matter arising before the City became the owner of the golf course.

MOTION: *Councilmember Lifferth moved to approve an Indemnification Agreement with Eagle Mountain Holdings LLC and Eagle Mountain Links LLC concerning the Golf Course Donation Agreement. 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. AGREEMENT – Consideration and Approval of a Settlement Agreement with Ames Construction, Eagle Mountain Holdings LLC and Eagle Mountain Links LLC Concerning Claims Against the City and Banked Water Entitlements.

Over the years that Ames Construction, Eagle Mountain Holdings and Eagle Mountain Links (“the Developers”) have owned and developed property in the City, the Developers and the City have not been able to reach agreement on the City standards for water right dedication and the requirements for water for the golf course. Formal written claims have been made against the City by the Developers from time to time which remain unresolved. The City has unresolved claims against banked water entitlements held by the Developers. In this Agreement, the City and the Developers agree to finally compromise and settle all claims against each other.

MOTION: *Councilmember Lifferth moved to approve a Settlement Agreement with Ames Construction, Eagle Mountain Holdings LLC and Eagle Mountain Links LLC concerning claims against the City and banked water entitlements. Councilmember Cieslak seconded the motion. Those voting aye: Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those voting nay: Donna Burnham, Ryan Ireland. The motion passed with 3 to 2 vote.*

23. RESOLUTION – Consideration and Adoption of Resolution of the City Council of Eagle Mountain, Utah Authorizing Filing of Amended LLC Articles for Eagle Mountain Clubhouse.

LLC and Execution of All Required Documents to Transfer the Assets of Eagle Mountain Clubhouse LLC to the City and Wind Up and Dissolve Eagle Mountain Clubhouse, LLC and Take Other Required Actions Related to the City Operation of The Ranches Golf Course.

In the acquisition of the Golf Course the City will receive all the assets in the form of a limited liability company called Eagle Mountain Clubhouse LLC. The City will take control of the LLC and transfer all assets to the City, placing certain restrictions on the use of the golf course property and dissolve the LLC. This resolution authorizes the execution of the documents to complete the transaction and vest title to the golf course in the City.

MOTION: *Councilmember Ireland moved to adopt a Resolution of the City Council of Eagle Mountain, Utah authorizing filing of amended LLC articles for Eagle Mountain Clubhouse LLC and execution of all required documents to transfer the assets of Eagle Mountain Clubhouse LLC to the City and wind up and dissolve Eagle Mountain Clubhouse, LLC and take other required actions related to the City operation of The Ranches Golf Course. Councilmember Ochsenhirt seconded the motion.*

Councilmember Lifferth asked if this authorizes the Mayor to sign the necessary documents.

Mr. Kinghorn explained that it can be either the Mayor or City Administrator.

Mayor Jackson explained that she would make herself available to sign the documents.

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

24. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Ochsenhirt

Councilmember Ochsenhirt expressed gratitude to the Mayor for switching the voting around. He wanted the public to know that the Council takes their jobs seriously and they try to come to the best decision that will benefit the City. He feels that it is an honor to work with the other Council members.

Councilmember Ireland

Councilmember Ireland thanked Dr. Hart for being a part of the community. He asked that Vanguard buy the golf course as quickly as they can and thanked them for being a part of the issue. He feels that they will do a fantastic job and that the community will be better because of them.

Councilmember Lifferth

Councilmember Lifferth is happy to see this issue out of the Council's hands. He is appreciative of everyone's honesty and integrity and he respects everyone's decision. He explained that he had spoken with a resident earlier in the week and that developers come and go and some developments fail or succeed. He feels that the people who continue to live here represent the good and bad of the city. He thanked Mr. Hendrickson, Mr. Pili and Mr. Walker for making the golf course process more understandable.

Councilmember Burnham

Councilmember Burnham appreciates the passion her fellow Councilmembers have for the community. She wants the golf course to be a success.

Councilmember Cieslak

Councilmember Cieslak believes that the golf course will be a good thing for economic development. He thanked the residents for coming to the meeting. He thanked Mr. Hart and his efforts in the economic development business. He encouraged everyone to continue writing their elected officials about the transportation issues here in the city. He said that although there is funding for some roads there is still much to be done to fix the current situation. He mentioned that Herriman was able to build a splash pad for \$85,000. He asked if the City could build one.

Mr. Hendrickson explained that the City has budgeted \$250,000 for a splash park and that they are considering building two. He said that hopefully there will be a presentation ready for the Council at their next meeting.

Mayor Jackson

Mayor Jackson thanked the staff for their hard work on the golf course. She said that they came up with many different ways that would make this worthwhile for the city. She explained that whether she likes the items or not they are put on the agenda and she leaves it to the Council to make the best decision for the city.

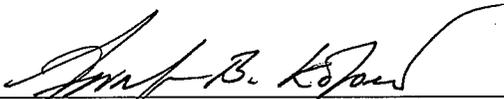
25. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

26. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:13 p.m.

APPROVED BY CITY COUNCIL ON AUGUST 4, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 4, 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

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. Councilmember Cieslak was excused.

CITY STAFF PRESENT: Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Kelsy Alsup, Management Intern; Nick Camberlango, Management Intern; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant.

Mayor Heather Anne Jackson called the meeting to order at 4:10 p.m.

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
3. 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 Lifferth seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:49 p.m.

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. Councilmember Cieslak was excused.

CITY STAFF PRESENT: Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; Kelsy Alsup, Management Intern; Nick Camberlango, Management Intern; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson,

Community Information Coordinator; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant.

4. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:14 p.m.

5. PLEDGE OF ALLEGIANCE

Susan Hayward led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The City held its first annual economic development summit this morning.
- The Youth City Council will meet on Thursday, August 6, at 4:00 p.m. in the City Hall training room. They will make plans for the new school year. Youth City Council is open to students in grades 9-12 who live in or attend school in Eagle Mountain, Saratoga Springs, White Hills, Cedar Fort or Fairfield. Members are required to have citizenship in good standing and submit one letter of recommendation. More information is available on the City website under the "Elected Officials" tab.
- A new multiple sclerosis support group meets on the third Thursday of each month at Fire Station #2 at 6:30 p.m. For more information, contact Michelle at 801-471-7557.
- The Utah County Fair will be held from August 12-15 at the Spanish Fork Fairgrounds. More information is available on the City website.
- The City is on Twitter. For information on how to sign up, see the City website.

7. PUBLIC COMMENTS

Mayor Jackson read a comment from Isaac Hao III, MSW: "(1) Recreation center. (2) Water splash. Recreation center must be considered 5 years from today! The financial world is having a melt down. We should follow those who are spending less if anything – we cannot spend while families are losing homes, jobs, directions. I vote no on R/C."

Bryan Free, 7654 Red Kite Way, a member of the Parks and Recreation Advisory Board, said the Board struggled because recreation was a campaign issue for some of the elected officials. Doing something shows them that the City is keeping its promise. Polls indicated that the main thing the residents wanted was an aquatic center. The Board presented a design that included everything the residents requested, but scaled down the recommendation to fit the current economic situation. The recommendation is designed to be accessible to everyone. Putting the recreation center on the ballot allows the residents to make the choice.

Susan Hayward, 8466 Western Gables Dr., spoke as a resident and member of the Parks and Recreation Board. She said that the Board didn't treat this issue lightly; they held public meetings, conducted surveys, and designed what the residents wanted, which was primarily an aquatic center. Residents tell her that they need this amenity, because their property values will go up, they'll have more reason to stay here and it will draw new residents. They are tired of driving through traffic and paying money to another city for recreation. She's speaking for some residents of Kiowa Valley, who couldn't be here tonight because of football practice, as well as for her family and neighbors.

Tiffany Ulmer, 1320 Harrier St., asked that the corners of the new Bobby Wren Blvd. construction be fanned out so that cars won't fall off of the pavement into the dirt when turning the corner. She thanked the Parks and Recreation Board for their hard work. She said that now is not the time to put the recreation center on the ballot, but the current idea should be used as a draft. She took her family to the Payson pool, which is the basis for the Eagle Mountain design. There were no private dressing areas, and the older kids were bored because most of the pool was designed for 5 to 12 year olds. She asked that the final design of the recreation center include a splash pad, which the City has already budgeted for.

Lynnette Rose, 2613 E. Cedar Dr., a member of the Parks and Recreation Board, said the Board spent lots of time, effort and research over the last year to provide what the residents want. The majority of residents who attended the informational meetings asked for an aquatic center. As a real estate professional, her experience is that facilities like this attract residents and enhances their lives, including those who can't afford any other recreation. The members of the Board appreciated the opportunity to present the voice of the people.

Elaine Duke, 2156 E. Sunrise Dr., said she was a member of the Parks and Recreation Board and a senior citizen. She was laid off in December and is on a fixed income, but felt she could afford the amount she would need to pay towards the facility. The design presented was not set in stone – it can be adapted to what will be most effective for the city. She said it was a good time to build because interest rates are low, construction costs are low and the project will provide jobs. The per-family cost to build and use the facility would be less than what it costs to transport her grandchildren to the Legacy Center in Lehi. The community needs it; it will help struggling families, and fundraisers can be held to help with costs.

Dywane Calopp, 7137 N. Kiowa Parkway, wanted a street sign installed on the north end of Kiowa Parkway where it meets Golden Eagle. He also wanted a speed limit sign installed and a speed trailer placed there so people can see how fast they're going.

Jeff Wickman, 2766 Fort Hill Road, stated that his son's dirt bike was impounded at a very high towing cost. He felt that officers in Saratoga Springs and Eagle Mountain didn't have enough to do and didn't want his tax dollars used to support a police force that works against the people. He asked if the Council would rather have his son and their friends outside riding dirt bikes or breaking into houses, lighting fires and doing drugs and alcohol. He said that Nephi has streets designated for kids to ride off-road vehicles on.

Mayor Jackson asked Chris Trusty to check on having street signs installed on Kiowa Parkway and asked the Sheriff's Office to patrol for speeders and move the speed trailer there. She said that the City is working with BLM to designate some roads for the use of ATVs. They met with BLM last December, but were unable to get the document they needed until after getting help from Sen. Bennett's office in July. The City is working with BLM to designate ATV trails along Lake Mountain Road and designate entrances from public property, so the vehicles don't use private property.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Liffert

Councilmember Lifferth thanked everyone involved in the discussion about the recreation center, especially the Parks and Recreation Advisory Board. He said that being on the City Council sometimes involves family sacrifices. He was attending tonight's meeting, although his son is playing an important soccer game tonight. He wished a happy birthday to his daughter, who shares a birthday today with Barack Obama. He encouraged residents to attend the Utah Transportation Commission meeting at the Saratoga Springs City Council Chambers on Aug. 13 at 1:30 p.m.

Councilmember Burnham

Councilmember Burnham thanked everyone for attending this meeting. Sometimes the Council has to make important decisions with little attendance by residents. She thanked the City's boards, especially the Parks and Recreation Advisory Board, which has put in a great deal of time throughout the year. All of the members of City boards serve as unpaid volunteers.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone who attended this meeting. He said the Council works for the residents. He thanked the Parks and Recreation Advisory Board. Their work will help the Council make a sound decision, so their effort was not wasted, regardless of the outcome of the vote this evening. He said it is great to be an American and live in Eagle Mountain.

Councilmember Ireland

Councilmember Ireland was happy to see construction on the site of the new school. He said there are very large trucks on residential streets and asked that someone tell them to slow down. He attended the Parks and Recreation Advisory Board meeting last Tuesday night and felt privileged to see the Board working on behalf of the people. They met again on Thursday morning, taking time away from their families and their jobs.

Mayor Jackson

Mayor Jackson thanked the Parks and Recreation Advisory Board. It's a large board, consisting of seven people rather than the usual five. They meet twice a month, more than other boards, and put in almost as much time as the City Council does.

9. PROCLAMATION

A. Eagle Mountain Fire Fighters/MDA Fill the Boot Program

Mayor Jackson read the proclamation for the Eagle Mountain Fire Fighters/Fill the Boot Program:

WHEREAS, neuromuscular diseases affect over one million Americans and their families; and

WHEREAS, the Muscular Dystrophy Association is a nonprofit health agency dedicated to curing muscular dystrophy, ALS and related diseases by funding worldwide research and by providing advocacy, education, health care and support services to adults and children with neuromuscular diseases; and

WHEREAS, this year marks the 55th year that fire fighters in Utah and throughout the country have joined the Muscular Dystrophy Association in the fight against neuromuscular disease; and

WHEREAS, Utah fire fighters, who have pledged their lives to save the lives of others, have pledged their efforts to help find a cure for these devastating diseases; and

WHEREAS, Eagle Mountain City wishes to thank its fire fighters for supporting the fight against neuromuscular disease;

NOW, THEREFORE, I, Heather Anne Jackson, Mayor of Eagle Mountain City, and the Eagle Mountain City Council, express our support for Eagle Mountain fire fighters' participation in the Fill the Boot program and encourage residents of Eagle Mountain City to contribute to this program and help find a cure for neuromuscular disease.

Dated this 4th day of August, 2009.

MOTION: *Councilmember Lifferth moved to approve a proclamation in support of the Eagle Mountain Fire Fighters/MDA Fill the Boot Program, as read by Mayor Jackson. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

CONSENT AGENDA

10. MINUTES

A. July 21, 2009 – Regular City Council Meeting

11. FINAL PAYMENTS

- A. Appaloosa Way Rotomill and Overlay – Geneva Rock
- B. Eagle Mountain Blvd. Slurry Seal – Staker Parson
- C. Eagle Point B Park Trail – Staker Parson
- D. Mt. Airey Drive Asphalt Replacement & Repair – Geneva Rock
- E. Walden Park Parking Lot – Staker Parson

12. FINAL BOND RELEASE (into Warranty)

A. Southmoor Phase 1

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

Mayor Jackson reviewed procedures for discussing items. After the presentation is made, the Council asks questions. Then the motion is made and opened for discussion. Discussion time is for working out issues with the item. It shouldn't be used to explain how a member is going to vote and why. That should be done during the roll call vote.

SCHEDULED ITEMS

13. MOTION – Consideration and Approval of a Bond Election to Fund Construction of a Recreation Center/Aquatic Center.

Mayor Jackson explained that this item is a decision as to whether or not to place a bond measure on the November ballot. If this item passes, a bond resolution will be presented at the next meeting.

The presentation for this item was made by Management Analyst Jason Walker. For the past several months, the Parks and Recreation Advisory Board, City staff and VCBO Architects have been researching and developing the most beneficial, yet cost-effective, recreation center design for city residents. The design previously recommended was a large, indoor facility, but the operating and maintenance costs were much higher than expected. The Board revised the design to be much more financially feasible.

The current proposal is an outdoor pool design based on the one just built in Payson. It would consist of a leisure pool, "lazy river," lap pool, concession stand, party room, changing rooms, offices and equipment storage. The lap pool could be prepped for an optional seasonal enclosure. Design and construction would be funded by an \$8.5 million general obligation bond voted on the November election ballot.

MOTION: *Councilmember Burnham moved not to place a resolution on the next City Council agenda proposing a ballot measure for the November general election for a public aquatic recreation facility. Councilmember Ireland seconded the motion.*

Councilmembers discussed the residents' wish for a recreation center versus their concern about paying for it right now. In addition, higher-than-expected operation and maintenance estimates were presented at the last meeting. While a new plan was presented at tonight's meeting, they felt that more time was needed to thoroughly design a more affordable plan. Allowing more time for the redesign and to educate the public about the design, its costs and its benefits would allow it to be placed on a June ballot and make it more likely to pass.

Mayor Jackson agreed that it was clear the people wanted a facility, but unclear how much they were willing to pay for it. At the time the surveys were conducted, there was confusion about whether The Ranches was going to build a recreation facility. With that issue now resolved, residents should be able to make a more informed decision.

There was extensive discussion on the means of funding the project. Mayor Jackson said that Lehi initially tried to use a general obligation bond to fund the Legacy Center. It didn't pass, so the city paid for it through a sales tax bond. Because the process was not well understood, some residents felt that it wasn't done openly. She felt that the right way to do this is to allow the residents to vote on it.

Councilmember Lifferth called the question. Councilmember Ochsenhirt requested that the motion be restated. Mayor Jackson restated the motion as follows:

RESTATED MOTION: *Not to bring a resolution before the Council at the next meeting, thereby not allowing the bond issue to be placed on the November ballot.*

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

Councilmember Ireland noted that he would love for this issue to continue forward with additional research, including input from the Youth City Council.

Councilmember Lifferth said that he looked forward to having a recreation center, with agreement as to how to properly finance it.

Councilmember Ochsenhirt wanted to make sure that the public understands that the groundwork has been laid. The financing needs to be clearer, which will allow the city to make a good decision.

Mayor Jackson asked City Recorder Fionnuala Kofoed to make a note to have the issue come back before the Council in time to have it on a ballot in June.

Mr. Walker asked what information the Council would like to have before making the decision. Mayor Jackson said that she would like surveys asking residents how they feel about specific amenities and cost options. She would also like more information and a time line published on the website and in the newsletter. She said that, although the Parks and Recreation Board has spent a year working on the issue and the Council has spent a month on it, the late change in the information made it seem unlikely that the bond measure would be passed by the voters at the November election.

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Terminating Legal Authority for the Waiver of Impact Fees or Connection Fees.

In an effort to promote economic development, Eagle Mountain City adopted an Ordinance in 1999 providing a process for the City Council to approve a waiver of impact fees for new businesses locating in the City. The 1999 Ordinance was repealed and the new Ordinance 02-2003 was enacted, including a delegation of authority to the City Administrator and provisions for the waiver of certain fees related to the telephone system. The 2003 Ordinance was further amended and revised in 2005; however, staff believes that it is necessary to specifically repeal all authority for the waiver of impact or connection fees, with the potential for Redevelopment Agency areas, Economic Development areas, or Community Development areas to provide development fee waivers in those specific project plans if the Redevelopment Agency Board adopts a plan providing for such waivers. This Ordinance is intended to eliminate any confusion about the status of legal authority for impact fee waivers and clearly indicates that all prior authority to waive impact fees or connection fees is terminated.

