

Eagle Mountain City Council Minutes 2010

Dates of City Council Meetings:

- January 5, 2010
- January 19, 2010
- February 2, 2010
- February 6, 2010
- February 16, 2010
- March 2, 2010
- March 16, 2010
- March 30, 2010
- April 20, 2010
- May 4, 2010
- May 18, 2010
- June 8, 2010
- June 22, 2010
- July 6, 2010
- July 20, 2010
- August 3, 2010
- August 17, 2010
- September 7, 2010
- September 21, 2010
- October 5, 2010
- October 20, 2010
- November 16, 2010
- December 7, 2010

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 5, 2010

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, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; 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; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

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

1. INTRODUCTIONS – New Sheriff’s Office Deputies
2. DISCUSSION – City Councilmembers as Liaisons to City Boards and Committees
3. PRESENTATION – Economic Development Study (*Presented by BYU MPA Students*)
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*)

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 Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:24 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; 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; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

7. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:21 p.m.

8. PLEDGE OF ALLEGIANCE

Creston Erickson led the Pledge of Allegiance.

9. INFORMATION ITEMS/UPCOMING EVENTS

- Youth City Council meeting, Thursday, January 7, at 4:00 p.m. in the City Hall training room.
- Miss Eagle Mountain Pageant information meeting, Thursday, January 7, at 7:00 p.m. in the City Council Chambers.
- Woman of the Year nominations may be submitted to Linda Peterson or Angie Ferre.
- Dancing Up a Storm ballroom dance competition, January 29 and 30, at 6:30 p.m. at Westlake High School. This is a fundraiser for the Westlake High School Ballroom Dance Team. The mayors of Eagle Mountain and Saratoga Springs will be among the competitors.

10. PUBLIC COMMENTS

Tiffany Ulmer, 1320 E. Harrier St., said that UDOT striped SR 73 today. She was impressed with UDOT's response to Eagle Mountain's transportation needs and suggested that residents contact UDOT and express their appreciation. She also thanked the Parks Department staff who shoveled and salted the walking paths.

11. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the residents attending the meeting. He received a number of emails on snow plowing, both expressing appreciation and asking that the plow drivers become very familiar with the neighborhoods they plow and be aware of smaller streets and cul-de-sacs.

Councilmember Painter

Councilmember Painter expressed appreciation for the opportunity to serve on the City Council. He's seen how well the Council works together. He appreciated how thoroughly the Council members discuss issues and how respectful they are when they disagree with each other. He told the high school students in the audience that he hoped they learn and remember something from tonight's meeting.

Councilmember Cieslak

Councilmember Cieslak welcomed Councilmember Painter. He was grateful to see so many young people in the audience. It's a citizen's right to know what's going on in government and responsibility to speak out about what they think is important in the City. He commented on how much the snow fences have improved travel on SR 73 and asked residents to continue to contact elected officials about the City's continuing transportation needs. He encouraged everyone to work together and get along during this new year.

Councilmember Ireland

Councilmember Ireland appreciated everyone in attendance at the meeting. He welcomed Councilmember Painter. He asked residents not to park in the streets during snow storms, so snow plows can do their work. He thanked the building custodian, Jason Lovell, for hanging a clock on the Council Chamber wall during the meeting break.

Councilmember Burnham

Councilmember Burnham reminded the high school students in the audience that when they turn 18 they will be eligible to vote. It's their right and responsibility to study the issues and vote. She introduced Brock Giles, a Youth City Council member who can give information to anyone who is interested in participating on the Council.

Mayor Jackson

Mayor Jackson welcomed Councilmember Painter. She reminded the Council and the Youth City Council that January 27 is Local Officials' Day at the Legislature.