MOTION: *Councilmember Lifferth moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, terminating legal authority for the waiver of impact fees or connection fees that are not within a Redevelopment Agency Area Plan providing for development fee waivers. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

15. RESOLUTION – Consideration and Adoption of a Resolution Amending the Consolidated Fee Schedule to Increase the Home Business License Fee.

This item was presented by Planning Director Steve Mumford. The City has been subsidizing home-based businesses for years, only charging \$10.00 per year for a license. City staff is

proposing to increase the application fee to \$25.00 for home-based businesses and \$75.00 for home-based businesses that require inspections, in order to better cover the costs for processing these applications and inspections.

MOTION: *Councilmember Lifferth moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule to increase home business license fees, as outlined in the staff summary to \$25.00 for home-based businesses and \$75.00 for home-based businesses that require inspections. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

16. BID AWARD – Consideration and Approval of an Award of Bid for the Highlands on the Green Storm Drain Project.

This item was presented by Public Works Director Chris Trusty. Because of site topography, the Highlands on the Green subdivision has had consistent flooding issues. Several of the lots drain to a low spot which cannot drain toward the street because of elevation constraints. Local residents have tried to build drainage structures, such as swales and sumps, but the drainage is too severe to accommodate the existing flows. It is recommended that the City award a bid for a storm drain project for Highlands on the Green.

MOTION: *Councilmember Burnham moved to award a bid to Skip Dunn Excavation for the Highlands on the Green Storm Drain project in the amount of \$17,162.30 and to authorize the Mayor to sign a contract in that amount. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

Mr. Pili stated that the funds will come from other projects which were completed for less than the amount budgeted, with any shortfall covered by the Capital Improvements Fund.

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

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Lifferth

Councilmember Lifferth thanked everyone involved in the local government process. He especially applauded the Parks and Recreation Advisory Board for their work on the recreation center.

Councilmember Burnham

Councilmember Burnham echoed Councilmember Lifferth's comments. She hoped that City staff and the Parks and Recreation Advisory Board understood that her motion not to place the recreation center bond on the ballot was not intended to discount their work.

Councilmember Ochsenhirt

Councilmember Ochsenhirt apologized for seeming distracted during the meeting. His kids were home without their mother and needed to talk to him on the phone a few times. He expressed appreciation for the work of both the Parks and Recreation Advisory Board and City staff on the recreation center issue. He said their work was very good and he wants a recreation center. The vote was not against the recreation center, but against the timing.

Mayor Jackson

Mayor Jackson agreed that it was very difficult to see the disappointment from the Board and City staff. She clarified that the City will continue to work on the issue. When work is brought before the Council, but is not approved, it doesn't reflect badly on the work, but reflects the will of the Council as to what seems to be appropriate for the citizens. She thanked the Council for their efforts in making decisions.

- 18. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items

- 19. ADJOURNMENT

Councilmember Lifferth moved to adjourn the meeting at 9:19 p.m.

APPROVED BY CITY COUNCIL ON AUGUST 18, 2009



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 18, 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

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Erick Cieslak (arrived at 4:20 p.m.), David Lifferth and Nathan Ochsenhirt. Councilmember Ireland participated telephonically.

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Jenalee Harper, Deputy Recorder; Adam Ferre, Energy Division Director; Linda Peterson, Community Information Coordinator; Eric McDowell, Sergeant; Kent Partridge, Building Official; Gordon Burt, City Treasurer.

Mayor Heather Anne Jackson called the meeting to order at 4:10 p.m.

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
3. 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 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.*

The meeting adjourned at 4:53 p.m.

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Erick 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; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Jenalee Harper, Deputy Recorder; Adam Ferre, Energy Division Director; Linda Peterson, Community Information Coordinator; Eric McDowell, Sergeant; Kent Partridge, Building Official; Gordon Burt, City Treasurer.

4. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:08 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Burnham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Monday, August 24, 2009 at 5:00 p.m. the Senior Council will be having an "Old Italy" night for ages 55 and up. A traditional Italian dinner will be served.
- A support group for Multiple Sclerosis has been formed. This support group meets every third Thursday of the month at Fire Station #2 in the Ranches at 6:30 p.m.
- Eagle Mountain City is now on twitter as well as the Mayor. More information is available on the City website at www.eaglemountaincity.com.

7. PUBLIC COMMENTS

No public comment was made.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham reminded everyone to watch the crosswalks now that school is starting and to be careful while driving.

Councilmember Cieslak

Councilmember Cieslak asked if a Crosswalk could be placed across Tinamous Road over to Goshawk Road. He explained that a lot of children cross that road to get to Ranches Academy. He asked that a pothole by Peregrine Road and Sparrow Hawk Way be filled, on the north east corner of Nolan Park. He asked that residents continue to contact the elected officials and express the need for increased means of transportation.

Councilmember Ochsenhirt

Councilmember Ochsenhirt stated that he has noticed a lot of City street lights out. He asked that they be fixed and that the City check on those to make sure they are on and working. He expressed concern with Pony Express Parkway and all of the traffic that will be going down that way with the Westlake High School opening. He asked that the Sheriff's department increase their presence there during the morning and afternoon hours to make sure that people are driving safely.

Councilmember Ireland

Councilmember Ireland asked that the weeds be sprayed so that they do not increase and spread next summer.

Councilmember Lifferth

Councilmember Lifferth asked which route the bus to Westlake High School would be taking.

Councilmember Burnham explained that she saw a map showing the route as the back road (Pony Express Parkway).

Councilmember Lifferth thanked the Mayor for being on twitter. He explained that at the next Utah Lake Commission Meeting, Eagle Mountain City would officially be added to group. He feels that it is important for the community to continue speaking with elected officials regarding the transportation issues.

Mayor Jackson

Mayor Jackson explained that there was good attendance at the transportation meeting. She explained that as the presentation was made, Eagle Mountain was kept in mind and that people are realizing that the City is in need of increased transportation. She explained that the County Commissioners are going out for bonds for Pony Express Parkway and that this project should be completed by June of 2010. She also stated that she attended a UAMPS conference and that the City received a system improvement award for the expansion/upgrade of power lines.

Mr. Ferre explained that UAMPS was impressed by the way the City handled the 138kv line especially with the controversy involved.

Councilmember Lifferth asked that a press release be issued regarding this award.

CONSENT AGENDA

9. **MINUTES**

A. August 4, 2009 – Regular City Council Meeting

10. **CHANGE ORDER**

A. Bobby Wren Blvd. Storm Drain Change Order #2 – Staker Parson

11. **FINAL PAYMENTS**

- A. Porter's Crossing Extension – Skip Dunn
- B. Pony Express Parking Lot – Kenny Seng
- C. Pony Express Irrigation Line – Skip Dunn

12. **MASTER DEVELOPMENT AGREEMENT**

A. Scenic Mountain

This item was removed from the consent agenda.

13. **FINAL PLAT**

A. Scenic Mountain 1 Final Plat

This item was removed from the consent agenda.

14. SITE PLAN

A. Scenic Mountain Church

This item was removed from the consent agenda.

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

SCHEDULED ITEMS

15. MOTION – Consideration and Approval of a Lease for Golf Course Equipment with Vanguard Golf Management Group LLC.

The Eagle Mountain City Council approved the donation of The Ranches Golf Club, at the July 21, 2009 City Council meeting, from Eagle Mountain Holding and Eagle Mountain Links LLC to Eagle Mountain City. Additionally, the City Council approved an Operation and Management Lease Agreement with Vanguard Golf Management for the golf course. The golf course equipment was included in the donation and the proposed equipment lease agreement between Eagle Mountain City and Vanguard documents the terms of the lease.

Councilmember Ireland asked if there would be any equipment left if Vanguard pulled out 5 years from now.

Mr. Hendrickson explained that some equipment may be left but this would be the worst case scenario.

MOTION: *Councilmember Lifferth moved to approve a Lease for Golf Course Equipment with Vanguard Golf Management Group LLC as outlined in the agenda summary. 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.*

16. AGREEMENT – Consideration and Approval of an Interlocal Agreement for Fire Service with Utah County.

The proposed interlocal agreement is for fire protection to unincorporated areas of Utah County provided by Eagle Mountain City. Federal and State owned properties are excluded from this agreement.

MOTION: *Councilmember Burnham moved to approve an Interlocal Agreement for Fire Service with Utah County and that the City is reimbursed for 1 hour attorney and 1 hour administration per call billed at the same rate as the response. 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.*

17. AGREEMENT – Consideration and Approval of a Settlement and Release Agreement with Centex Homes.

Centex Homes failed to complete subdivision improvements for Eagle's Gate Plat A, Eagle's Gate Plat D, Kiowa Valley Plat A, Kiowa Valley Plat B and Kiowa Valley Plat C. This Settlement and Release Agreement with Centex Homes provides that Centex Homes will pay Eagle Mountain City to complete the improvements and the City will release the subdivision improvement bonds.

MOTION: *Councilmember Cieslak moved to approve a Settlement and Release Agreement with Centex Homes in the amount of \$280,427.88. 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. BID AWARD – Consideration and Award of a Bid to Skip Dunn for Eagle's Gate and Kiowa Subdivisions Completion and Authorization for the Mayor to Execute the Contract.

Staff recommends that Skip Dunn be awarded the bid to complete the subdivision improvements for Eagle's Gate Plat A, Eagle's Gate Plat D, Kiowa Valley Plat A, Kiowa Valley Plat B and Kiowa Valley Plat C that should have been completed by Centex Homes.

MOTION: *Councilmember Ochsenhirt moved to award a Bid to Skip Dunn for Eagle's Gate and Kiowa Subdivision Completion in the amount of \$221,530.63 and authorization for the Mayor to Execute the Contract. 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.*

19. AGREEMENT – Consideration and Approval of an Agreement for the Completion of Required Improvements with Developers Surety and Indemnity Company for Three Crossings C and Amendment 1.

Newport Homes failed to complete the subdivision improvements in Three Crossings C subdivision. The City demanded that the surety complete the improvements. This agreement provides for the completion of the improvements. Amendment 1 modifies the main agreement to require written notice to the City of the completion of the improvements for final inspection.

MOTION: *Councilmember Cieslak moved to approve an agreement for the completion of required improvements with Developers Surety and Indemnity Company for Three Crossings C and Amendment 1. Councilmember Ochsenhirt seconded the motion.*

Councilmember Lifferth asked if the project would be completed by winter.

Mr. Trusty explained all work must be completed within 60 days of the agreement.

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 Ochsenhirt

No Comment.

Councilmember Ireland

No Comment.

Councilmember Lifferth

No Comment.

Councilmember Burnham

No Comment.

Councilmember Cieslak

Councilmember Cieslak thanked the residents for coming to the meeting and keeping up with City issues.

21. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Lifferth explained that his board has not yet met.

Councilmember Burnham explained that the Youth Council will be holding elections soon. She stated that the recently returned from their retreat and that they had a great time. She also explained that the Senior Council is doing great things and that the Library expansion is coming along.

Councilmember Cieslak explained that the Economic Development Board is doing a great job and that they are keeping the City's best interests in mind.

Councilmember Ochsenhirt explained that he attended a Parks and Recreation Board meeting last week and that a lengthy discussion was held concerning the recreation center. He feels that they are doing a wonderful job.

Councilmember Ireland explained that the Planning Commission is continuing to meet and that they canceled their last meeting. He asked that he be notified when these meetings are canceled so that he does not have to show up and find out.

Mayor Jackson asked that Mr. Mumford make sure that Councilmember Ireland is notified when these meetings are canceled.

Mr. Hendrickson asked that Mr. Partridge give a report on the library expansion project.

Mr. Partridge explained that the City has to advertise the project a second time because they only received one bid for the project. He stated that it is now being advertised in the paper until August 27th. He explained that the City still hopes to have the expansion completed before Christmas of this year. He feels that the project will move fast once the bid process is completed.

Mr. Hendrickson asked if the parking lot to the west would be closed during the construction of the library.

Mr. Partridge explained that he would get a plan to Mr. Hendrickson showing exactly what will need to be done while the library is being constructed.

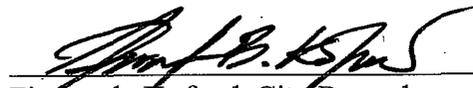
Mr. Hendrickson explained that the library will remain open during the expansion.

22. COMMUNICATION ITEMS
A. Financial Report

23. ADJOURNMENT

Councilmember Burnham adjourned the meeting at 7:38 p.m.

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 1, 2009


Fionnuala Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 1, 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

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland (arrived at 4:12 p.m.), David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: Adam Ferre, Energy Division Director; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; John Hendrickson, City Administrator; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Michelle Graves, City Librarian; Eric McDowell, Sergeant; Kent Partridge, Building Official; Steve Mumford, Planning Director; David Norman, Assistant Public Works Director; Linda Peterson, Community Information Coordinator.

Mayor Heather Anne Jackson called the meeting to order at 4:12 p.m.

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. CITY ADMINISTRATOR INFORMATION ITEMS – These items are for informational purposes only and do not require action by the City Council.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
 - B. Redevelopment Agency Update (*Presented by staff*)
3. 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 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.*

The meeting adjourned at 5:31 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: Adam Ferre, Energy Division Director; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; John Hendrickson, City

Administrator; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Eric McDowell, Sergeant; Kent Partridge, Building Official; Steve Mumford, Planning Director; David Norman, Assistant Public Works Director; Linda Peterson, Community Information Coordinator.

4. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:12 p.m.

5. PLEDGE OF ALLEGIANCE

Councilmember Ireland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- On September 3, 2009 the Seniors will be going to the Olive Garden in American Fork for their lunch brunch. They will be meeting at the Chevron gas station in the Ranches at 11:30 a.m. to carpool.
- A groundbreaking ceremony for the new library expansion project will be held Thursday, September 3, 2009 at 5:00 p.m.
- The City phone systems will be down on September 3, 2009 starting at 7:00 p.m. The lines will be down for a few hours while service upgrades are implemented. The outage will affect the online bill pay, utility emergency hotline and the library online catalog services.
- The City offices will be closed Monday, September 7, 2009 in observance of Labor Day.
- A home business street fair will be held Saturday, September 12, 2009 on Peregrine Road. It will begin at 4:00 p.m. People will be asked to park around Nolan Park. There is no fee to participate in this event however there is an application process.
- Eagle Mountain City was recognized as a new community partner/member of the Lehi Area Chamber of Commerce.

7. PUBLIC COMMENTS

Adam Olsen, 4074 Mohican Drive, Express his appreciation for the improvements that were made to Well #4. He feels that it has made the area look much better.

Cory Rydman, 4464 N Maple Drive, read a statement from the residents on Maple Drive regarding encroachment issues. (See attached)

Walter Wright, 4328 Maple Drive, explained that he has tried for four years to resolve the encroachment issues with the homeowners. He asked for assistance from the City Council.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Lifferth

Councilmember Lifferth explained that Eagle Mountain City has officially been accepted into the Utah Lake Commission by a unanimous vote. He explained that a technical committee meeting was held and that the bridge across Utah Lake was presented. He feels that it is important for the City to be supportive of this project. He explained that funds have been allocated to address issues with the lake from a species standpoint.

Councilmember Burnham

Councilmember Burnham explained that she has enjoyed working with the Library. She and the Library employees are thrilled to be starting the library expansion project. She reminded the residents that the Library is not a babysitter. She recommends that parents come in with their children to see what the library has. She recommended that Town Hall meetings be held, after elections. She would like to see it begin in January/February and have it be a less formal setting than City Council.

Councilmember Cieslak

Councilmember Cieslak thanked the residents for coming to the meeting and for making public comment. He explained that the customer service at the golf course is phenomenal. He feels that this is going to increase the money being made out there and that Vanguard is doing a great job. He thanked those for presenting candidate information in an even manner. He encouraged everyone to continue contacting the elected officials regarding the transportation issues.

Councilmember Ochsenhirt

Councilmember Ochsenhirt is glad to see residents coming to the meetings. He is happy to see the expansion of the library coming along. He encouraged residents to continue contact the elected officials regarding transportation issues.

Councilmember Ireland

Councilmember Ireland appreciated Mr. Olsen's public comment and explained that it is really nice to hear expression of gratitude. He thanked Councilmember Lifferth for his report on the Utah Lake Commission. He explained that the PTA has asked if the City would be willing to put a link to their website up on the City website.

Mr. Norman explained that the public works department recently installed sod at the well #4 station where the ground had been disturbed from construction.

Mayor Jackson explained that the Utah lake bridge crossing was discussed at a governing board meeting. She explained that during this meeting they discussed holding an RDCC meeting on September 8, 2009 at 9:00 a.m. in the capitol board room at the State Capitol Office. She stated that at this meeting they will be discussing the Utah lake bridge crossing, she plans on attending this meeting. She explained that the city will continue to push for more eastbound lanes on State Road 73.

Mr. Hendrickson explained that Vanguard has had about a 30% increase in golf since they have began managing the golf course. He explained that the restaurant sales have also increased. He feels that this is a very good start considering they have not yet started advertising.

Mayor Jackson explained that the annual public safety fair will be held October 5, 2009 at fire station #2. The event will begin at 4:00 p.m.

9. PROCLAMATION

A. Childhood Cancer Awareness Month

MOTION: *Councilmember Cieslak moved to designate the month of September, 2009 as Childhood Cancer Awareness Month. Councilmember Ochsenhirt seconded the*

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

CONSENT AGENDA

10. MINUTES

A. August 18, 2009 – Regular City Council Meeting

11. CHANGE ORDERS

- A. Well #1 & Well #5 Project Change Order No. 5 – Clear Construction Company
- B. Construction of a New 2 MG Water Reservoir (Tank 5) Change Order No. 1 – Build Inc.
- C. Smith Ranch Road Change Order No. 1 – Staker Parson Company

MOTION: *Councilmember Lifferth moved to approve the Consent Agenda removing items 12, 13 & 14 and placing them on the policy session agenda. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

Items 12, 13 & 14 were removed from the consent agenda and moved to the policy session

SCHEDULED ITEMS

12. MASTER DEVELOPMENT AGREEMENT

A. Scenic Mountain Master Development Agreement

MOTION: *Councilmember Lifferth moved to approve the Scenic Mountain Master Development Agreement. Councilmember Ireland seconded the motion.*

Councilmember Lifferth explained that he was concerned with the line of sight for the entrance/exit to Scenic Mountain.

Councilmember Ochsenhirt feels that the initial entry/exit of the neighborhood will come into Mt. Airey causing problems with traffic volumes on that road. He asked if the mouth of Mt. Airey Road could be widened to help alleviate the traffic increase.

Mayor Jackson explained that the Council had already approved the master development plan for this project. She explained that at that point the Council should have addressed these issues and concerns because there is nothing they can do about it at this point.

Mr. Hendrickson explained that the road connection to S.R. 73 must be put in once 15 units have been built.

Councilmember Ireland asked what the pros and cons would be of the City owning land and the HOA maintaining it.

Mr. Mumford explained that Design Workshop suggests that all of the smaller pocket parks and neighborhood parks be maintained by HOA's.

Councilmember Ireland asked if they recommended that the City own it or if the HOA should own it.

Mr. Mumford explained that they did not give a recommendation either way.

Mr. Hendrickson stated that it depends on what type of facility it is. He explained that sometimes in parks they want an upgraded maintenance plan so sometimes they are willing to own and maintain. He explained that sometimes the HOA will walk away because they can't afford to maintain it anymore.

Those voting aye: Donna Burnham, Erick Cieslak, David Lifferth and Ryan Ireland. Those voting nay: Nathan Ochsenhirt. The motion passed with a 4 to 1 vote.

13. FINAL PLAT

A. Scenic Mountain 1 Final Plat

MOTION: *Councilmember Lifferth moved to approve the Scenic Mountain 1 Final Plat. 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.*

14. SITE PLAN

A. Scenic Mountain Church Site Plan

MOTION: *Councilmember Lifferth moved to approve the Scenic Mountain Church Site Plan. 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.*

15. AGREEMENT – Consideration and Approval of a Trail Improvement Agreement between Eagle Mountain City and the School and Institutional Trust Lands Administration (SITLA).

Eagle Mountain City received a grant from the National Park Service (NPS) to improve access and signage to the Pony Express Trail. The NPS agreement requires the City to contribute certain services and funds towards the trail improvement. Because SITLA will benefit from the improvements through their property, they have agreed to provide certain services and funds for the project. The proposed agreement documents the terms.

MOTION: *Councilmember Lifferth moved to approve a Trail Improvement Agreement between Eagle Mountain City and the School and Institutional Trust Lands Administration (SITLA). Councilmember Ireland seconded the motion.*

Councilmember Lifferth asked when the City would be required to pay their portion towards the project.

Mrs. Kofoed explained that the project will not commence until early spring but that there is a schedule of which items the City will be responsible for. She explained that this should be completed and paid for before Pony Express Days next year.

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

16. AGREEMENT – Consideration and Approval of a Water Supply Agreement between Eagle Mountain City and the Central Utah Water Conservancy District.

This agreement will allow the City to purchase 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 500 acre feet of water in 2020. The City will use the lump sum payment to fund the City obligations to Central Utah under the agreement.

MOTION: *Councilmember Ireland moved to approve a Water Supply Agreement between Eagle Mountain City and the Central Utah Water Conservancy District for up to 1,000 acre feet of water subject to the final revision of amount of water to conform to the amount approved by SITLA and subject to the execution of the agreement. 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.*

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

This agreement is the City counterpart with SITLA to the agreement between the City and Central Utah. 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 Burnham moved to approve a Public Water Supply Agreement with Utah State Institutional Trust Lands Administration (SITLA) for up to 1,000 acre feet of central Utah water supply subject to final revision of the amount of water as approved by the SITLA board and execution of the final agreement. 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.*

18. AGREEMENT – Consideration and Approval of an Improvement Completion Agreement between Eagle Mountain City and the Plum Creek Condominium Association.

The City is holding a bond for completion of improvements on land owned by the Plum Creek Condominium Association. This agreement will allow the City to enter the private property of the Condominium Association to complete the improvements in consultation with the owners.

MOTION: *Councilmember Ireland moved to approve a Improvement Completion Agreement between Eagle Mountain City and the Plum Creek Condominium Association. 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. BID AWARD – Consideration and Award of a Bid for Subcontractor Agreements for the Construction of the Library Expansion Project.

Eagle Mountain City Council approved the expansion of the library with the FY 2009-2010 budget. The City will act as the general contractor and the project was out to bid with a deadline to submit all bids by 5:00 p.m. on August 27.

MOTION: *Councilmember Burnham moved to authorize the Mayor to enter into a contract according to the bid submitted with Gunther's Air for \$33,792 to complete the H back portion of the library expansion project. 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.*

Mayor Jackson reminded everyone that a portion of the parking lot will be closed during construction on the west side of the building but the library will remain open.

20. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Ireland

No Comment.

Councilmember Lifferth

Councilmember Lifferth explained that he has spoken with UDOT, and the Mayor of Saratoga Springs concerning the traffic at the intersection in Saratoga. He felt that more traffic was being let through on certain lights than others and that it seemed to be unfair and that it was backing traffic up. He thanked UDOT and the Mayor for their responses and explained that they would look into the situation.

Councilmember Burnham

Councilmember Burnham explained that Congressman Jason Chaffez is aware of the transportation issues in the area and that he joked about it at the Lehi Area Chamber of Commerce meeting. She stated that we need to continue to remind them about the transportation issues.

Councilmember Cieslak

Councilmember Cieslak explained that he was excited about the library expansion. He is glad to see an improved road into the City but would like to see a better one out. He encouraged everyone to get information from more than one source regarding election information.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked Vanguard for doing a great job with the golf course.

Mayor Jackson

Mayor Jackson explained that the Mighty Thunder football team will be holding their first home game Friday, September 4, 2009 at 7:00 p.m. against Payson. She hopes to see this become a great community event.

21. CITY COUNCIL BOARD LIAISON REPORTS

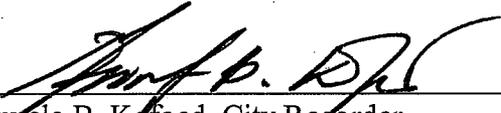
22. COMMUNICATION ITEMS

A. Upcoming Agenda Items

23. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 8:23 p.m.

APPROVED BY THE CITY COUNCIL ON OCTOBER 6, 2009



Fionnuala B. Kefoed, City Recorder

John Walden and whoever else it concerns —

8/30/09

We as members of your homeowners association on Maple Drive in Eagle Mountain Utah have met as a group and would submit to you that we are tired of your procrastination in settling your encroachment issues with Land Design Group LLC and Mr. Walter Wright.

We have seen copies of several offers to you from Mr. Wright that appear to be generous. We met with him yesterday and he agreed to make one final offer. If you choose not to accept his offer we have contacted the County and State attorneys as we do not want to incur any costs to recover what you have fraudulently sold to us.

If you choose not to accept Mr. Wright's offer we would submit to you that as a group we would accept \$25,000 per lot for our back yard encroachments. This is to be paid to our Mortgage companies as a principle reduction. You then must pay to move our fence back to our property line and reconstruct our improvements to our backyards. We do not want to wait four more years for some kind of resolution.

Remember we would have never bought these lots had they been standard size. We paid a premium of approximately 10,000 dollars per lot for the extension, sixteen homes at 10,000 is 160,000 dollars. If Mr. Wright is offering you around 260,000 dollars to settle you've only settled for 100,000 dollars. As homeowners, we agree this seems to be a small amount to settle this once and for all.

Regards —

Maple Drive Homeowners

Cory RYANSON
4464 N. Maple Drive

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 22, 2009

Policy Session at 5:00 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 ***

NO WORK SESSION WAS SCHEDULED.

5:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Councilmembers Eric Cieslak (by telephone until arrival at 5:30), Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Linda Peterson, Community Information Coordinator; John Mulder, Deputy.

1. CALL TO ORDER

Mayor Jackson called the meeting to order at 5:07 p.m.

2. PLEDGE OF ALLEGIANCE

Nate Shipp led the Pledge of Allegiance.

3. INFORMATION ITEMS/UPCOMING EVENTS

- Mayor Jackson announced that S.R. 73 will be expanded to five lanes from 800 West in Saratoga Springs to the intersection with Redwood Road. The project is scheduled to be completed by November 1.
- The widening of S.R. 73 from 800 West to Ranches Parkway has been put on the State Transportation Improvement Plan and will be voted on by the Transportation Commission in October. The project will probably be completed in 2012. She encouraged residents to contact their state representatives to request that the project be accelerated.
- The Senior Advisory Board will hold a health fair for residents 55 and older on Monday, Sept. 28, at 6:00 p.m. in the Council chambers.
- The annual Public Safety Fair will be held on Monday, October 5, at Nolan Park from 4:30-8:00 p.m.
- MAG will host a transportation and community planning open house at the American Fork Senior Center on Wednesday, October 14, from 4:30-6:30 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.)*

Nathan Shipp, DAI, spoke on the Central Water Project (CWP) water purchase agreement to be discussed this evening. The SilverLake project is prepared to immediately contract for at least 1,000 acre-feet of water and the proposed Pole Canyon annexation is prepared to contract for at

least 5,500 acre-feet. This request will increase if specific companies commit to locating in the Pole Canyon area.

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 Lifferth

Councilmember Lifferth was excited about the extra road lane in Saratoga Springs and appreciated everyone who was involved, especially Nikki Wickman. He received a letter from resident Phil Case about Wi-Fi access in the library and said he would like to find a public/private partnership to provide that. The monthly Utah Lake Commission board meeting will be held on Thursday morning at 7:30. Utah Lake Crossing and the State of Utah will make presentations on the proposed toll bridge across Utah Lake. Mayor Parker came out against it, so it needs as much support as possible. He appreciated the town hall meeting with White Hills residents and asked when the Pole Canyon annexation will come before the Council. Mayor Jackson responded that the earliest will be the second meeting in October. He also said that now that Saratoga Springs has asked for 10,000 acre-feet of CWP water, Eagle Mountain needs to request its allocation as soon as possible.

Councilmember Burnham

Councilmember Burnham was excited about the library expansion, which has just started construction. She would like the Council to reconsider the sign ordinance to allow more political and commercial signage and some temporary signage for residents. She would also like to allow residents to legally use or maintain City open space adjacent to their property.

Councilmember Cieslak

Councilmember Cieslak cheered the announcement on the highway widening. He said that when the community makes itself heard, amazing things happen, and appreciated the Mayor's willingness to go to bat for Eagle Mountain. There still needs to be an alternate route out of the city and a push to finish the Pony Express Parkway extension. He asked residents to find out about the candidates for election and encouraged candidates to stick to the issues and avoid personal attacks.

Councilmember Ochsenhirt

Councilmember Ochsenhirt applauded the road widening project along SR-73. He was excited about Mt. Airey Park and said there is a sod party coming soon which needs volunteers. He was excited to see the way the community rallies. Working together and exercising patience can accomplish great things.

Councilmember Ireland

Councilmember Ireland appreciated the energy and professionalism of residents working together to get things done, such as Lee Morrison, who was one of the first residents to talk to the Council in a polite, professional way about the need for Bobby Wren Blvd. Transportation issues are accomplished by both elected officials and residents communicating in a positive, respectful manner. He appreciated the candidates avoiding negativity so far in their campaigns, encouraging them to talk about their own strengths and what they can offer while being respectful towards others. He fully supported Councilmember Burnham's comment about the sign ordinance, with the caveat that the fee charged to residents needs to be nominal.

Mayor Jackson

Mayor Jackson said an public open space use plan is being worked on by the Parks Dept. and will be brought to the Council in October. She said she was rear-ended on S.R. 73 last week – work really still needs to be done on improving that road. Public comment: site visit was this morning. Work continues on economic development. There was a site visit this morning. Four Fortune 500 companies have visited Eagle Mountain so far. None has made an announcement yet. The Mayor visited the Governor's Office with Ranches Academy 6th graders last week. She'll be speaking at the Provo/Orem Chamber of Commerce economic development conference on Thursday. Mr. Hendrickson will attend the Utah Lake Commission board meeting on Thursday.

SCHEDULED ITEMS

CONSENT AGENDA

6. CHANGE ORDER

A. Bobby Wren Boulevard Change Order 3 – Staker Parson

Mayor Jackson explained that paving on Bobby Wren Blvd. was delayed after a private party made an offer to extend the road. The offer was later withdrawn. The change order tonight adds curb and gutter, extends a median and increases the quantity of road base and sub-base.

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. 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.*

POLICY SESSION

7. AGREEMENT – Consideration and Approval of a Water Supply Agreement between Eagle Mountain City and the Central Utah Water Conservancy District.

Mayor Jackson said that Saratoga Springs took down an additional 10,000 acre-feet of water on Friday. Eagle Mountain has a contract with the Central Utah Water Conservancy District (CUWCD) for 3,500 acre-feet of water, including 1,000 acre-feet purchased by SITLA. To purchase additional water at the current price, the City has to do so by September 24.

Mr. Hendrickson said that all of the City's water at this point comes from wells. 6,610 acre-feet is owned or placed in use. An additional 4,435 acre-feet is banked for future development. The City has contracted for 3,500 acre-feet with the Central Water Project. To supply the City's expected build-out, an additional 11,500 acre-feet will be required:

After September 24, the price will rise from \$6,200 per acre-foot to approx. \$7,000 per acre-foot. Actual payment is not required until 2020, unless the City chooses to take down the water prior to that. Developers who wish to contract with the City for CWP water can pay in cash or provide collateral for the contract and the City can work out a take-down date. The City could also bond for the take-down and make the payments over the life of the bond.

By contracting for the water now, the City can take advantage of the lower price and prevent others from taking down the water before the City can use it. Developers in Eagle Mountain have indicated that they may use as much as 15,000 acre-feet.

If the City doesn't sell all of the water before the take-down date, rate-payers could be responsible to pay for the unsold water.

Councilmember Ireland asked if the City knows how much water each developer is interested in purchasing. Mr. Hendrickson said City Attorney Jerry Kinghorn sent a letter requesting that information. About 8 – 12 developers responded.

Councilmember Ochsenhirt asked if the 5,500 acre-feet requested by DAI included commercial development in Pole Canyon, as well as residential. Mayor Jackson responded that the 5,500 acre-feet only includes residential.

Councilmember Burnham stated that until DAI actually annexes Pole Canyon into the City, they can't contract for the water. Nate Shipp said that DAI has created a local area district which could contract with CWP, but would prefer to purchase the water from the City. If necessary, the City could transfer the rights to use of the water to the local area district or the district could transfer those rights to the City, subject to CWP's approval.

Mayor Jackson clarified to Mr. Shipp that if the City contracts for the additional water, it does not mean that it's committing to annex Pole Canyon. Mr. Shipp asked if the City would contract with Pole Canyon to sell them the water whether or not they are annexed. Mr. Hendrickson responded that it's not on the agenda for tonight.

Councilmember Lifferth asked if Fairfield or Cedar Fort is interested in buying this water and whether Saratoga's take-down is tied to the LDS Church? Mayor Jackson responded that it is, just as Eagle Mountain contracted with SITLA for 1,000 acre-feet. He asked how long-term the bond could be. Mr. Hendrickson said probably 25 years. That's one of the unknowns, which may be a possible risk. One way to handle that would be to contract for the water with the understanding that any water unsold by 2020 would be paid for by debt service.

Councilmember Lifferth said that it's not legal for a Council to bind a future Council. Mayor Jackson said this transaction is legal because the Council is not determining how the future Council will pay for it. Councilmember Lifferth asked if the City can sell it for a profit. Mr. Hendrickson said no, because the City only owns the right to use the water, not the water itself. The water can be sold for the price of the water plus enough to offset the City's costs.

Councilmember Lifferth asked how the water pressure is fed through the pipe. Mr. Hendrickson said it's a series of pumps leading to the 40 mgd tank, the City will pump it from there. Councilmember Lifferth asked if the tank is high enough to pressure-feed the water to the City. Mayor Jackson said it's not. Councilmember Lifferth was concerned that, since pumps run on electricity, what guarantee has CWP made that the water will flow even if the pumps fail? Mr. Hendrickson said there is a back-up plan other than taking the water from the tank, which will be presented to the Council as projects are approved.

Councilmember Lifferth asked if there are up-front costs to Eagle Mountain's signing on to the project. Mayor Jackson said there are none.

Councilmember Ireland asked how many water rights are there in Cedar Valley that are owned by developers or anyone else that potentially could be transferred to the City. Mr. Hendrickson didn't know, but what exists and what the State Engineer allows to be used are two different amounts. Mr. Hendrickson asked someone in the audience, who said that over 1,400 acre-feet will come with the Pole Canyon annexation. He wasn't sure exactly what types or amounts of water rights existed in Cedar Fort and Fairfield, but they are considerable – mostly in irrigation water.

Mr. Hendrickson said the State is studying whether the aquifers are adequate to serve the amount of water rights existing in the valley.

Scot Hazard said that approximately 21,000 acre-feet is appropriated in the valley. About 3,000 acre-feet are held in Fairfield and Cedar Fort, with other rights held by various landowners.

Councilmember Ireland asked how developers will have enough water to develop their land if the City doesn't sign this CWP agreement. Scot Hazard said if water doesn't come into the valley from somewhere, the cost of existing water rights would skyrocket and development would become cost-prohibitive.

Mr. Hendrickson said that some developers have asked the City to consider requiring less water per ERU, which could be considered, but won't create enough leeway to allow full development without bringing in outside water. The CWP is the best, most cost-effective solution the City has identified.

MOTION: *Councilmember Ochsenhirt moved to approve a water supply agreement with the Central Utah Water Conservancy District for up to 16,500 acre-feet. Councilmember Lifferth seconded the motion.*

Councilmember Ochsenhirt explained his motion, saying that water is the "lifeblood of everything." The City has commitments for nearly half the water from two developers, with several others having shown significant interest. If the City doesn't commit to this water now, it will be gone.