CONSENT AGENDA

12. MINUTES

- A. December 1, 2009 – Regular City Council Meeting
- B. December 16, 2009 – Special City Council Meeting

13. FINAL PAYMENT

- A. Bobby Wren Boulevard – Staker Parson

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

SCHEDULED ITEMS

14. PUBLIC HEARING

MOTION – Consideration and Approval of a Revised Capital Facilities Plan.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City contracted with Horrocks Engineers to produce a revised Capital Facilities Plan, as well as a water master plan, a wastewater master plan, and a traffic model. The intent of this document is to identify infrastructure that will likely need to be constructed within the City over the next 5-10 years. The Capital Facilities Plan includes Water, Wastewater, Transportation, Storm Drain, Parks and Recreation, Electrical, Gas, and Public Safety facilities. Figures in the Plan include the following:

<i>System</i>	<i>1-5 Years</i>	<i>6-10 Years</i>
Water	\$3 million	\$1 million
Wastewater	\$2.5 million	\$3.2 million
Transportation	\$46 million in 1-10 years	
Storm Drain	\$20 million	\$32 million
Public Safety	\$13.6 million through build-out	
Electrical – SSA	\$11 million through build-out	
Electrical – NSA	\$13.5 million through build-out	
Parks	As listed in the Parks and Open Space Master Plan	

The Plan also includes the Cedar Valley Freeway, which will cost about \$164 million. The freeway will connect with the MountainView Corridor. After approval of this Capital Facilities Plan, the City will conduct a review of the City’s Written Impact Fee Analysis, which the City has already contracted with Lewis, Young, Robertson and Burningham. It is anticipated that this Written Analysis will be presented to the City Council in March 2010.

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

City staff has recommended that the revised Capital Facilities Plan be tabled until some additional information can be added.

MOTION: *Councilmember Ireland moved to table the revised Capital Facilities Plan. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

15. MOTION – Consideration and Approval of Appointment of a City Councilmember as Mayor Pro Tempore.

This item was presented by Mayor Jackson. A Mayor Pro Tempore is appointed every year to serve when the Mayor is unavailable. Councilmember Burnham has been Mayor Pro Tempore for the past year. Mayor Jackson expressed her appreciation to Councilmember Burnham for a job well done. Mayor Jackson recommended that Councilmember Cieslak be appointed Mayor Pro Tempore.

MOTION: *Councilmember Ireland moved to appoint Councilmember Cieslak Mayor Pro Tempore. Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration and Approval of an Agreement for the Purchase of a Pony Express Monument.

This item was presented by Mayor Jackson. She proposed creating a Heroes Plaza memorial park in Mid-Valley Park, including a sculpture garden. At the regular meeting of December 1, 2009, the City Council approved the purchase of a statue depicting a Pony Express rider event. However, the seller did not agree to some of the terms of the agreement and the matter was brought back to the Council with the changes. At the special meeting on December 16, 2009, the Council voted not to approve the revised agreement, after which the owner sold the statue to another party.

Mayor Jackson has since been introduced to Deon Duncan, a sculptor based in Alpine, who is willing to create a sculpture of a Pony Express rider being sworn in. Ms. Duncan suggested that part of her work could be done in local schools, to create community involvement. Mayor Jackson has also heard from the buyer of the original statue, who is willing to lease the statue to the City for \$5,000 per year for five years, with a possible purchase or donation at the end of the lease term. Mayor Jackson recommended that one of these options be approved so that a statue can be installed in time for this summer's 150th anniversary of the Pony Express. If a location in Mid-Valley Park is not ready when the statue is delivered, it could be temporarily located outside City Hall.

The Council discussed various funding options for the statue, including grants, donations, cost savings on Pony Express Days, or a professional fund raiser. They discussed transportation, location and security issues. They also discussed resident input on acquisition of a statue, which was generally negative.

Councilmember Painter asked what other projects the \$25,000 could be used for. Mayor Jackson responded that the grant had been applied for specifically for the statue, and would only be applicable to a purchase, not to a lease.

Councilmember Cieslak pointed out that the City has provided many opportunities for athletics and recreation in the past few years, but little in the way of cultural opportunities.