Councilmember Ireland stated that this water isn't essential to the City's development. With the water currently allocated in the City, the population can go to 85,000 plus commercial development. We can't go to full build-out. And some other water is likely to become available some time in the future to allow additional build-out. Right now, we have enough to make the city four times bigger than it is now. He was in favor of agreements like the one with SITLA, which was a pass-through where another entity will pay for the water. It would be OK to get as much of this water as possible under those terms. He asked Mr. Hendrickson what right the State has given cities to become water brokers. Mayor Jackson says cities have that right. Most cities own water and sell it to developers. Eagle Mountain is unusual in not owning water and having to receive it from developers.

Mayor Jackson said that if private parties own the water, they can choose not to sell it and hold up all other development.

Councilmember Cieslak said he thinks the City should avail itself of as much opportunity as possible. He understood the risk of owning water that others haven't committed to buy, but there is enough interest to minimize that risk.

Councilmember Cieslak called the question.

Those voting yes: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.

Councilmember Ireland felt that he had to vote no unless he could be sure that the residents would not be required to pay for unpaid water in the future. So far, he has only heard commitments for about 1/3 of the amount stated in the motion.

Councilmember Ochsenhirt wanted clarification of whether the City would have to pay for unsold water. Mr. Hendrickson explained that the CWP could sell any unsold water to others.

Councilmember Burnham said that she wished the amount was lower so that Eagle Mountain could be a good neighbor rather than taking it all.

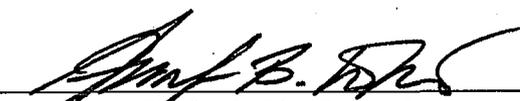
Councilmember Lifferth said he would have voted for the amount on the agenda, but he applauded Councilmember Ochsenhirt for being forward-thinking enough to propose buying more.

Councilmember Ochsenhirt said he didn't want to exclude other entities, but wanted the City to plan for its future. He emphasized that this is an opportunity that allows the City to release the water back to CWP if it can't sell the water, but makes it available to the City if needed.

8. ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

APPROVED BY THE CITY COUNCIL ON OCTOBER 6, 2009


Fionaala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 6, 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

Mayor Jackson called the meeting to order at 4:08 p.m.

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (arrived 5:13 p.m.), Ryan Ireland (by telephone until arrival at 4:30 p.m.), David Lifferth (arrived 4:11 p.m.) and Nathan Ochsenhirt.

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

Mayor Jackson announced that the Closed Executive Session would be the first item on the agenda.

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 Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Ryan Ireland and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

The City Council returned from the Closed Executive Session at 4:57 p.m.

1. PRESENTATION – Utah Lake Crossing (*Presentation by Leon Harward*)
2. AGENDA REVIEW – The City Council will review 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.
 - A. Update on the Sewer Treatment Facility
 - B. Waiver of Fees for Parade of Homes

This item was moved to the Policy Session.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will 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.

This item was moved to the beginning of the Work Session.

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: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Gordon Burt, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Information Coordinator; Steve Mumford, Planning Director; Dave Norman, Assistant Public Works Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Deputy.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:18 p.m.

6. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1126 led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Pancake breakfast fund raiser for victims of Typhoon Ondoy in the Philippines, October 10 from 8:00 a.m. – 12:00 p.m. at Nolan Park
- Ranches Academy Fall Carnival, October 10 from 11:00 a.m. – 4:00 p.m.
- MAG Transportation and Community Planning Open House, Oct 14 from 4:30 – 6:30 p.m., American Fork Senior Center
- MAG West Lake Vision Study Open House, Oct 15, City Hall
- Fire Dept. CERT & CPR classes will be taught during October & November. The schedule is posted on the City web site.
- Senior Advisory Council bingo night, Oct 19 at 5:00 p.m., City Hall
- Mayor Jackson thanked the Fire and Sheriff's Depts. for the Safety Fair held yesterday.

8. PUBLIC COMMENTS

John Hoosier, 1583 E. Tumwater North Drive, thanked the City Council for the completion of the storm water system in his neighborhood. He particularly appreciated Public Works Director Chris Trusty's help. He asked for help with problems caused by builders parking on sidewalks, dropping trash in the neighborhood and leaving utility trenches open. He asked the Council to have the Code Enforcement Officer be there more often to give citations.

John Painter, 3414 Appaloosa Way, read a statement in support of the Utah Lake Crossing project.

Corey Jackson, 9077 Torrey Pines Loop, thanked Councilmember Ochsenhirt for rallying the community in support of the construction of Mt. Airey Park. He asked how to make a financial donation to the park and the Mayor invited him to speak to City Treasurer Gordon Burt.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ireland

Councilmember Ireland appreciated the Boy Scout troop being here. He also appreciated the public comments, which were all positive, productive and helpful.

Councilmember Lifferth

Councilmember Lifferth said he was glad to see Utah Crossing, Inc., come forward to propose building a bridge over Utah Lake. He was supportive of more public/private partnerships. Darrel Cook of MAG said in the Daily Herald that the bridge is not an if but a when.

Councilmember Burnham

Councilmember Burnham thanked the Scouts for coming to the meeting. She advised them not to wait until they're 16 or 17 to start their Eagle Scout projects. She thanked John Hoosier for expressing thanks for the help he received for the issue in his neighborhood and his courteous request for additional help. In response to Mr. Jackson, she said that her neighborhood's park was constructed largely with donations and volunteer labor. It's exciting when residents work together and find solutions to problems.

Councilmember Cieslak

Councilmember Cieslak was glad to see everyone at the meeting tonight. He encouraged residents to continue to contact their elected officials about transportation needs, especially an additional route into the city. He recognized Ifo Pili for his work as a staff member and a resident, especially in the area of economic development, and thanked the Economic Development Board, as well. He asked citizens to talk to the candidates for election and thoroughly understand their platforms.

Councilmember Ochsenhirt

Councilmember Ochsenhirt was excited that the Boy Scouts conducted a flag ceremony at this meeting. He encouraged the Scouts to work hard on their Eagle Scout projects. He appreciated the new road lanes, which were the result of many people making themselves heard. He was grateful for the efforts of volunteers on Mt. Airey Park. Volunteers are needed for leveling the dirt for the sod on Saturday from 9:00 a.m. to noon. He congratulated Ifo Pili for his work on economic development.

Mayor Jackson

Mayor Jackson said that she spoke with Dave Nazare of UDOT and thanked him for the new road. Snow fencing was brought up at a Transportation Commission meeting. A resident called her about it last week. She gave him Dave Nazare's contact information and the resident began a campaign for residents to contact him. The easements required for snow fencing are expensive, so UDOT is trying to come up with some other ideas. She encouraged residents to keep calling.

On Mt. Airey Park, she said she has lived in subdivisions in which residents raised funds and donated labor to construct parks. It's a wonderful community experience to work together and see the results. Councilmember Ochsenhirt asked her to mention two City employees, Mike and Zac, who have helped with Mt. Airey Park.

She appreciated residents who help with causes like the cancer that has affected several children in the City. The Philippine fund raiser was organized by a resident. She brought it to the City and the City provided help for the event.

CONSENT AGENDA

10. MINUTES

- A. September 1, 2009 – Regular City Council Meeting
- B. September 22, 2009 – Regular City Council Meeting

11. BOND RELEASE – Out of Warranty

- A. Pioneer Addition, Plats 7 A & B
- B. O’Fallon’s Bluff, Plats D & E
- C. Westview Heights

12. CHANGE ORDER

- A. Change Order No. 6 – 1.2 MGD Water Reclamation Facility – Nelson Brothers

13. FINAL PAYMENT

- A. Smith Ranch Road Final Payment – Staker Parson

14. DEVELOPMENT AGREEMENT

- A. Scenic Mountain, Plat 1

MOTION: *Councilmember Ireland moved to approve the Consent Agenda, with an amendment made to the Sept. 1 minutes. 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.*

SCHEDULED ITEMS

Item 17 was moved to the beginning of the scheduled items.

15. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah Supporting the Utah Lake Crossing Project.

This item was presented by Mayor Jackson. The resolution expresses the City’s support of the Utah Lake Crossing Project, a proposed toll bridge that would connect Pelican Point in Saratoga Springs to 800 North in Orem. The bridge would provide commuters with an alternate route to and from the south end of Utah County. The project would be privately funded.

Councilmember Ireland commended Councilmember Lifferth for his thoroughness and willingness to consider amending the wording of the resolution. He and Councilmember Lifferth commended Rep. Ken Sumsion for his support and leadership on this issue.

MOTION: *Councilmember Lifferth moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, in support of the Utah Lake Crossing Project. 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.

16. MOTION – Consideration of a Letter of Engagement with Kassing Andrews for Advertising.

This item was presented by Economic Development Director Ifo Pili. Eagle Mountain City staff recently interviewed several marketing firms to assist the City in accomplishing its marketing pursuits. Staff recommends that the City Council approve a letter of engagement with Kassing Andrews for advertising. Mr. Pili noted that City officials, staff and the Economic Development Board all work well together to promote economic development in the city.

MOTION: *Councilmember Ireland moved to approve a letter of engagement with Kassing Andrews for advertising, not to exceed \$252,000.00 for the next year. Councilmember Cieslak seconded the motion.*

Councilmember Lifferth requested that the Council be included in discussions of the logo, colors and other branding information. Mayor Jackson commended Linda Peterson for improving the City's image with the press and the public. Councilmember Lifferth noted that when the telecommunications utility was sold in 2005, the plan was to use part of the money to build the community.

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

17. MOTION – Consideration of an Extension of Time for the Completion of Landscaping for the Ark of Eagle Mountain.

This item was moved to precede item 15.

This item was presented by Planning Director Steve Mumford. The Ark of Eagle Mountain was approved as a conditional use at the April 7, 2009 City Council Meeting. One of the conditions of approval was that certain landscaping needed to be completed within six months of the approval date. The applicant has submitted a formal request for an extension of time for the completion of the landscaping, due to costs associated with litigation. The applicant has been working with the City on this request for some time, but had to wait until this evening's meeting for Council approval. The deadline for the original approval is tomorrow. Approval of this request will not affect conditions placed on parking, which will be enforced through the winter.

Councilmember Ochsenhirt asked what site improvements have been made. Mr. Mumford said there were none.

MOTION: *Councilmember Lifferth moved to approve an extension of time for the completion of landscaping for The Ark of Eagle Mountain until June 1, 2010. Councilmember Burnham seconded the motion.*

The applicant, Steve Brunken, Program Director for The Ark of Eagle Mountain, answered questions from the Council. Councilmember Ireland asked what assurance he could give that this landscaping would be done by the end of this extension. Mr. Brunken said the litigation was withdrawn last week. He has clients on waiting lists, so he expects that the facility's financial

constraints will be relieved. Mr. Brunker said the company is also having discussions with the Veterans' Administration regarding converting the facility to a treatment center for returning veterans. He is personally committed to making this facility work and honor its obligations.

Councilmember Cieslak said that approval of The Ark of Eagle Mountain was a contentious issue. He was concerned that a condition of the permit has not been met and asked if the other conditions have been met. Mr. Brunker said there was a weed height violation which was immediately taken care of. Parking has been in compliance.

Councilmember Ireland asked if this extension would cause a precedent for other conditional use permits. Mayor Jackson said one other permit was amended by the Planning Commission, so this one would not cause a precedent. Mr. Hendrickson said that in other cities he worked for, it was not unusual for a conditional use permit to be extended or amended.

Councilmember Ochsenhirt said that the application was approved under duress, with strong promises made that the conditions would be met. He said that there should be a firm commitment to completion of the required work by the new deadline. Mr. Brunker responded that if the condition could not be met by the June 1 deadline, the facility would close. No landscaping work has been done to this point because the lawsuit raised a question of whether the facility would be able to remain at the site.

The possibility of a split deadline was discussed, with one date for concrete work and another for landscaping. There was also discussion about requiring a start date for the work, as well as a finish date.

Councilmember Burnham called the question.

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.

18. MOTION – Consideration and Appointment of Poll Workers for the 2009 General Municipal Election in Eagle Mountain City.

The Recorder's Office will use three regular poll workers at each of the three voting locations, and three counting workers at a central counting location at City Hall. The counting workers will arrive at the polls at 5:00 p.m. on the day of the elections and begin counting ballots to help expedite the process. Two counting workers will be appointed to collect the ballots from the polling locations throughout the evening and return them to City Hall to be counted.

Councilmember Cieslak expressed appreciation for those who serve as poll workers.

Councilmember Lifferth called the question.

MOTION: ***Councilmember Lifferth moved to appoint poll workers for the 2009 municipal general election as listed. 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.***

19. AGREEMENT – Consideration and Approval of an Interlocal Agreement between Eagle Mountain City and Utah County Relating to the Conduct of the Community Development Block Grant (CDBG).

This item was presented by Mayor Jackson. The proposed agreement implements policies, objectives and other provisions of CDBG that provide that a county may qualify as an urban county. The county then becomes eligible to receive entitlement grants from HUD that cities and other government entities cannot qualify for individually. Cities and other local governments in the same metropolitan areas may be included as part of the urban county by entering into cooperation agreements with the urban county. Utah County used to be connected with Wasatch and Summit counties for CDBG, but has decided to put together its own CDBG program.

Mr. Hendrickson explained that cities can belong to the urban county program or the state program. The urban county program runs on a three-year cycle, renewable up to 50 years. Cities can opt out in three ways: at the end of a cycle, if the city fails to receive any funds in a given year, or if the population exceeds 50,000.

MOTION: *Councilmember Lifferth moved to approve an interlocal agreement between Eagle Mountain City and Utah County relating to the conduct of the Community Development Block Grant program. 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 of an Interlocal Agreement for Fire Service between Eagle Mountain City and Utah County.

This item was presented by Mayor Jackson. The proposed interlocal agreement is for fire protection to unincorporated areas of Utah County provided by Eagle Mountain City. Federal and State-owned properties are excluded from this agreement. The interlocal agreement that the Eagle Mountain City Council approved at the August 18, 2009 meeting was not signed by Utah County. Several revisions have been made by the County.

MOTION: *Councilmember Ireland moved to approve an interlocal agreement for fire service between Eagle Mountain City and Utah County. 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.*

21. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Burnham
Councilmember Burnham ?????.

Councilmember Cieslak
Councilmember Cieslak encouraged resident to email their elected officials about transportation.

Councilmember Ochsenhirt
Councilmember Ochsenhirt invited residents to volunteer at Mt. Airey Park on Saturday morning.

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Lifferth

Councilmember Lifferth thanked everyone for working together through challenging issues. He will present the Utah Lake Crossing resolution to the Utah Lake Commission.

Mayor Jackson

Mayor Jackson had no comment.

22. CITY COUNCIL BOARD LIAISON REPORTS

Library Board

Councilmember Burnham said the library expansion is in progress. October is library fine forgiveness month.

Economic Development Board

Councilmember Cieslak was pleased about the advertising letter of agreement. He recognized Ifo Pili for his work.

Parks and Recreation Advisory Board

Councilmember Ochsenhirt said the Board came to a consensus on the recreation center survey, which is posted on the City web site. He encouraged residents to participate in the survey.

Planning Commission

Councilmember Ireland said the Planning Commission agenda has been light for the past three to six months. It's now starting to pick up, which he saw as a positive sign.

Public Works Advisory Board

Councilmember Lifferth said that tomorrow night's meeting will consist of site visits to the City's public works facilities. He noted the recent death of a construction worker at the sewer plant site. The City sent flowers to the family.

CITY ADMINISTRATOR INFORMATION ITEMS

This item was moved from Work Session.

Mr. Hendrickson said construction on the wastewater treatment plant will be done on schedule in January.

The City has received a request from the development community for fee waivers for homes to be built for the Parade of Homes. The Council requested a detailed presentation of the request.

At the last meeting, the City Council approved the purchase of up to 15,000 acre-feet of additional water from the Central Water Project (CWP). CWP will only allow the purchase of 11,000 additional acre-feet because two other entities have expressed interest in buying water. The City's request letter to CWP indicated that if any additional water becomes available, the City would like to purchase it.

City staff has completed work on an open space plan for City Center, which will be presented to the Parks and Recreation Advisory Board on Thursday for their comments. It will be presented to the City

City staff has completed work on an open space plan for City Center, which will be presented to the Parks and Recreation Advisory Board on Thursday for their comments. It will be presented to the City Council on October 20 in Work Session. After Council review, the plan will be finalized and brought back to the City Council for approval.

The extension of Pony Express Parkway is in the planning stages. Saratoga Springs is the lead agency, and Eagle Mountain and Utah County will have approval on the final plan. Completion is expected by August 1.

A proposal for land acquisition for pump stations for CWP water will be discussed in the next Closed Executive Session.

The White Hills annexation may be brought before the Council in November or December, depending on financial issues.

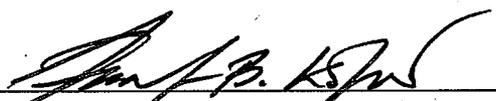
The companies that have made site visits to Eagle Mountain have not committed to locate here yet, but are still communicating with the City.

- 23. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
 - B. Financial Reports

24. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 9:23 p.m.

APPROVED BY THE CITY COUNCIL ON OCTOBER 20, 2009



Fionnuala B. Kofoed, City Recorder

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 10th 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

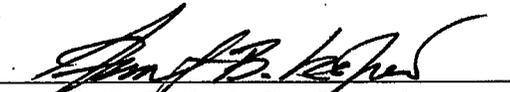
Councilmember Lifferth said the board toured the old and the new sewer treatment plants and learned the process by which the state is allowing the old plant to continue to operate, even though it is out of compliance with State standards, until the new plant is operational.

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

MINUTES
EAGLE MOUNTAIN CITY
SPECIAL COUNCIL MEETING

November 11, 2009

Policy Session 5:00 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 ***

5:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Angie Ferre, Mayor's Assistant; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; John Mulder, Deputy.

Board Chair Heather Anne Jackson called the meeting to order at 5:00 p.m.

1. The Eagle Mountain City Council convened as the official Board of Canvassers to canvass the municipal election held on November 3, 2009. Pursuant to State law, it was necessary that the City Council, as the Board of Canvassers, canvass the 2009 municipal general election no sooner than seven days and no later than fourteen days after the election.

City Attorney Jerry Kinghorn reviewed the administrative procedure the Board was to follow in canvassing the election. City Recorder Fionnuala Kofoed explained the documents provided to the Board for use in the canvass.

The Board reviewed the report of election results prepared by the City Recorder as the Election Official, considered and approved the report of the results, execution of the report and certification of the final vote totals for persons on the ballot.

MOTION: *Boardmember Burnham moved that the Board of Canvassers:*

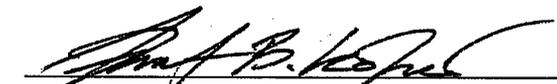
1. *Verify the results of the election by ratifying the results of the canvass.*
2. *Accept the report of the Election Official and certify the election results.*
3. *Declare Heather Jackson, John Painter and Nathan Ochsenhirt elected.*

Boardmember Ireland seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Heather Jackson, David Lifferth, Nathan Ochsenhirt.

2. ADJOURNMENT

Boardmember Lifferth moved to adjourn the meeting at 5:04 p.m.

APPROVED BY THE CITY COUNCIL ON NOVEMBER 17, 2009


Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 17, 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

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

Mayor Jackson called the meeting to order at 4:04 p.m.

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jason Walker, Management Analyst; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant; Jenalee Harper, Deputy Recorder; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Paul Jerome, Senior Accountant; Gordon Burt, City Treasurer; David Norman, Assistant Public Works Director; Ifo Pili, Assistant City Administrator.

1. PRESENTATION – Mountain View Corridor 2100 North Project (*Presented by Justin Smart and Siobhan Locke*)
2. AGENDA REVIEW – The City Council will reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – These items are for information and do not require action by the City Council.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
 - B. Aquatic Center Citizen Survey Report (*Presented by Jason Walker*)
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 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 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.*

The meeting adjourned into a closed executive session at 6:14 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: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant; Jenalee Harper, Deputy Recorder; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Kent Partridge, Building Official; Gordon Burt, City Treasurer; David Norman, Assistant Public Works Director; Ifo Pili, Assistant City Administrator.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:06 p.m.

6. PLEDGE OF ALLEGIANCE

Sue Hillaker led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- The City will be holding an open house to discuss the City's open space plan. It will be Thursday, November 19, 2009, from 6:00 p.m. to 8:00 p.m. Residents are invited to attend.
- The City's annual Turkey Trot will be November 26th from 9:00 a.m. to 11:00 a.m.
- A Christmas tree lighting ceremony will be held at City Hall on December 4, 2009, from 6:00 p.m. to 8:00 p.m. There will be a special appearance by Santa.
- Santa Claus will be visiting Eagle Mountain City again this year on the fire truck. He will be going to all neighborhoods in the city throwing out candy to children starting at 8:30 a.m. When you hear the sirens in your neighborhood, come out to the sidewalk and wave to Santa.

8. PUBLIC COMMENTS

John Painter, 3414 Appaloosa Way, asked if it would be possible for the City to receive reimbursement from the programs whose students participate in ride-alongs with City paramedics.

Chief Andrus explained that there were no participation costs.

Mr. Painter also recommended that future dump passes provided to residents by the City specify a 500-lb. weight limit in addition to the limit of six cubic yards, as the landfill will charge for any weight exceeding 500 lbs.

9. CITY COUNCIL/MAYOR'S ITEMS

Mayor Jackson explained that in order to make the meeting more efficient some of the agenda items would be rearranged. The following agenda items were discussed in this order:

Item 9, Item 10, Item 11 – 15 (*consent agenda*), Item 19, Item 20, Item 21, Item 22, Item 23, item 18, Item 16, Item 17, Item 26.

Councilmember Ireland

Councilmember Ireland thanked the scouts and residents for coming to the meeting. He appreciates them taking time away from their schedules and families to be here. He thanked those willing to volunteer their time as elected officials.

Councilmember Lifferth

Councilmember Lifferth requested that he take some time at the end of the meeting to discuss the frontrunner meeting he had recently attended. He asked that the child friendly ordinance be placed on the December 1st City Council meeting agenda. He thanked the 818 voters that voted for him. He congratulated Mayor Jackson, Councilmember Ochsenhirt and John Painter for winning the election.

Councilmember Burnham

Councilmember Burnham explained that she admires the way that Councilmember Lifferth has approached his loss in the election. She knows that it is hard to lose when a lot of time and effort is put into a campaign. She was surprised to see such a close election. She explained that if residents feel that they are not heard they need to speak up because they can't be heard unless they talk to the Councilmembers. She is excited for the library to be open, it is their 10th anniversary. She explained that all different types of things are in the library and asked that people donate.

Councilmember Cieslak

Councilmember Cieslak thanked the residents for coming to the meeting. He thanked Councilmember Lifferth for his service on the Council. He asked the Sheriff's Office to patrol Tinamous Road in the morning hours. He explained that residents have complained about people speeding on this particular road and that they would like to see a speed bump installed. He also asked that a visible crosswalk be put in place along the road so the children can cross safely. He explained that he had the opportunity to attend the 2100 N road meeting. He encouraged everyone to continue talking to the elected officials about the transportation needs of Eagle Mountain City. He feels that the residents have been doing a great job because some improvements are being made.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked those candidates who participated in the election. He also thanked his supporters and for Councilmember Lifferth's service. He explained that he had the opportunity to tour the recycling center with Susan Hayward. He is excited for the City to get a recycling program in place. He thanked Susan Hayward for serving on the Parks and Recreation Advisory Board. He thanked Councilmember Cieslak for his comments regarding transportation and asked that residents continue to contact their elected officials. He asked that a turn lane be placed into the Plum Creek development as it was his opinion that it is unsafe without one.

10. APPOINTMENT

A. Parks and Recreation Advisory Board – David Benight (3 year term)

MOTION: *Councilmember Cieslak moved to appoint David Benight to a 3 year term on the Parks and Recreation Advisory Board. 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.

CONSENT AGENDA

11. MINUTES

- A. October 20, 2009 – Regular City Council Meeting
- B. November 11, 2009 – Special City Council Meeting

12. CHANGE ORDER

- A. 1.2 MGD Water Reclamation Facility Change Order No.7 – Nelson Brothers

13. FINAL PAYMENTS

- A. Wells #1 and #5 – Clear Construction
- B. Mt. Airey Storm Drain – Skip Dunn
- C. Highlands on the Green Storm Drain – Skip Dunn
- D. Fire Station #2 – Entelen

14. FINAL BOND RELEASE (Out Of Warranty)

- A. Three Crossings Plat C
- B. Sunrise at Kiowa Plats A & B

15. DEVELOPMENT AGREEMENT

- A. Northmoor 2A and 2C

MOTION: *Councilmember Lifferth moved to approve the consent agenda as outlined. 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

16. PUBLIC HEARING

ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah Amending Title 17 of the Eagle Mountain City Code.

Mr. Mumford explained that the proposed ordinance includes the following amendments to Title 17 of the Eagle Mountain City Code:

- A. Section 17.30 Residential Zone Bonus Density Entitlements (Masonry Materials). This is an applicant-proposed amendment to the definition of Masonry Materials. The proposed amendment adds engineered wood siding to masonry material options in the Bonus Density Entitlements section of the code with some other minor changes.
- B. Section 17.75 Standards for Special Uses (Residential Group Homes) and 17.10 Definitions. This is a staff proposed amendment and includes a majority of the previously-approved group home's conditions as code requirements. It also contains three sections that replace the previous Residential Group Homes section: 1) Residential

- facility for persons with a disability; 2) Residential rehabilitation and treatment facility; 3) Residential Juvenile Group Home.
- C. 17.80 Sign Regulations and 17.10 Definitions include changes to the Temporary Special Event Signage section, as well as new sections regulating yard/garage sale, model home, and real estate open house signs.

Mr. Mumford recommended that the Council approve the applicant proposed amendments as well as the staff and Planning Commission changes.

Councilmember Lifferth asked if grand openings were included in the signage list.

Mr. Mumford stated that it was included.

Mayor Jackson explained that parade of homes signs are always directional and if they are placed too far away from the road people won't see them.

Mayor Jackson opened the public hearing at 8:03 p.m.

Doug Page, 7787 N Crestwood Circle, asked if special inspections will be added for this type of product and if T1 11 siding would be added to the list of engineered products. He also asked if there were going to be setbacks for signage on corners for line of sight safety concerns.

Councilmember Lifferth asked if someone could clarify what T1 11 siding is.

Councilmember Ochsenhirt explained that it is an engineered product that has a type of grooving put into it and is typically used on chicken coops.

John Hendrickson explained that the building official had stated that T1 11 would not be considered an engineered product.

Mr. Mumford explained that if any signs are placed where they could be hazardous, the Code Enforcement Officer would remove them immediately.

George Hillaker, 4701 Decrescendo Drive, explained that his home in Eagle Mountain is his 28th home. He recommended not using engineered product because it deteriorates much more quickly and because it's harder to maintain.

Tim Lofgren, 3852 Winter Way, asked if more than 2 signs could be allowed for yard sale signs. He feels that 4 to 5 would be more adequate.

Doug Page asked who the company was that asked for the code change regarding engineered siding.

Mr. Mumford responded that LP Building Products had made the request for the engineered siding.

Mayor Jackson closed the public hearing at 8:10 p.m.

Councilmember Burnham asked if a-frame signs in the back of pickup trucks would be allowed.

Mr. Mumford explained that they were prohibited as they would be considered vehicular signs.

Councilmember Ireland feels that businesses should be allowed to have signs as long as the signs are only out during business hours. He would like to see something placed in the code.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of the City Council of Eagle Mountain, Utah Amending Title 17 of the Eagle Mountain City Code with the following stipulations:*

- 1. That section 17.30 be approved with the Staff and Planning Commission recommended changes and that staff go back and consider adding stucco.*
- 2. That 17.75 be approved as proposed.*
- 3. That 17.80 is approved with the exception of the garage sale signs and permits and that staff re-evaluate this.*

Councilmember Lifferth seconded the motion.

Councilmember Cieslak asked if the redundant section was addressed.

Mr. Mumford explained that the changes were made as per discussion in work session.

Mr. Ireland explained that he was recommending that the stucco stay in the code as it is today and that it be re-addressed later. He explained that he is also recommending that the manufactured product be approved.

Councilmember Ochsenhirt explained that he was not in favor of manufactured siding. He said that in the end it's all wood and 5 years down the road the siding will need to be fixed and replaced. He feels that this will be detrimental to the building industry and that it should be placed in the lower quality section of siding. It was his opinion that the warranty was only good until the company went under.

Mayor Jackson was under the impression that the guarantee was only on the paint not the actual product itself.

Councilmember Ochsenhirt believed that the product had failed over and over and that he did not want to approve it until he had a working knowledge of the failure rate of this product.

Those voting aye: Eric Cieslak, Ryan Ireland. Those voting nay: Donna Burnham, David Lifferth and Nathan Ochsenhirt. The motion failed with a 2 to 3 vote.

Mr. Mumford noted that the applicants had travelled from Denver and Minnesota with a special presentation that was given to the Planning Commission as well as the Lehi City Council. He

explained that the applicant was present and was prepared to give a presentation that could change the Council's opinion on the product.

The Council chose to not have an additional presentation.

MOTION: *Councilmember Ireland moved to approved the development code changes listed in section B and C, with the exception of the garage/yard sale signage changes and that staff re-evaluate the garage/yard sale signage as well as the code changes listed under section A. 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.*

17. PUBLIC HEARING

- A. Consideration of Pole Canyon Annexation No. 1, approximately 2,797.46 acres, and Pole Canyon Annexation No. 2, approximately 327.26 acres.
- B. Consideration of Amendment to the Eagle Mountain City General Plan.
- C. Consideration of a Master Development Plan for Pole Canyon.

Mr. Mumford explained that on October 20, 2009 petitions for Pole Canyon Annexation No.1, approximately 2,787.46 acres, and Pole Canyon Annexation No. 2, approximately 327.26 acres, were submitted to the Eagle Mountain City Recorder's Office. He explained that the property is located north of Fairfield and west of Eagle Mountain. He said that petitions were accepted by the Recorder's Office and certified on January 7, 2009 and that no protests were received by the City during the 30-day protest period. Mr. Mumford explained that after the public hearing, the City Council may annex the property at a future meeting.

Mr. Mumford explained that this annexation will not leave an island or peninsula of unincorporated land. The annexation/master development agreement is still being drafted/finalized. Mr. Mumford added that the majority of the annexation issues were tied to the White Hills subdivision area and that generally, annexations only include vacant land.

Councilmember Lifferth asked if the land for the freeway will be given to the City.

Mr. Mumford explained that there is some land next to the industrial zone and that this land will be set aside.

Mayor Jackson explained that the applicant has agreed to designate 150 feet which is greater than what is in the City's general plan.

Mr. Mumford reviewed the different densities and zones with the Council. He explained that the areas designated for industrial development in this master plan will be ideal for that type of development, as the ground is flat and is located adjacent to the future Cedar Valley Freeway. He explained that the density allocation map includes a maximum density transfer increase with each neighborhood planning area. He explained that it is the City's intention to develop the industrial land first. Mr. Mumford stated that the road plan for this annexation will include a major arterial which would connect to Sweetwater Road and provide access to the industrial properties. A letter was submitted by a transportation engineer concerning the capacity of SR 73 and the construction timing of Pole Canyon Boulevard. He explained that it appears that, based on traffic counts, the

road would be absolutely necessary when the project contains approximately 800 homes and 51 acres of industrial development.

Councilmember Cieslak asked who would be responsible for the construction of Pole Canyon Boulevard. He also asked if the road would be deemed necessary if there were only 799 homes and 50 acres of developed industrial area.

Mayor Jackson explained that this is part of what is being finished up in the development agreement.

Nate Shipp explained that the letter is just an example of what may be needed. He suggested that the road be based on a traffic study at a later time on the north and southbound lanes and peak traffic times.

Mr. Mumford explained that item number 11 in the staff report conditions could be removed because the applicant has added the requested road to their plan.

Mr. Mumford stated that the master parks and trails open space plan for Eagle Mountain City has also incorporated the proposed annexation area even though the City has not yet annexed the property. He explained the plan has been changed to decrease the number of pocket and community parks to provide atv trails in the area.

Councilmember Lifferth asked where the rodeo arena appeared on the plan.

Mr. Mumford explained that it is listed as a regional park. He displayed the map for the Council.

Mr. Mumford explained that the City has requested that the applicant provide White Hills with a park at the beginning of the project.

Mr. Mumford explained that the applicant would like for each NPA to allow for animal rights based on the animal rights exhibit and that provisions must meet the requirements of the Equine Overlay Zone.

Councilmember Lifferth asked if anyone would lose animal rights if the property is annexed into the City.

Mr. Mumford explained that some lots, under the City's current plan, would not be allowed to have horses, which they currently do have. He explained that some property owners use neighboring property for their horses/livestock. He explained that no one would lose their animal rights.

Mr. Mumford said that bonus density requirements will be discussed at a later time because this is not typically included in an annexation.

Mr. Mumford explained that there will be some routes provided for the Fire Department to access brush fires.

Mr. Mumford reviewed the technical guidelines for the annexation as listed in the staff report. He explained that there are also some general criteria concerning slopes, natural hazards, natural channels, storm water runoff, and soil characteristics. He feels that the planning for this project has been done well. He explained that there is an issue with the transitioning between the White Hills Country Estates and the residential planned area to the west. He explained that this could be worked out now, or in the future with the specific MPA for the area. He explained that the development agreement would specify the water company transfer to the City and the wastewater treatment plant.

Councilmember Lifferth asked if the 138 kv line comes from Eagle Mountain or Rocky Mountain Power.

Mr. Mumford explained that the line comes from Eagle Mountain and that a future substation is planned near Bobby Wren Boulevard.

Mr. Hendrickson stated that, depending on the need, another substation may be built in the annexation area as well. He explained that this process is still being worked through.

Mr. Mumford explained that the Planning Commission recommendations have been included in the staff report.

Mr. Kinghorn suggested that the Mayor open the meeting for public comment.

Mayor Jackson opened the public hearing at 9:04 p.m.

Jay Harmon, White Hills Resident, asked if any City Council members were available for a site visit on November 18, 2009. Councilmember's Lifferth and Ochsenhirt responded that they may be available in the afternoon. Mr. Harmon explained that he was concerned with densities, specifically the density surrounding the White Hills subdivision. He is concerned that smaller lots will decrease the value of people's property. He feels high density does not maintain a rural feel. He would like to see the area cushioned with some quarter acre lots. He would like to know property tax percentages, and utility rates. He asked when the park would be built. He feels that a fence should be installed along with the park rather than using homeowner fences. He asked that an easement be included.

Mayor Jackson explained that the tax rate in the County is .014. Eagle Mountain's tax rate is .00134. She added that based on a \$250,000 valuation, the property taxes will be reduced by \$167.50 if annexed into Eagle Mountain. She explained that the acreage in MPA 3 is 5.5 and that the City has particular codes regarding buffering. She stated that transitioning be done appropriately. Mayor Jackson explained that half acre lots and larger would fall in the equine overlay zone.

Councilmember Ireland stated that the whole subdivision has to be half acre lots or larger in order to fall under the equine overlay zone. He explained that when the project is split into subdivisions some of them may or may not fall under the equine overlay zone.

Mayor Jackson explained that the utility rates had been reviewed at an earlier meeting. She stated that she would be happy to get the public that information.

Mayor Jackson explained that a development agreement would be one of the first things to be done in the process. She also explained that the public safety building had not yet been discussed as to whether or not it would be built all at once or if it would be a phased process.

Mayor Jackson explained that typically Eagle Mountain does not fence their parks unless it is warranted or if the neighbors want it.