MOTION: *Councilmember Cieslak moved to approve a lease for a Pony Express monument in the amount of \$5,000 per year for five years, for a statue to be placed in the Mid-Valley Park. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ochsenhirt asked City Attorney Jerry Kinghorn if the option of temporarily placing the statue on the grounds of City Hall should be included in the motion. Mr. Kinghorn responded that the motion should be in accordance with the staff recommendation, so the recommendation can be used to guide the negotiation of the lease. The motion could refer to temporary placement of the statue near City Hall, but that would not be part of the lease agreement.

AMENDED MOTION: *Councilmember Cieslak moved to approve a lease for a Pony Express monument, including specific language defining what would become of the statue at*

the end of five years and language regarding location. Councilmember Ochsenhirt seconded the motion.

Councilmember Ireland felt that it would be difficult to raise donations for a lease item, which could cause the City to spend general fund money on the statue. He has also received many comments from residents, all of whom have been against spending money on a statue at this time.

Councilmember Burnham stated that some items are suitable for leasing, but a statue isn't, especially without any assurance of whether the City would be able to own the statue at the end of the lease. Mayor Jackson felt that the agreement could be written to define what would happen with the statue at the end of the lease.

Councilmember Ochsenhirt said that the chance of having a statue donated to the City in five years for only \$25,000 in lease payments, he felt the City should require specific terms and he would rather wait until after all the money for the lease payments was raised.

Councilmember Cieslak called the question.

Those voting yes: Eric Cieslak. Those voting no: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion failed with a 1:4 vote.

17. AGREEMENT – Consideration and Approval of a Lease Agreement for a Backhoe.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City budgeted for a one-year lease of a backhoe in its last fiscal year budget. However, the City didn't lease a backhoe at the time because none were available through the State contract. Currently, there are multiple backhoes available through the State contract, and because the City had previously budgeted for this expense, the money is still available. The contract would allow the City to lease a new backhoe each year that the lease was renewed. Mr. Trusty said that the City has enough work to keep this backhoe and the two it already owns in fairly constant use.

MOTION: *Councilmember Ireland moved to approve a backhoe lease agreement in the amount of \$2,796. Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

18. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Painter

Councilmember Painter asked if Councilmember committee liaison assignments would be revisited. Mayor Jackson said that it was only a discussion item in Work Session. The assignments have been made as follows: Councilmember Burnham, Planning Commission; Councilmember Cieslak, Parks and Recreation Advisory Board; Councilmember Painter, Library Board, Senior Advisory Council and Youth City Council; Councilmember Ochsenhirt, Public Works Advisory Board; Councilmember Ireland, Economic Development Board.

Councilmember Painter said he was very excited to work with the Youth Council, the Senior Council and the Library Board. He looked forward to the completion of the library expansion.

Councilmember Cieslak

Councilmember Cieslak appreciated the audience members who stayed until the end of the meeting. He encouraged the City to provide cultural opportunities beyond the library and the petroglyphs. He appreciated the respectful tone that prevailed during the discussion of the Pony Express monument. He reminded residents to contact their public officials about transportation needs.

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Burnham

Councilmember Burnham agreed with Councilmember Cieslak that the City needs to expand its provisions to the citizens beyond athletics. She referred to the artist's offer to work on a statue in sight of elementary school students as a learning experience. She would like the City to consider supporting such a project. She welcomed Councilmember Painter.

Councilmember Ochsenhirt

Councilmember Ochsenhirt welcomed Councilmember Painter. He said he voted no on the statue because he has not had one citizen comment in favor of the statue. He personally supports projects like that, as long as they're appropriately funded and the residents support them. At this point, he hasn't heard any citizen support of such a project. He looked forward to the time when the residents will be supportive of a project like this.

Mayor Jackson

Mayor Jackson said that she didn't think the residents would be able to support a concept without a definite plan. She felt that in some cases, elected officials need to take a risk in order to allow the process to work out. She reported that the City is in a good position this year to get seats on some committees through MAG, which will help the City to move forward in transportation and economic development needs. She is taking the lead in the North County Mayors' Association and the joint land use study to work out buffer zones around Camp Williams.

Mayor Jackson invited City Administrator John Hendrickson to make his reports. Mr. Hendrickson asked Mr. Trusty to report on the wastewater treatment plant. Mr. Trusty said that the City is working with individual vendors for specific apparatus. The facility is expected to be in operation by the end of the month.

Mr. Hendrickson said that the library addition is essentially completed. City Librarian Michele Graves is ordering materials to go into the addition. The City received a letter from Allen Freemyer, the City's lobbyist in Washington, D.C., saying that the City received \$100,000 towards the library project and \$250,000 for the secondary irrigation treatment study. This is in addition to the \$98,000 received in fiscal year 2009 for the library addition.

19. CITY COUNCIL BOARD LIAISON REPORTS

This item was not discussed during the meeting.

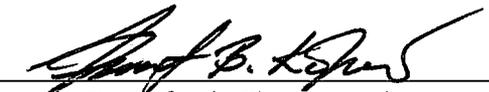
20. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

21. ADJOURNMENT

Councilmember Painter moved to adjourn the meeting at 9:12 p.m.

APPROVED BY THE CITY COUNCIL ON JANUARY 19, 2010.



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 19, 2010

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, Nathan Ochsenhirt and John Painter.

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

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

1. DISCUSSION – Opt-out Policy for Recycling
2. AGENDA REVIEW – The City Council will review 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. Update on Economic Development Activity (*Presented by Ifo Pili*)
4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation, the purchase, lease or exchange of real property, and the professional competence of an individual, 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, the purchase, lease or exchange of real property, and the professional competence of an individual, 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, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting adjourned at 5:19 p.m.

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

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

CITY STAFF PRESENT: Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Jerry Kinghorn, City Attorney; Chris Trusty, Public Works Director; Linda Peterson, Public Information Director; John Hendrickson, City Administrator; David Norman, Assistant Public Works Director; Ifo Pili, Assistant City Administrator; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; Jason Walker, Management Analyst; Adam Ferre, Energy Division Director.

5. CALL TO ORDER

Mayor Heather Jackson called the meeting to order at 7:04 p.m.

6. PLEDGE OF ALLEGIANCE

Councilmember Ochsenhirt led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Woman of Achievement nominations are now being accepted. Nominations must be sent to Angie Ferre at 1650 E Stagecoach Run or by email at angief@emcity.org by Monday, February 15, 2010. For more information go to www.eaglemountaincity.com
- The Seniors' Golden Age Fling will be held Monday, January 25, 2010 at 5:00 p.m. at City Hall. There will be free pizza.
- A military support group meets each third Thursday of the month at Fire Station #2 in The Ranches. This group is for those suffering from post-traumatic stress disorder and/or their families.
- Westlake High School's 1st Annual Dancing Up a Storm will be held January 29 and January 30, 2010 at 6:30 p.m. The cost is \$5 per person/\$25 per family. All proceeds will go to the WHS Ballroom Dance Team for costumes and travel expenses.

8. PUBLIC COMMENTS

No public comments were made.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham expressed appreciation for Councilmember Cieslak being Mayor Pro Tem. She asked when the first Town Hall Meeting would be.

Councilmember Ochsenhirt

Councilmember Ochsenhirt stated that he was disappointed to see the number of people that park their cars on the street when there are snow storms. He reminded everyone that cars should not be parked on the street so that the roads can be cleared. He also asked that people shovel their sidewalks so that people can walk up and down the roads safely.

Councilmember Painter

Councilmember Painter stated that he had attended the Utah League of Cities and Towns meeting over the weekend. He thanked staff for helping him get to the meeting. He stated that he was proud to be at the meeting and to represent Eagle Mountain City.

Councilmember Cieslak

Councilmember Cieslak asked if the City Council could see a report on the progress of the golf course at the next meeting. He reminded residents to contact their elected officials regarding transportation in Eagle Mountain. He stated that there still needs to be a second viable way out of Eagle Mountain.

Mayor Jackson

Mayor Jackson explained that she had been appointed to the Joint Planning Association Committee and that this includes all of the transportation planning organizations in the state. She stated at a Council of Governments meeting she was named the Chair for Utah County.