Bruno Hunziker, 3807 Cleveland AV, Cedar Valley, stated that he had been to almost every single meeting regarding Pole Canyon. He explained that he would love to see the White Hills, Cedar Fort and Fairfield area stay the same. He explained that change will come and that the County has pulled the plug on White Hills. He explained that if it happens he wants to see thing happen right. He explained that all of the utility rates are cheaper than what the County is currently charging and that the only thing the White Hills residents are getting stuck with is the \$45 a month for sewer services. He feels that if this annexation does happen it will ultimately be a benefit for the subdivision.

Dave Meyers, 3672 N Fillmore, he stated that he did not have a chance to vote for the Eagle Mountain City Council, yet the Council is making decisions. He feels that the developer is pushing everyone aside to make way for 9,000 homes which will ruin the rural feel. He feels that they are being swallowed by Eagle Mountain.

Mayor Jackson explained that the County has made a requirement that the White Hills area be included in this annexation. She explained that Eagle Mountain City does not have a choice either but that they are trying to make the best of everything so that the residents of White Hills are not affected in a negative way.

Dwayne Weber, 3342 N Stagecoach Drive, explained that when this whole thing started the residents took a poll and 89% of the people voted against this annexation. He stated that the people don't want this and they want some say in what happens. He explained that he was promised by the developer that his water meter would be moved and that they still have not moved it. He is concerned that if they can't move a simple water meter like they promised that they won't fulfill any of the other promises that are being made. He would also like to keep his septic system and he wants a letter from Eagle Mountain City stating that he can keep it and would not be forced to tie into the sewer system.

Mayor Jackson explained that there are three different sewer areas in Eagle Mountain. She stated that one area consists of septic tanks, the second area is serviced by Eagle Mountain's sewer plant and the third area is serviced by the Timpanogos Special Service District. She explained that in order for the White Hills area to vote in the Eagle Mountain Election they would have had to be annexed into the City by September 11, 2009. She explained that the City felt that it would be more prudent to continue down the path they were going to make sure that the utility situations were being dealt with correctly, and to follow through with other issues instead of rushing the annexation.

Kent Withers, 3641 N Fillmore Street, explained that he is currently on a propane system and would like to know if he could keep that system or would he be forced to move to the City's natural gas. He asked if the City would be incorporating the current fire company in White Hills.

Mayor Jackson explained that they would be able to keep their propane system because other residents in Eagle Mountain also use propane.

Mr. Ferre explained that the current residents will have the option to stay on propane or hook up to the City's natural gas. He stated that all new development would be required to hook up to the City's gas.

Councilmember Lifferth asked if hooking up to natural gas would force an SID on the residents.

Mr. Ferre explained that they would only pay a connection cost because the infrastructure is already in place.

Councilmember Lifferth asked how close the infrastructure was.

Mr. Ferre explained that it is in the individual's front yards.

Mr. Hendrickson explained that some of the White Hills area is currently served by Questar. He explained that this will remain as is and that only new development will be required to hook up to the City's system.

Mayor Jackson explained that at this point in time because of the fire contract with the County, Eagle Mountain is the first responder. Mayor Jackson explained that they are looking at the possibility of forming a fire district which would include Cedar Valley, Saratoga Springs and all the way down to Goshen. This would mean that each resident in the district would pay their fair share for fire services. In this process there would be paid individuals and volunteers.

John Hart, 4549 Honeycut Circle, Cedar Hills, explained that his lot, if annexed, will be part of the proposed multi use/ commercial. He asked how this would change his lot since he is currently rural/residential.

Mr. Mumford explained that it would not change unless Mr. Hart came forward and proposed a rezone for the property. He explained that it just gives the property owner the opportunity to sell it as commercial to the developer later on if they choose to.

Charlotte Turner, 18462 Wilson Avenue, explained that attending the meetings has helped her to understand what is happening to White Hills. She is thankful that Eagle Mountain is concerned enough to take them in. She explained that the County doesn't want them and they don't have the funds to incorporate themselves.

Blair Gaylor, 3728 N Eisenhower, explained that his main concern is the density of the homes coming in. He stated that many of the residents have large animals on their property or they lease larger lots to keep them on. He feels that the horse people are being pushed out. He does not want to see high density homes.

Fred Peoples, Kidwelly Court, encouraged the density to stay low. He asked if one fire station would be adequate for 30,000 people. He asked if the developer would be providing the land and

structures for the fire and public safety buildings. He asked what at stage in development would the fire station be built.

Mayor Jackson explained that there are two fire stations planned. She explained that the developer would be responsible for building a fire station. She stated that there are many things to still be worked out.

Daryl Cook, 64 N 100 W, asked if the fire district would be a special improvement district. He asked who would be building the road that SITLA wants to connect to.

Mr. Shipp explained that it would be cost shared to move the road north of the property line.

David Benight, 3648 Scotsraig Drive, he asked that a second regional park be considered to supplement the additional 30,000 residents that could possibly be added to Eagle Mountain City if the annexation were to be built out.

Mayor Jackson explained that the parks and recreation master plan has been designed to accommodate the White Hills residents even though they are not yet annexed into the City.

Mr. Benight explained that it has been quoted in the newspaper that White Hills is the poor cousins to Eagle Mountain. He feels that if annexed white hills will get lost in the vastness that is Eagle Mountain. He is concerned about police and fire coverage and how soon their streets will get plowed after a snowstorm.

Mayor Jackson explained that the poor cousin's term has been used by the media and no member of Eagle Mountains elected body has ever used that term.

Mr. Hendrickson explained that Eagle Mountain has done a fairly good job with plowing and that the City will put in a good effort to make sure that White Hills will be a priority and not be a secondary treatment.

John Painter, 3414 Appaloosa Way, explained from his point of view the industrial area is very attractive for the City. He asked what the true motivation was for Eagle Mountain annexing Pole Canyon.

Mr. Pili explained that from an economic development standpoint the reason the City wants this annexation is because of the industrial land, and that is the only reason. He stated that they are interested in this land because several fortune 100 companies have been interested in the property. He has taken these companies on tours of the industrial land as well as other land in Eagle Mountain.

Mr. Hendrickson explained that this annexation has to be considered as all or nothing. He explained that in annexing they cannot create an island and if White Hills is not annexed it would leave an island and the County will not allow that.

Mr. Shipp explained that from a developer's perspective he does not make as much money developing industrial land as he does residential. He cannot maximize his profit by turning the

land all into industrial. He recognizes that the City would like to see industrial growth, so as a way to entice them, he is willing to designate a significant portion of his land as industrial.

Bruno Hunziker, 3807 Cleveland AV, Cedar Valley, asked how soon the City council would vote on this proposal.

Mayor Jackson explained that the soonest this could happen would be on December 1, 2009. She explained that they may not be ready for that meeting so it would then go to the first meeting in January 2010.

Mayor Jackson ended public commenting for this item and continued the public hearing to the December 1, 2009 City Council Meeting.

Councilmember Ireland explained that his biggest concern about this annexation is the financial impact on the City and that for the first couple of years the City will be in the hole financially. He asked what the risk is if the City takes this annexation on and the economy stays like this for years, and those fortune 100 companies don't come along.

Mr. Hendrickson explained that they have been reviewing the financial analysis that has been given concerning the fire department.

Mr. Andrus explained that over the last two years there have been 5 fires.

Councilmember Lifferth asked how many medical calls were made out there.

Mr. Andrus explained that medical trips are already included in the license. It only costs the City when there is a non-transport to the hospital.

Councilmember Ireland asked what the worst case scenario would be financial if the City annexes White Hills.

Mr. Hendrickson explained that some expenses could be delegated to the developer. He feels that there's not that big of a difference in revenue and expenses out there so it is low risk for the City.

Mayor Jackson explained that the City realizes the sewer is not in the best of shape but it is currently passing overall with the state regulations. She explained that trigger points will be put in the contract so that if the state were to say that the trunk line needs to be upgraded, there will be a plan in place to financial pay for that.

Mayor Jackson stated that there are other ways to get funding.

Mr. Pili explained that if the City doesn't get any industrial or commercial property, taxes will increase. He feels that there is already risk right now with the City having as little commercial and industrial business as it does.

Councilmember Ireland wants the City to be aware and conscious of the risks of annexation.

Councilmember Ochsenhirt explained that he does not like bonus density, but that the City also has to balance an established community. He would like to see reasonable transitioning from the existing neighborhood to the proposed areas.

Mr. Shipp explained that he has always been under the impression that they would have to buffer those existing homes under the current city guidelines. He feels that this is something that should be placed in the master development agreement. He said that the reasoning for the buffering requirements proposed was because eventually a business is going to want to buy those homeowners properties to build commercial property.

Councilmember Ochsenhirt stated that he is concerned with the existing homes and the transitioning to other lots, not the commercial property.

Mr. Shipp said that it is his intention to protect the current property owners as well as the future property owners.

Councilmember Cieslak asked if there was a road planned to go out to the industrial area.

Mr. Shipp explained that there would eventually be a road out that way.

Councilmember Cieslak asked when this road would be built seeing as there are several companies chomping at the bit for this property.

Mr. Shipp explained that if a business was to come in a road would be opened up to the area that the business would be located on.

Mr. Shipp explained that the road would be extended for connectivity reasons if homes were built faster than anticipated.

Councilmember Ireland asked for an example within the City where there are 4 ½ units per acre density.

Mr. Mumford explained that SilverLake has that same density.

Mr. Shipp reviewed the ATV trail system map with the Council.

Councilmember Ireland asked if there was a minimum number in the MPA since there is a maximum.

Mr. Shipp explained that due to the geography of land they have identified their best guess. He explained that as the market changes the density will change and that City staff has set limits on what it can be changed to so it does not exceed set numbers.

Mr. Shipp explained that there is a company interested in buying all of the ground on the left side of White Hills where they would build a small facility. The remaining property would be put in to a conversion easement. He explained that if this happens the City has come to a compromise so that he as a developer can move density around accordingly.

Mr. Hendrickson explained that the City is concerned with putting high density in certain areas.

Mayor Jackson said that with this plan they are trying to appease everyone involved in this process.

Mr. Shipp explained that they have tried to take the time necessary to work through the issues. He feels that it is a good plan.

Mr. Kinghorn feels that this plan is achievable and explained that there are still a few issues to be worked through in the development agreement but feels that overall they can be worked out.

Councilmember Lifferth thanked the developers for taking an extra step to make this a win-win situation for everyone. He feels that this has come a long way in a year.

Councilmember Burnham explained that they are ready to vote in December if this is done right. She does not want to see this project rushed.

18. PUBLIC HEARING – Consideration and Review of Community Development Block Grant Proposals for FY 2010.

Fionnuala Kofoed explained that the Community Development Block Grant (CDBG) program is financed through the Housing and Urban Development agency. She explained that the primary purpose of the program is to provide funds to local governments to benefit low to moderate income residents within their jurisdictions. Eagle Mountain City will compete against entities within the Mountainland Association of Governments' jurisdiction for \$1.5 million. She explained that this is the first of two required public hearings designed to receive input from residents on possible projects the City should consider sponsoring. The City intends to pursue funds for transportation for the Eagle Mountain City senior citizens.

Mrs. Kofoed explained that 3 vehicle options have been chosen, a 16 passenger van, 12 passenger van and a smaller 12 passenger van. All vehicles are wheelchair accessible or will be made wheelchair accessible. She explained that the City's first choice would be the 16 passenger van which comes fully equipped with a wheel chair lift and tie downs. She stated that this van would be approximately \$62,000.00 after rebates given by the company.

Mayor Jackson opened the public hearing at 7:45 p.m.

Jay Hardman, 18619 Wilson Avenue, suggested that the City look at purchasing a Dodge Sprinter van as that they are less expensive and pretty durable. He feels that this would save the City a lot of money.

Mrs. Kofoed explained that the Sprinter has been discontinued through the City's state contract. She stated that they are harder to find in Utah. She found one available; however it was a cargo van. Freightliner is the only dealer who could provide one which would take between 2 to 3 months and then the vehicle would need to be modified to be wheelchair accessible.

Carroll Johnson explained that this would be a big step for the seniors. She explained that several individuals would love to get out and participate but they are unable to drive. She feels that it is

time to offer the seniors a way to participate so they can offer back to the community. She stated that they desire this van and it would be put to good use. She said it would be used to take seniors grocery shopping, on field trips, to doctors appointments, etc. She feels that this will open the door for seniors.

Mayor Jackson closed the public hearing at 7:53 p.m.

Mrs. Kofoed explained that a match is not required however if the City puts money towards the vehicle they have a better chance of receiving the grant. She suggests that the City match 15 to 20%

19. AGREEMENT – Consideration and Approval of the Eagle Mountain Emergency Services/Off-Line Medical Director Service Agreement for the Eagle Mountain Fire Department.

The Utah Administrative Code requires that all licensees and quick response units must enter into a written agreement with a physician to serve as its off-line medical director to supervise medical care provided by the field EMS personnel. The proposed agreement documents the terms of the agreement entered into with the physician. The City will continue to use the services of Dr. Mark Bair. Dr. Bair will be the provider for the majority of the northern Utah County fire departments.

MOTION: *Councilmember Ireland moved to approve an Eagle Mountain Emergency Services/Off-Line Medical Director Service Agreement for the Eagle Mountain Fire Department with Dr. Mark Bair in the amount of \$3,500.00. 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.*

20. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and the University of Utah/Mt. Nebo Training Paramedic Program.

This agreement documents the terms and conditions under which the University of Utah/Mt. Nebo Training Paramedic Program will be permitted to use Eagle Mountain City for clinical experience for its paramedic program. This program will allow students to ride along with certified paramedics and develop and utilize their skills as they go through the paramedic program.

MOTION: *Councilmember Ochsenhirt moved to approve an agreement between Eagle Mountain City and the University of Utah/Mt. Nebo Training Paramedic Program. 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.*

21. BID AWARD – Consideration and Award of Bid to Sherman & Reilly, Inc. for a Hydraulic Duct Dawg Underground Puller.

The Hydraulic Duct Dawg is used to pull underground wire/cable through conduit systems for new construction and in times of emergency. To date, the Energy Department has hired out for this service and purchasing the equipment will allow the department to do small scale jobs in-house and provide after-hours service in case of emergencies. This equipment was included in the FY

2009-2010 budget.

MOTION: *Councilmember Cieslak moved to award a bid to Sherman & Reilly, Inc. in the amount of \$99,900.00 for a Hydraulic Duct Dawg Underground Puller. 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 Award of Bid to Silver Spur Construction for Construction of a Waterline from Well #5 to Tank #5.

Earlier this year, the City Council approved a contract with Build, Inc. to build a new 2 MG reservoir. The new waterline will connect Well #5 to Tank #5. The waterline will follow the future road alignment within the lower Hidden Valley area and utilize the easement acquired earlier this year from the developers in that area. The existing 20-inch waterline in front of Well #5 will be relocated as part of this project to move it within the right-of-way and future road alignment.

MOTION: *Councilmember Ireland moved to award a bid to Silver Spur Construction for construction of a waterline from Well #5 to Tank #5 in the amount of \$710,395.00 and authorize the Mayor to sign the contract. 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.*

23. BID AWARD – Consideration and Award of Bid for the Written Impact Fee Analysis.

Eagle Mountain City has contracted with Horrocks Engineering to revise and update the Capital Facilities Plan. With the completion of this plan, which is expected to be presented to the City Council at the December 1, 2009 City Council meeting, the City has solicited proposals for a Written Analysis. The intent of the Written Analysis is to allow the City to review alternatives to amend the Impact Fee Ordinance to reflect changes in the Capital Facilities Plan.

MOTION: *Councilmember Burnham moved to award a bid for the Written Impact Fee analysis in the amount of \$76,038.00 to Lewis, Young, Robertson and Burningham and authorize the Mayor to sign the contract. Councilmember Lifferth seconded the motion.*

Councilmember Ireland explained that \$25,000 is a lot of extra money to be spending even though Lewis, Young, Robertson and Burningham does a great job.

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

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

Councilmember Lifferth

Councilmember Lifferth explained that there are a lot of great things happening from a transportation standpoint. He stated that 70 miles of track is being built in 7 years. This track will go from Salt Lake down to Utah County. He explained that there is more information on his blog. Mr. Lifferth turned in his hard drive to the City.

Councilmember Burnham

No comment.

Councilmember Cieslak

Councilmember Cieslak thanked Mr. Shipp for working diligently with the residents to come to a solution with the annexation. He encouraged residents to continue contacting the elected officials regarding transportation.

Councilmember Ireland

Councilmember Ireland encouraged the staff to work with Lewis, Young, Robertson and Burningham, and that he is disappointed to see such a big disparity in money. He asked Mr. Mumford to have the Code Enforcement Officer at the meeting when the signage issue is brought back so that he can have a chance to speak on the issue.

Councilmember Ochsenhirt

No comment.

25. 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.
26. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
 - B. Financial Reports
27. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 11:01 p.m.

APPROVED BY THE CITY COUNTY ON DECEMBER 1, 2009


Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

December 1, 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, Ryan Ireland (arrived 5:16 p.m.), and David Lifferth. Councilmember Ochsenhirt participated by telephone.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; Paul Jerome, Senior Accountant; Linda Peterson, Public Communications Coordinator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Eric McDowell, Sergeant.

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

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. 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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
 - B. Update on Road Maintenance (*Presented by Chris Trusty*)
3. 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 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.*

The meeting was adjourned at 5:21 p.m.

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, and David Lifferth. Councilmember Ochsenhirt participated by telephone.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; Paul Jerome, Senior Accountant; Linda Peterson, Public Communications Coordinator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Eric McDowell, Sergeant.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Diane Bradshaw led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Snow fencing is being installed along S.R. 73.
- "Deck the Halls" Christmas tree lighting ceremony at City Hall on Friday, December 4, at 6:00 p.m.
- Miss Eagle Mountain Pageant information meeting in the Council Chambers on Thursday, December 10, at 7:00 p.m.
- Santa will ride around town on a fire truck on Saturday, December 12, starting at 8:30 a.m.
- Polar Express Night at the Library on Monday, December 14, at 7:00 p.m.
- Senior Advisory Council "Christmas on the Green" party at The Ranches Golf Club on Monday, December 28, at 5:00 p.m.
- The first two Eagle Mountain City television commercials aired during the BYU-Utah football game on Saturday.