Mayor Jackson explained that she will be giving UDOT a tour of the roads in Eagle Mountain to show them where more snow fencing would be helpful. She explained that UDOT will also be going out to bid next month for the widening of S.R. 73 from Saratoga Springs to the Ranches Parkway intersection. The widening project will include two lanes in both directions as well as shoulder room on each side of the road. She explained that \$8.8 million has been allocated for the widening project.

CONSENT AGENDA

10. MINUTES

A. January 5, 2010 – Regular City Council Meeting

11. FINAL BOND RELEASE – Out of Warranty

- A. Pioneer Addition Plats 2, 3, 4 and 5A – Landscape Bond
- B. SilverLake Plats 1B and 1C

12. CHANGE ORDERS

- A. Wastewater Reclamation Facility Engineering Services – Stantec Consulting
- B. Wells # 1 & 5 Engineering and Construction Management – Stanley Consulting
- C. Tank # 5 Waterline Project – Silver Spur Construction

MOTION: *Councilmember Ireland moved to approve the consent agenda. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Erick Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

13. AGREEMENT – Consideration and Approval of a Settlement and Release Agreement for Centex Homes.

Eagle Mountain City entered into a Settlement and Release Agreement with Centex Homes on August 9, 2009 for work to be completed by Eagle Mountain City in the Eagle's Gate and Kiowa

Valley subdivisions. The proposed amendment to the agreement extends the completion date to May 31, 2010.

MOTION: *Councilmember Ireland moved to approve a settlement and release agreement for Centex Homes. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

14. CITY COUNCIL/MAYOR'S BUSINESS

Mayor Jackson invited Councilmember Ochsenhirt to give a brief presentation on the status of the golf course.

Councilmember Ochsenhirt stated that he had the opportunity to meet with Vangaurd. He explained that Vangaurd is doing very well with the golf course. He stated that more tournaments have been held at the golf course and that there has been an increase in annual pass sales. He explained that they are very motivated to make the golf course succeed. He feels that Vangaurd is very committed to the golf course and that they are in a good position to purchase the golf course when the timing is correct.

Councilmember Burnham asked Mayor Jackson to show UDOT the large pothole on S.R. 73 close the Eagle Mountain Boulevard turn. She would like to see it fixed.

15. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Ireland explained that former Mayor Don Richardson had been elected as Chair of the Economic Development Board. He explained that Mr. Richardson would like to give the City Council quarterly reports on the Economic Development Board's progress.

Councilmember Burnham explained that Mr. Tom Maher had been re-elected as Chair of the Planning Commission and that Mr. John Linton had been re-appointed as Vice-Chair.

Councilmember Painter stated that he has contacted the boards he has been assigned to and has introduced himself to them.

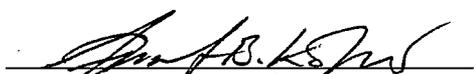
16. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

17. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 7:26 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 2, 2010


Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 2, 2010

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, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Dave Norman, Assistant Public Works 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 4:10 p.m.

1. PRESENTATION – BYU Sound Study for the Eagle Mountain City Skate Park.

This item was not discussed.

2. PRESENTATION – UDOT SR-73 Widening Project (second eastbound lane from Ranches Parkway to 800 West in Saratoga Springs).

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.

This item was not discussed.

5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing security, 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 security, 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, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:05 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

6. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:13 p.m.

7. PLEDGE OF ALLEGIANCE

John Hendrickson led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- At Westlake High School's Dancing Up a Storm competition, Eagle Mountain won the team trophy for winning second, third and fourth places.
- Woman of Achievement nominations may be submitted to Angie Ferre by February 15.
- An elementary school walking trails open house will be held on February 3, 6:00 p.m. at City Hall.
- The library is closed while moving materials into the new addition. The ribbon cutting will be held on February 15th and the library will open on the 16th.
- During Work Session, the City received a certificate of appreciation from the Lehi Area Chamber of Commerce for a donation which helped them to upgrade the Chamber's website.

9. 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.)*

Paula Veblungsnes, 9029 Torrey Pines Loop, objected to rezoning land in Stonebridge subdivision to Mixed Use Commercial. Her family moved here for quiet and open space and would like the open space to remain. Garbage trucks come to and from the Maverik gas station at 2:00 a.m. and wake her family up and they don't want any more noise from additional commercial development.

10. 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 Cieslak

Councilmember Cieslak expressed appreciation to those who came to participate tonight. He appreciated UDOT's presentation at Work Session and their upcoming transportation projects for the City. He mentioned that City Recorder Fionnuala Kofoed made it possible for the Council to more efficiently access their meeting materials on the website. Ms. Kofoed said that Linda

Peterson and Jenalee Harper helped with that. Councilmember Cieslak also said that Linda Peterson promptly corrected an error on the website when it was pointed out to her. He appreciated City employees being committed to providing quality work.

Councilmember Burnham

Councilmember Burnham congratulated the Eagle Mountain team on their performance at Dancing Up a Storm. She encouraged residents to be patient during this summer's road construction and to attend the walking trails open house. She was excited about the library expansion. She would like to see school districts pay part of the costs of busing so they make better boundary decisions.

Councilmember Ochsenhirt

Councilmember Ochsenhirt had no comment.

Councilmember Painter

Councilmember Painter said that a resident told him that the recycling bin in City Center was fairly inaccessible because of mud and ice. Public Works Director Chris Trusty said a sewer plant trench is the problem, and it should be finished in a day or two.

Councilmember Ireland

Councilmember Ireland had no comment.

Mayor Jackson

Mayor Jackson said UDOT has allocated \$8.8 million for the widening of SR 73 from Ranches Parkway to 800 West. Construction will begin in June. UDOT is working on getting more snow fencing on SR 73. Chris Trusty met with Saratoga Springs this afternoon about the Pony Express extension project. Construction will begin in March or April. The Pioneer Crossing and SR 92 projects are on schedule.

11. APPOINTMENTS

- A. Eagle Mountain City Recorder – Fionnuala B. Kofoed
- B. Eagle Mountain City Treasurer – Gordon Burt
- C. Parks and Recreation Advisory Board –
 - Kyle Burdette (3-year term)
 - Leigh Morrison (completion of term vacated by Doug Comeau)

MOTION: *Councilmember Ireland moved to appoint Fionnuala Kofoed to the office of City Recorder. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

MOTION: *Councilmember Ireland moved to appoint Gordon Burt to the office of City Treasurer. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

MOTION: *Councilmember Ireland moved to appoint Kyle Burdette to a three-year term on the Parks and Recreation Advisory Board and Leigh Morrison to complete the term vacated by Doug Comeau, ending in December 2011. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan*

Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

Mayor Jackson administered the oath of office to Ms. Kofoed and Mr. Burt. Ms. Kofoed administered the oath of office to Mr. Morrison. Mr. Burdette was not present at the meeting.

CONSENT AGENDA

12. MINUTES

A. January 19, 2010 – Regular City Council Meeting

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

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the City's General Plan for the Future Land Use and Transportation Corridors Map.

This item was presented by Planning Director Steve Mumford. This applicant-proposed amendment changes the future land use designation for a 2.41-acre parcel of land located on the southwest corner of Stonebridge Lane and Ranches Parkway from Mixed Use Residential to Mixed Use Commercial. The land across the street is zoned Commercial, Rockwell Charter High School is northwest of the property and five or six residential lots abut the property, one of which is City-owned and will be a detention pond. Uses will be required to be compatible with surrounding property. A golf course cart path will have to be relocated. A twenty-foot buffer with trees and a fence will be required between this property and the adjacent residential lots.

Mayor Jackson opened a combined public hearing for items 13 and 14 at 7:51 p.m.

Larry Veblungsnes, 9029 Torrey Pines Loop, said he is a real estate broker who has seen the impact of commercial development on residential property. He said that if Council members don't have commercial development in their back yards, then it's not fair for them to put more commercial property in his back yard. He will probably sell his house if the rezone is approved.