7. 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.)*

John Painter, 3414 Appaloosa Way, thanked City staff, especially Angie Ferre, for the Turkey Trot activity on Thanksgiving Day. He expressed appreciation to Councilmember Lifferth for his service to the City and hoped he would continue to be involved. He thanked Fionnuala Kofoed and Jerry Kinghorn for answering extensive questions he sent them over the weekend. Their work was timely, professional and very much appreciated. About the proclamation on this evening's agenda, he said that he was happy to see the City take a positive, official stance on the environment for children in the City. He was pleased with the recycling option in the bid for solid waste management.

Jennifer Rawlings, 3841 Chilton Rd., supported the proclamation being voted on this evening. She looked forward to the City setting standards to continue keeping children safe in the community.

8. 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 Lifferth

Councilmember Lifferth stated the following: "I have enjoyed my service to the City of Eagle Mountain. At times it has been difficult and challenging, but for the most part it has been rewarding. I hope that I have contributed in some small way to the success that we are witnessing here in Eagle Mountain. I am pleased with what we have accomplished and I hope that I have personally made a difference. It is nice to hear people now complain that Eagle Mountain is "getting too much," instead of Eagle Mountain being the butt of everyone's joke. I would like to thank our mature City Council and the professional City staff for the way they have worked to serve this Council and to serve the City. I'd like to take a few moments and point out people who are here tonight, who were here back in 2005, when I served as Mayor. I see Chris Trusty, Kent Partridge, Gordon Burt, Jerry Kinghorn, Adam Ferre, Donna Burnham, Heather Jackson. Did I miss anyone? It just shows how times have changed and how we have some people that are still here and we are always moving people in, being involved in the City. I appreciate the involvement. There are also many people who I would like to thank for their friendship, leadership, and hard work: I'd like to thank Mayor Kelvin Bailey, who was a friend and a mentor to me. I'd like to thank our City Attorney, Jerry Kinghorn, who's also a friend and advisor. We've frequently butted heads on many things, but I appreciate his willingness to work with me and get things done. I'd like to thank Mayor Jackson, who I consider a close friend; for all she has done for me personally and for the City. I'd like to thank Angie Ferre, who is a great friend and a great person and really, in many ways, she's the "Radar O'Reilly" of Eagle Mountain. I'd like to thank Mark and Erin Madsen, who I consider close friends and mentors. I'd like to restate my respect for each member of the City Council we've got here tonight, and Nate on the phone. I'd like to thank John Hendrickson for his mature and wise leadership in this City. Once again, we've butted heads on a number of things, but I appreciate what you've done for the City. I'd like to thank Ifo Pili and Jason Walker. Those are some great guys. I'm glad they're here working for our City. I'd like to thank some people who are not here anymore, but they worked with me while I was Mayor in 2005: Chris Hillman, Mark Sovine, Gina Peterson, Chief Rand Andrus and Sergeant Mark Binks. It's tough being a mayor and I appreciate what they did to help me out. I'd like to thank Fionnuala and her crack City staff of the Recorder's Office. I think they're approaching perfection with what they're doing, and I appreciate that. I'd like to thank Len and Deanna Whitney, Jeff Weber, Juanita Steinbrenner, Lori Jolley, Adam Ferre, Chris Trusty, Brad Hickman, and the entire City staff. We've got a great staff and I apologize for all the grief that I've given them over the years. I'd like to thank my wife and family who have, for the most part, patiently endured my service here to the City. I do feel like I am leaving the City in good hands and I do have high expectations for what will happen in the future.

"OK, changing the subject to some more fun things, I am excited to see the snow fences along S.R. 73. That, to me, is a sign of progress we're making and it goes to something that I heard once again, "Why is Eagle Mountain getting everything?" I heard that when I went down the Utah Lake Commission last time. We were talking about these things. For whatever reason, we are now getting what we've worked so many years to finally get. I'm excited about that. And in closing, I'd like to congratulate Real Salt Lake for their 2009 MLS championship. I'm really proud of them. I'm excited for what soccer is like in Utah in 2009. Thank you."

Councilmember Burnham

Councilmember Burnham appreciated the work Councilmember Lifferth has done for the City. She was excited about the snow fences and wanted to make citizens aware of the number to call to report drifting snow on S.R. 73: 801-766-3210. She thanked the Youth City Council candidates and congratulated Bri Weber for being elected Youth Mayor. She congratulated all those who were elected or appointed to the Youth City Council.

Councilmember Cieslak

Councilmember Cieslak thanked and respected Councilmember Lifferth for all of his hard work. Councilmember Cieslak had the opportunity to perform some volunteer service with a group of residents yesterday, which reminded him of how good the residents are. He was excited about the proclamation promoting child-appropriate standards and thanked the Ennisses and Regan Bolli for the work they put into that. He thanked all the individuals who are being appointed or finishing terms on public boards. He reminded residents that there is still only one major road into the City and urged them to continue to talk to their elected officials about transportation.

Councilmember Ochsenhirt

Councilmember Ochsenhirt apologized for not being at the meeting in person. He thanked Councilmember Lifferth for his service. He's been a mentor to Councilmember Ochsenhirt. He expressed gratitude to board members whose terms are ending and recognized them for their efforts. He also thanked those stepping forward to work on boards. He was excited about the road improvements and asked residents to speak to their local and state officials about transportation and other concerns. He was happy with the outcome of the BYU-Utah football game on Saturday.

Councilmember Ireland

Councilmember Ireland thanked the residents for attending the meeting. He expressed appreciation to Councilmember Lifferth for his dedication to the City and all who volunteer to serve the City in any capacity. He was excited about the new snow fencing. He was concerned with the City's residential landscaping requirements. A neighbor of his was given a notice that he had to get his lawn in within a specified time period or he would be fined \$50.00 a day. That seemed like an excessive amount, especially since enforcement is inconsistent. People have lived in the City for years without putting in landscaping.

Mayor Jackson

Mayor Jackson presented a plaque to Councilmember Lifferth.

She explained that transportation has been improved by regional action. Transportation officials see that the communities are willing to work together and they respond.

9. PROCLAMATION – Promoting Child-Appropriate Standards

Mayor Jackson invited Kerri Ennis to read the proclamation promoting child-appropriate standards in the community. Ms. Ennis asked City Attorney Jerry Kinghorn whether "proclamation" or "resolution" is a stronger term. He explained that a resolution guides internal actions, while a proclamation gives public notice of the City's position on an issue. Ms. Ennis read a proposed proclamation. She also thanked Councilmember Lifferth and Regan Bolli for working on the issue. A copy of the proclamation is attached to these minutes.

Councilmember Ireland said he was in favor of encouraging positive standards, but he would like to act on specific instances. He asked what the proclamation accomplishes. Ms. Enniss said that it promotes the community standard, which can help eliminate violations of the standard.

Councilmember Ireland asked Mr. Kinghorn if the proclamation has any power. Mr. Kinghorn said that State law governs most issues regarding this subject. However, the City can update its current business licensing and land use/zoning regulations.

MOTION: *Councilmember Lifferth moved to approve a proclamation promoting a safe community standard, as read by Kerri Ennis. 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.*

10. APPOINTMENTS

- A. Economic Development Board – Diane Bradshaw and Phil Case (two 4-year terms)
- B. Library Board – Jennifer Edwards (3-year term)
- C. Parks and Recreation Advisory Board – Elaine Duke (3-year term)
- D. Planning Commission – Bonne ElHalta (3-year term)
- E. Public Works Board – Allen Martin (4-year term)
- F. Senior Advisory Council – Eutona Dixon and Verlene Tanner (two 4-year terms)
- G. Youth City Council – Bri Weber; Jessica Riet; Kamber Hopkins; Brock Giles; Aubrey Weber; Malissa Smith; and Camilla Moodie (Youth City Council positions are 1-year terms.)
- H. Youth Council Advisors – Robert and Alicia Hill (1-year term)

MOTION: *Councilmember Ireland moved to appoint Phil Case and Diane Bradshaw to 4-year terms on the Economic Development Board, Jennifer Edwards to a 3-year term on the Library Board, Elaine Duke to a 3-year term on the Parks and Recreation Board, Bonnie ElHalta to a 3-year term on the Planning Commission, Allen Martin to a 4-year term on the Public Works Board, Eutona Dixon and Verlene Tanner to 4-year terms on the Senior Council, and Robert and Alicia Hill to 1-year terms as Youth City Council Advisors. 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.*

Mayor Jackson asked City Recorder Fionnuala Kofoed to announce the members of the Youth City Council. They are as follows:

Bri Weber, Mayor; Jessica Reit, Secretary; Kamber Hopkins, Recorder; Brock Giles, Public Relations; Aubrey Weber, Treasurer; Malissa Smith, Public Safety; and Camilla Moodie, Volunteer Coordinator and Activities Director.

MOTION: *Councilmember Burnham moved to appoint the members of the Youth City Council as stated by the City Recorder. 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.*

City Recorder Fionnuala administered the oath of office to all the appointed board and council members present at the meeting.

CONSENT AGENDA

MOTION: *Councilmember Cieslak moved to approve the Consent Agenda. 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.*

11. MINUTES

A. November 17, 2009 – Regular City Council Meeting

12. FINAL BOND RELEASE – Out of Warranty

A. Lone Tree, Plat E

13. FY 2009 AUDIT – Acceptance of the FY 2009 Financial Audit

14. 2010 City Council Meeting Schedule

Councilmember Ireland requested that the 2010 City Council meeting schedule be posted, but not published, to save the City the newspaper notice fee.

SCHEDULED ITEMS

15. PUBLIC HEARING – Continued from October 20, 2009.

- A. Consideration of Pole Canyon Annexation No. 1, approximately 2,797.46 acres, and Pole Canyon Annexation No. 2, approximately 327.26 acres.
- B. Consideration of an Amendment to the Eagle Mountain City General Plan.
- C. Consideration of a Master Development Plan for Pole Canyon.

This item was presented by City Attorney Jerry Kinghorn and Planning Director Steve Mumford. On October 20, 2009 petitions for Pole Canyon Annexation No.1, approximately 2,787.46 acres, and Pole Canyon Annexation No. 2, approximately 327.26 acres, were submitted to the Eagle Mountain City Recorder's Office. The property is located north of Fairfield and west of Eagle Mountain. The petitions were accepted by the Recorder's Office and certified on January 7, 2009. No protests were received by the City during the 30-day protest period. After the public hearing, the City Council may annex the property at a future meeting. The City Council will also consider an Amendment to the Eagle Mountain General Plan and a Master Development Plan Land Use Element (Zoning) for Pole Canyon. The City Council continued this public hearing from the November 17, 2009 City Council meeting.

Mayor Jackson opened the public hearing at 8:14 p.m.

Bruno Hunziker, Cleveland Ave., White Hills, hoped that all the Councilmembers have carefully studied the issue, and noted that Councilmember Ireland has gone to every possible meeting about the annexation. He said that if the annexation is approved, neither Eagle Mountain citizens nor the

developer should be responsible for road repairs, because the County Commission approved the subdivision years ago and didn't maintained the roads. Two of the current County Commissioners told him that they weren't in office at the time the subdivision was approved. He thanked the Mayor for returning his calls and answering his questions.

Tiffany Ulmer, 1320 Harrier St., asked that all buffering requirements be specified in writing.

Lee Brown, 2921 N. Highway 73, while not a resident of White Hills, has spoken to the developer and believes the project is a win-win for the City and the developers.

Julie Meyers, Fillmore St., White Hills, asked that the developers be required to guarantee the industrial park, perhaps by limiting residential building permits until the industrial park is completed. She didn't want White Hills to become a burden on Eagle Mountain City.

David Meyers, Fillmore St., White Hills, said that no improved lots are adjacent to his property. He asked if there was anything in the agreement that would require quarter-acre lots directly around the subdivision. He also wanted to know if White Hills could have a seat on the City Council, so they have representation. Mayor Jackson asked Planning Director Steve Mumford to respond to the first question. He said the master development agreement requires at least one row of quarter-acre lots surrounding White Hills. Mayor Jackson said the City's form of government sets the number of City Council members. The City has no council districts, so White Hills residents can run under the same conditions as others.

Dwaine Webber lives in the 5-acre lots. He asked for a larger buffer zone around the 5-acre lots. He agreed with Bruno that road repairs ought to be addressed with the County before either the City or the developer is liable. Mayor Jackson said that the City's current Development Code requires that one-acre or larger lots have to be surrounded by a row of one-acre lots, then half-acre lots, then quarter-acre lots. The developers requested less than this, since the lots adjacent to the highway might become commercial. They've requested a 100-foot buffer with a trail corridor, screening and other visual buffering. Requests like that have been made with other projects, but so far have never been approved.

Steven Boyce, 18551 Wilson Ave., likes dark skies and was concerned about light pollution. He also wondered what kind of thought had been given to the industry mapped out on the plan, particularly about air pollution. Mayor Jackson asked Energy Director Adam Ferre to respond. He said the City subdivision standard is to have light for street signs and occasionally along streets. The bulbs put out yellow light, not bright white light. Steve Mumford said that commercial, industrial and multi-family projects are required to have exterior lighting that is shielded to direct the light downward. Mayor Jackson said the City promotes economic development that will retain clean air. Permitted uses in industrial zones are office, research and development, and assembly. Any other industrial use would be conditional, based on health and safety.

Mayor Jackson closed the public hearing at 8:32 p.m.

Councilmembers Ireland and Cieslak said that there were still a lot of questions and ambiguity in this project. Councilmember Lifferth was disappointed that there was not a more clear-cut proposal for the Council to vote on.

Councilmember Burnham, in response to Mr. Hunziker's comment, said the Council takes this very seriously, and owes it to the residents of White Hills and Eagle Mountain and to the developers, to make sure the agreement works for everyone.

Councilmember Ochsenhirt said that some of his concerns have been addressed, but he was concerned that the City's standards on buffering and transition are being undermined.

Mayor Jackson said it sounded to her that the Council was not ready to vote on this item, and should table it. She asked exactly what information the Council would like to see before they vote.

Councilmember Ireland stated that he wants a specific agreement on when roads will be put in and who will pay for them. He wants an agreement on transition of the water company and all other utilities: what initiates the transition and who will pay for it. He wants to minimize the financial risk to current residents of Eagle Mountain and have White Hills residents pay their fair share, but no more than their fair share. He said the issue is about jobs and revenue from the industrial park. He would also like to make sure that enough recreational amenities are built.

MOTION: *Councilmember Lifferth moved to table consideration of Pole Canyon Annexations No. 1 and 2, an amendment to the General Plan and a Master Development Plan for Pole Canyon. Councilmember Ireland seconded the motion.*

Councilmember Ochsenhirt said that he wanted a financing agreement that assigns cost and burden to those who cause the cost and burden.

Mr. Hendrickson said the City isn't extremely far from reaching an agreement with the applicants. There's work to do on density and on vesting current codes in future developments. Much of the financing, impact fees and reimbursement agreements could be done through a capital facilities plan, rather than being part of the development agreement. Issues being discussed include the sewer trunk line, road connections, the water district, gas service and electrical service. He said that staff would do their best to have the agreements ready in time for a special session in a couple of weeks if the Council chose to have a special session, otherwise they could be ready in January.

Mayor Jackson invited Nate Shipp of DAI, representing the applicant, to speak. He was concerned that without vesting, they won't have enough assurance that they can build without a future council placing restrictions that would make the project impossible to complete. Mayor Jackson said the Council is fine with vesting the density proposed in the plan, but not vesting it to the current Development Code. Mr. Kinghorn said that the agreement vests residential uses, which is not the same as vesting a whole code. It contains specific language as to what may and may not be done.

Mayor Jackson said that this project should create a long-term relationship like the City has with SITLA, in which questions about possible deviations from the plan are discussed between the developer and the City before either considers a lawsuit.

Councilmember Ochsenhirt called the question.

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

16. AGREEMENT – Consideration and Approval of a Concert Agreement between Eagle Mountain City and Atomic Relations for the Pony Express Days Concert.

This item was presented by Mayor Jackson. The proposed contract is to have Tracy Lawrence in concert for the 2010 Pony Express Days celebration.

MOTION: *Councilmember Ireland moved to approve an agreement for up to \$30,000 with Atomic Relations for the Tracy Lawrence Pony Express Days concert. 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.*

Councilmember Ochsenhirt ended his telephone participation at 9:07 p.m.

17. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City, Utah and Hall Cousins for a Pony Express Monument.

This item was presented by Mayor Jackson. The proposed agreement documents the terms of the purchase of a life-plus size, cast bronze monument known as “Special Delivery” by artist Doug Van Howd. The monument depicts a Pony Express horse, rider, and a station master and will be placed in the Mid-Valley park along the route of the Pony Express Trail. 2010 is the 150th anniversary of the Pony Express. Mayor Jackson hopes to fund the purchase entirely with grants and donated funds, some of which have already been received by the City. Any shortfall will be paid out of City funds.

Councilmember Ireland would like the fund-raising to be further along before the City commits to the purchase.

MOTION: *Councilmember Lifferth moved to approve an agreement with Hall Cousins for purchase of a Pony Express monument, as outlined. Councilmember Cieslak seconded the motion. Those voting yes: Eric Cieslak, David Lifferth. Those voting no: Donna Burnham, Ryan Ireland. Mayor Jackson broke the tie with a yes vote. The motion passed with a 3:2 vote.*

18. MOTION – Consideration and Approval of an Extension of Time for a Conditional Use Permit for the Temporary LDS Seminary Building.

This item was presented by Planning Director Steve Mumford. On June 17, 2008 the City Council approved a Conditional Use Permit and Site Plan for temporary trailers for the LDS Seminary program. The site is located just east of the Rockwell High School in the Saddle Junction subdivision, Lot 104. The approval was for two years until a permanent structure could be built. Because of a drop in enrollment and the unknown future enrollment at Rockwell High School, the applicant has requested a two year extension for the temporary trailers. Additional time will allow the applicant to determine the size of a permanent structure.