Roger Shirin, 8966 Jefferson Ct., was against the rezone. He said that Rockwell High School students use the golf course tunnel to go across the street. The reconstruction of the cart path would put it too close to his property.

Mayor Jackson closed the public hearing at 7:55 p.m.

The distance of the rezone from the residential properties was discussed, as well as the time limit for reconstructing the cart path.

MOTION: *Councilmember Ireland moved to adopt an ordinance amending the General Plan for the future land use and transportation corridors map designating 2.41 acres as*

Mixed Use Commercial. Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

PUBLIC HEARING

14. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Rezoning Property from Golf Course Open Space to Commercial.

This item was presented by Planning Director Steve Mumford. This item is a proposal to rezone a 2.41-acre parcel of land located on the southwest corner of Stonebridge Lane and Ranches Parkway from Golf Course Open Space to Commercial.

MOTION: *Councilmember Ireland moved to adopt an ordinance rezoning 2.41 acres from Golf Course Open Space to Commercial, with the following conditions:*

- a. It complies with the Future Land Use Plan*
- b. It is compatible with surrounding uses*
- c. Appropriate buffering is addressed with the Site Plan process*
- d. Staff designates a fence line and the fence prevents pedestrian access to the golf course.*

Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

Mayor Jackson excused herself to attend another meeting by telephone and asked Mayor Pro Tem Eric Cieslak to conduct the City Council meeting.

PUBLIC HEARING

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

This item was presented by Planning Director Steve Mumford. The proposed ordinance is an amendment to Chapter 17.80, Sign Regulations and Sign Permits, specifically adding a section regulating yard/garage sale temporary signs. The item was tabled from a previous meeting. The City Code currently prohibits all temporary signs. The Planning Department recommended that residents go to the City website, register their yard sale, pay a small fee, and have signs posted in the ground – not on sign posts or light poles – for up to two days.

The Council discussed whether the amendment should apply to non-sale signs, such as those for lost pets, whether a fee should be charged, and how the amendment should be enforced. After extensive discussion, Mayor Pro Tem Cieslak reminded the Council that a public hearing needed to be held.

Mayor Pro Tem Cieslak opened the public hearing at 8:25 p.m.

Larry Veblungsnes, 9029 Torrey Pines Loop, thought it was absurd that the City Council thought it was worthwhile to regulate or charge a fee for temporary home garage sale signs. He said the City has bigger priorities than managing open house signs.

Mayor Pro Tem Cieslak closed the public hearing at 8:27 p.m.

Mayor Jackson returned and Mayor Pro Tem Cieslak returned conduct of the meeting to her.

MOTION: *Councilmember Cieslak moved to table an ordinance amending regulations on temporary signs. Councilmember Ireland seconded the motion.*

Councilmember Burnham asked that the amendment be brought back to the Council quickly, as it's already been tabled once. Mayor Jackson said it could be discussed on March 2.

Councilmember Cieslak called the question.

Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

Councilmember Ireland asked if the item will have to be brought back to the Planning Commission. Mr. Kinghorn said the changes the Council is discussing are substantive enough that it will need to go back to Planning Commission.

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 14, General Specifications for Electrical Services, of the Eagle Mountain Construction Standards and Specifications for Public Improvements.

This item was presented by Energy Division Manager Adam Ferre during Work Session. The proposed amendment to the General Specifications for Electrical Services clarifies the safety standards and training requirements that contractors shall follow when installing electrical infrastructure within Eagle Mountain City.

MOTION: *Councilmember Ireland moved to adopt an ordinance amending the Eagle Mountain City Standards and Specifications. Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

17. AGREEMENT – Consideration and Approval of an Agreement for Professional Services between Eagle Mountain City and Rodney K. Erickson D/B/A Rodco Construction Management for Construction Management and Startup Services for the Wastewater Reclamation Facility.