MOTION: *Councilmember Lifferth moved to approve a two-year extension of time for a conditional use permit for the temporary LDS Seminary building at Rockwell High School. Councilmember Cieslak seconded the motion.*

Mayor Jackson invited the applicant to speak. Will Scott of Evans and Associates Architecture explained that a permanent facility can't be built until Seminary enrollment is at least 125 students.

Rockwell High School is competing for students with the new Westlake High School and the soon-to-open junior high school.

Councilmember Burnham thought that taking away seminary at Rockwell could seriously damage the school, perhaps make it unable to succeed, and leave an empty building at the City entrance. Councilmember Ireland recommended that the extension be only for one year. Councilmember Cieslak said the trailer is not very visible, so leaving it in place for two years to help the school succeed is acceptable.

Those voting yes: Donna Burnham, Eric Cieslak, David Lifferth. Those voting no: Ryan Ireland. The motion passed with a 3:1 vote.

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

The proposed resolution will amend the Consolidated Fee Schedule, correcting an error to fees charged for grading permits. The fees were evaluated to cover the City's actual costs, with fees ranging from \$27.00 to \$325.00, based on the cubic yardage of grading material.

MOTION: *Councilmember Lifferth moved to adopt a resolution amending the Consolidated Fee Schedule to address an error in grading permit fees. Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth. The motion passed with a unanimous vote.*

20. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Acknowledging and Approving Assignment of Banked Water Entitlement.

S.L.6., LLC has banked water rights for use within the City on various projects. This resolution approves the Assignment of Certain Banked Water Entitlements to Zions Bank as collateral. The City will hold title to the water right and recognize the interest of Zions Bank to authorize use of the banked water for development purposes and as otherwise authorized by the City Code.

MOTION: *Councilmember Cieslak moved to adopt a resolution acknowledging and approving an assignment of banked water entitlement for use within the City on various projects in the City, as outlined. Councilmember Ireland seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth. The motion passed with a unanimous vote.*

Councilmember Lifferth clarified that future water banking requires additional staff work to make sure there is proper title to the water rights.

21. BID AWARD – Consideration of an Award of Bid for Solid Waste Collection and Recycling Services.

This item was presented by Management Analyst Jason Walker. The City's current solid waste disposal contract is set to expire on April 1, 2010. As stated in the City's RFP, cost is not the sole determining factor. As such, the City is evaluating other intangible factors in an effort to make the best decision.

MOTION: *Councilmember Lifferth moved to approve an award of bid for solid waste collection and recycling services to Ace Disposal and instruct staff to negotiate a favorable contract for the City. Councilmember Cieslak seconded the motion.*

Councilmember Ireland objected to an opt-out program, because it could require residents to pay for services they don't want. There was considerable discussion on whether the program should be opt-out or opt-in, until it was pointed out that the item on the agenda is the bid award, not the format of the program. Staff will bring a specific agreement before the Council at a future meeting.

Those voting yes: Donna Burnham, Eric Cieslak, David Lifferth. Those voting no: Ryan Ireland. The motion passed with a 3:1 vote.

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 excused.

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Lifferth

Councilmember Lifferth wished everyone a Merry Christmas and Happy New Year.

Councilmember Burnham

Councilmember Burnham had no comment.

Councilmember Cieslak

Councilmember Cieslak was excited to work with Councilmember-elect John Painter. He wished Councilmember Lifferth the best. He reminded residents to contact their elected officials about transportation.

Mayor Jackson

Mayor Jackson said that the Transportation Commission approved \$8.8 million. She said Ifo Pili was excused from the meeting because he is in Samoa.

Public Works Director Chris Trusty will meet with Saratoga Springs tomorrow to select designers for Pony Express Parkway and for 800 West from 400 North to Pony Express Parkway.

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.

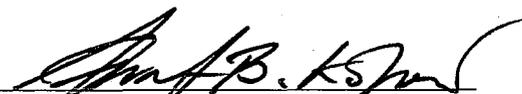
This item was removed from the agenda.

- 24. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items

- 25. ADJOURNMENT

Councilmember Lifferth moved to adjourn the meeting at 9:44 p.m.

APPROVED BY THE CITY COUNCIL ON JANUARY 5, 2010



Fionnuala B. Kofoed, City Recorder

PROCLAMATION

ESTABLISHING AND PROMOTING A CHILD-SAFE COMMUNITY STANDARD

WHEREAS, the City of Eagle Mountain acknowledges federal and state laws relating to child-safe community standards, (some specific examples from the Utah Criminal Code are Dealing in Material Harmful to a Minor 76-10-1206 and Indecent Public Displays 76-10-1228), and

WHEREAS, the City of Eagle Mountain has a vested interest in protecting children from objectionable material; and

WHEREAS, children in their formative years are not yet emotionally or mentally prepared to make sound and informed judgments regarding sexually explicit materials; and

WHEREAS, children, without the ability and maturity to effectively reason, often readily deem to be acceptable inappropriate sexually explicit displayed images, and then often act out what they have seen; and

WHEREAS, the public display of sexually explicit materials is therefore an intrusion on the natural development of children.

NOW THEREFORE, I, Heather Anne Jackson, Mayor of Eagle Mountain City, and the Eagle Mountain City Council, proclaim the following:

1. The City of Eagle Mountain promotes a community standard that reflects and encourages a wholesome environment for children and families; and
2. The City of Eagle Mountain hereby adopts a community standard that reflects and promotes a wholesome environment for children and families and shall work toward becoming a model city in the voluntary establishment and support of that community standard; and
3. The City of Eagle Mountain strongly encourages all businesses, schools, public and private professional institutions in the City of Eagle Mountain area to adopt a similar child appropriate standard, and that all citizens become aware of this community standard and uphold and protect it for the good of the entire community, particularly for the future of our children.
4. The City of Eagle Mountain expects full compliance with federal and state laws relating to this community standard.

Dated this 1st day of December, 2009.

Heather Anne Jackson
Heather Anne Jackson, Mayor

Ryan Ireland
Ryan Ireland, City Council

Donna E. Burnham
Donna E. Burnham, City Council

David Liffert
David Liffert, City Council

Eric Goslak
Eric Goslak, City Council

Nathan Ochsenhirt
Nathan Ochsenhirt, City Council

MINUTES
EAGLE MOUNTAIN
SPECIAL CITY COUNCIL MEETING

December 16, 2009

Work Session at 4:00 p.m. - Policy Session at 5:00 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

Mayor Jackson called the meeting to order at 4:11 p.m.

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. Councilmember Cieslak was absent.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Eric McDowell, Sergeant; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Ifo Pili, Assistant City Administrator; David Norman, Assistant Public Works Director; Gordon Burt, City Treasurer.

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. ADJOURN TO A CLOSED EXECUTIVE SESSION

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

The meeting adjourned at 4:45 p.m.

5:00 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: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Eric McDowell, Sergeant; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Ifo Pili, Assistant City Administrator; David Norman, Assistant Public Works Director; Gordon Burt, City Treasurer.

3. CALL TO ORDER

Mayor Jackson called the meeting to order at 5:24 p.m.

Mr. Meyers led the Pledge of Allegiance.

4. APPOINTMENT

A. Utah Lake Commission

MOTION: *Councilmember Ireland moved to appoint Mayor Heather Jackson as the Utah Lake Commission representative for Eagle Mountain City. 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.*

SCHEDULED ITEMS

5. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City, Utah and Hall Cousins for a Pony Express Monument.

Mayor Jackson explained that this agreement was approved by the City Council at the December 1, 2009 City Council meeting; however, the seller did not agree to some of the terms of the agreement. She stated that a revised agreement has been written for the Council to consider. She also explained that the travel and installation costs had been removed from the agreement and that this will be re-contracted with the artist directly.

Councilmember Ochsenhirt asked if the funds that are received for the statue would be put into a general fund to pay later or if the money would be used to pay for the statue right when it is received.

Mayor Jackson stated that it had not yet been determined but that either option would work.

Mr. Hendrickson said that he would like to see it go into a fund and then be paid out as it was due.

Councilmember Ochsenhirt did not want to see payments made on the statue and then not have enough funds to finish the payments. He would like to see it paid for all at once. He explained that he does not want to see the residents paying for this statue. He asked if there were funds to cover the first payment.

The Mayor explained that the City would be reimbursed by a grant for the first payment.

Mr. Hendrickson explained that the budget amendment would be for \$76,800.00 and would come out of the reserves. He explained that the statue would be temporarily placed so that if the City does not make payments the artist can come and remove the statue.

Councilmember Ireland asked if the City would lose money if they made some payments towards the statue but for whatever reason they couldn't come up with funds to make the rest of the payments.

Mr. Hendrickson stated that this would be the case and that the artist would remove the statue and the City would be out the money they put into it.

Councilmember Lifferth stated that the new agreement requires payments to be made quarterly instead of annually. He asked if this would put the City into a situation where they would have to take money from the general fund in order to make the payments.

Mr. Hendrickson explained that the remaining amount to be paid would be budgeted in next year's budget.

Mayor Jackson explained that the City has \$61,000 that they anticipate receiving. She explained that at this point there is approximately \$15,000 that have not been planned to be raised and that there are no commitments for.

Councilmember Burnham asked if the approval of the agreement means approving the payments.

Mayor Jackson explained that it would be approving the initial payments and then a budget would be done each year.

MOTION: *Councilmember Ireland moved to not approve an agreement between Eagle Mountain City and Hall Cousins for a Pony Express Monument. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham and Ryan Ireland. Those voting nay: Eric Cieslak, David Lifferth and Nathan Ochsenhirt. The motion failed with a 2:3 vote.*

Councilmember Lifferth moved to approve an agreement between Eagle Mountain City and Hall Cousins for a Pony Express Monument. Councilmember Ochsenhirt seconded the motion.

Councilmember Lifferth asked if this was the best contract that was written.

Mr. Kinghorn explained that this was the best contract that both parties could agree on.

Councilmember Lifferth felt that this will be a nice thing for the community. He feels that it is overpriced; however, he felt that there are steps underway to keep the City from using funds to pay for it.

Councilmember Ireland stated that he has only heard negative comments since about this agreement since it was first approved at the last City Council meeting. He felt that it is not a good time to be purchasing something like this. He would like to see this happen in the future when the economy is better.

Councilmember Burnham feels strongly that the City should have the money first before making purchases like this.

Councilmember Ochsenhirt asked if the agreement could be delayed.

Mr. Hendrickson explained that there is another buyer for this statue and that the seller needs an answer by tomorrow.

Mayor Jackson explained that there will only be one 150th anniversary of the Pony Express trail and that is partly why she would like to get this statue to celebrate the occasion.

Councilmember Cieslak asked how quickly the \$61,000.00 had been raised.

Mayor Jackson thought that it took 2 to 3 months to raise the money.

Mrs. Kofoed explained that this money will be reimbursed and that the City will have to pay for it first. She stated that it took about 2 to 3 months to get the second portion of money committed. There are certain guidelines for using the money and the purchase of the statue complies.

Councilmember Cieslak asked that if this agreement is approved that a fundraising plan be brought before the Council at their next meeting.

Those voting aye: Eric Cieslak, David Lifferth. Those voting nay: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt. The motion failed with a 2:3 vote.

6. RESOLUTION – Consideration and Adoption of a Resolution Approving and Authorizing the Execution of the Following Agreements with Respect to the Pole Canyon Annexation:

- A. Pole Canyon Master Development Agreement
- B. White Hills Water Company Transition Agreement
- C. White Hills Special Service District Agreement
- D. Pole Canyon Local District Agreement

Mr. Kinghorn explained that the master development agreement incorporates the approval of the master plan for Pole Canyon. He said that a special financing agreement was added to the agreement so that current residents of the City would not be unduly burdened by the annexation of this area. He explained that the master development agreement incorporates the recommendations of the Planning Commission with respect to land use, it incorporates zoning, transportation and special recreation features such as rodeo grounds all developed at the expense of the applicants. The agreement will also provide reimbursements to the City for the purchase of power. Detailed discussions will be held with Rocky Mountain Power. Mr. Kinghorn explained that the master development plan incorporates the White Hills Water Company transition agreement, the White Hills Special Service District agreement as well as the Pole Canyon Local District agreement. The water company owns several water rights; those water rights will eventually be used in the development for municipal use as development progresses.

Councilmember Ireland asked if the dates in the final document were correct.

Mr. Kinghorn explained that the documents do have correct dates and that the Council has the final version of the document.

Councilmember Lifferth stated that the first building permit would not be issued until the water system was incorporated and deeded over to the City. He asked if this was a correct statement.

Mr. Kinghorn said that it was correct. He said that these agreements must be enforced as written. He stated that the water system must be brought up to the current standards.

Mr. Kinghorn explained that the special service district is appointed by the Utah County Commission and that this particular agreement will need to be approved by them.

Mr. Kinghorn explained that the Pole Canyon Local District is a financing district established by the County Commission. He stated that he has never seen an agreement done like this before but he is confident that it is a good one.

Mr. Hendrickson explained that the local district does not incorporate the White Hills area.

Mr. Kinghorn asked if the Council had any questions regarding the financial agreement.

Councilmember Ireland asked what would happen in year 31 if the Pole Canyon land is not built out and the agreement expires.

Mr. Kinghorn explained that the land owner would most likely ask for an extension on the agreement or have a renegotiation on the land that is left undeveloped.

Mr. Kinghorn stated that the City is taking on an obligation to make improvements to the subdivision. He explained that there is work that needs to be done but it is not immediate work. He stated that the City anticipates getting revenues that will allow them to do some improvements over time.

Mr. Hendrickson explained that the City may receive funds from the County to do these improvements sooner.

Councilmember Lifferth asked what the buffering requirements would be in the Pole Canyon area based on the existing White Hills subdivision.

Mayor Jackson explained that around the existing subdivision there will be two rows of 10,000 sq ft lots and a road.

Mr. Mumford explained that there is no buffering requirement for 10,000 sq ft lots. He stated that the buffering around White Hills Country Estates must follow current City standards.

Councilmember Ireland asked who would be in charge of taking care of the equipment on the rodeo grounds as it will be City land until it is deeded to the City as a regional park.

Mr. Kinghorn explained that the City will take care of the area. He is unsure of how much maintenance will be needed.

Mayor Jackson felt that the only maintenance that may be needed would be paint over any rusted areas.

Mr. Hendrickson stated that this would be similar to a no-cost lease to the City. He said that the City will adopt regulations regarding the use of the grounds.

Councilmember Ireland stated that on page 2 of the Master Development Agreement designated areas A through I should be changed to B through I because A will be zoned residential not agricultural. He asked if that 8.7.1, credit for additional open space, was allowed to go above

9,000. He also asked who would finance the White Hills park if it is not financed by the Pole Canyon Local District.

Mr. Kinghorn explained that the developer would have to fund it and the City would not participate in the funding.

Councilmember Ireland asked if the White Hills area would be included in the new contract for garbage services in Eagle Mountain.

Mr. Hendrickson explained that they would be included and that Waste Management would be providing services.

Councilmember Ireland suggested that future streets be elevated to capture water. He asked if amendments to the agreement were required to be approved by the Council.

Mr. Kinghorn explained that the Mayor could sign the documents but that the amendments must be approved by the Council.

Councilmember Cieslak asked if Chief Andrus is satisfied with the fire and emergency plans for the area.

Chief Andrus stated that at this point he is satisfied with the two potential fire stations. He feels that as future plans come through he will be able to better determine the needs of the area. He stated that all requirements have been met regarding firefighter and EMT training.

Councilmember Ireland asked if the City's current Capital Facilities Plan will accommodate the proposed annexation.

Mr. Trusty explained that an update will be made to the plan at the next City Council meeting.

Mr. Kinghorn explained that the Post Office will determine if the two zip codes will remain or if they will combine them if this annexation is approved.

MOTION: *Councilmember Ireland moved to approve a resolution approving and authorizing the execution of the following agreements:*

- A. Pole Canyon Master Development Agreement*
- B. White Hills Water Company Transition Agreement*
- C. White Hills Special Service District Agreement*
- D. Pole Canyon Local District Agreement*
- E. That the aerial photos are included by July 1, 2010*

Councilmember Lifferth seconded the motion.

Councilmember Cieslak stated that this project is not driven by money. He feels that it is a decision based on improving quality of life for all involved.

Councilmember Ireland felt that the annexation is based on money. He felt that without the industrial park and the money received from that, this item would not be before the Council. He

explained that this will be a financial benefit for the residents of White Hills and that it will improve the quality of life for existing and future residents of the community.

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

7. ORDINANCE – Consideration and Adoption of an Ordinance Approving Pole Canyon Annexation Petitions # 1 and 2 Annexing an Area Known as the “Pole Canyon Annexation” to Eagle Mountain City, Utah, Amending the General Plan of Eagle Mountain City, Establishing Zoning Regulations for the Lands in the Pole Canyon Annexation and Approving the Master Development Plan for the Pole Canyon Annexation.

The ordinance formalizes the adoption of the Pole Canyon Annexations, approves the Master Development Plan, establishes the zoning and amends the City’s General Plan.

MOTION: ***Councilmember Ireland moved to adopt an ordinance approving Pole Canyon annexation petitions number 1 and 2 annexing an area known as the “Pole Canyon Annexation” to Eagle Mountain City, Utah, amending the general Plan of Eagle Mountain City, establishing zoning regulations for the lands in Pole Canyon Annexation and approving the Master Development Plan for the Pole Canyon Annexation and authorizing the Mayor to execute the ordinance when all of the agreements named in the current resolution are executed and filed with the City Recorder, including the reimbursement of the reasonable costs incurred by the City in processing the annexation. Councilmember Ochsenhirt seconded the motion.***

Councilmember Lifferth asked if there was a time line when the City wished to have these completed.

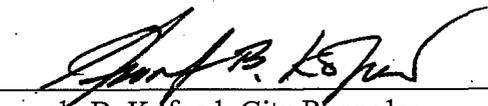
Mr. Hendrickson stated that the City’s goal would be to complete this in 30 days but that it may take closer to 60 days.

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

8. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 6:39 p.m.

APPROVED BY THE CITY COUNCIL ON JANUARY 5, 2010


Fionnuafa B. Kofaed, City Recorder