This item was presented by Assistant Public Works Director Dave Norman during Work Session. Rodco Construction provided construction management services through Stantec Consulting during the construction of the Wastewater Reclamation Facility. This proposed agreement will contract directly with Rodco for additional construction management, start-up services and training for City treatment plant operators. Rodco Construction has approximately 30 years' experience in the construction and operation of treatment systems. They will be able to provide hands-on and in-depth training for City operators during the first few months of start-up. By contracting directly with Rodco, the City will receive a reduced rate and will be able to monitor the project more closely.

MOTION: *Councilmember Ochsenhirt moved to approve an agreement with Rodco Construction Management Company in the amount of \$13,000 for additional construction management services and treatment plant start-up training and authorize the Mayor to sign the agreement. Councilmember Painter seconded the*

motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

18. AGREEMENT – Consideration and Approval of a Subdivision Improvement Completion Agreement between Eagle Mountain City and the SilverLake Village at SilverLake Homeowner Sub-Association, Inc.

This item was presented by City Attorney Jerry Kinghorn during Work Session. The proposed agreement allows Eagle Mountain City to work with the SilverLake Homeowner Sub-Association to complete specific subdivision improvements that should have been completed by the original developer. The agreement grants a temporary easement to the City, and those acting on behalf of the City, to complete specific improvements. The City holds collateral for the improvements under the terms of the Development Agreement with the developer and will demand payment by the surety to complete the improvements. The City will consult with the homeowner association to prioritize the improvements to be completed.

MOTION: *Councilmember Ireland moved to approve a subdivision improvement completion agreement between Eagle Mountain City and the SilverLake Village at SilverLake Homeowner Sub-Association, Inc. Councilmember Ochsenhirt seconded the motion.*

Councilmember Painter asked if this developer had any chance of trying to develop again in Eagle Mountain City. Mr. Kinghorn said they're out of business and have a number of debts being collected. Councilmember Ochsenhirt said that if the bond is called, it will be very hard for them to get another one.

Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

19. 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 reported that the Public Works Board met recently. He thanked them for their work and Ifo Pili for the leadership he provides to the board. He looked forward to presenting information from the board to the City Council at the next meeting.

Councilmember Burnham

Councilmember Burnham said the Planning Commission meeting was cancelled. She suggested to the Council that if they can't agree on a specific issue, like the signage amendment, after lengthy discussion, maybe they should agree to disagree and make a motion.

Councilmember Ochsenhirt

Councilmember Ochsenhirt agreed with Councilmember Burnham that the signage amendment needs to be finished. He was pleased to see that more residents are shoveling snow. He reminded them to move their vehicles during snow storms and shovel their walks as well as their driveways.

Councilmember Painter

Councilmember Painter congratulated Leigh Morrison on being appointed to the Parks and Recreation Advisory Board.

Councilmember Cieslak

Councilmember Cieslak appreciated Mr. Morrison's willingness to serve and all the board members who serve the City. He was pleased with the plans for transportation for the City and encouraged residents to continue to contact elected officials so the plans become reality.

Mayor Jackson

Mayor Jackson said the ribbon cutting for the water reclamation facility will be held on February 16. The marketing campaign will also be launched that evening. There is a Town Hall meeting scheduled for February 25, but she will be out of town. She asked Councilmembers to think about whether they would like to reschedule the meeting or hold it without her, and let her know later.

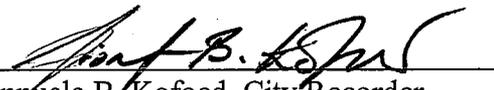
20. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

Reports were made during Council comments.

21. COMMUNICATION ITEMS
A. Upcoming Agenda Items
22. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:04 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 16, 2010.


Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

February 6, 2010

9:00 a.m.

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

*** This meeting may be held telephonically to allow an individual to participate ***

9:00 AM – BUDGET RETREAT WORK SESSION

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. Eric Cieslak arrived at 10:15 a.m.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Michele Graves, Librarian.

Mayor Heather Anne Jackson called the meeting to order at 9:11 p.m.

1. Review of FY 2010-2011 Goals – John Hendrickson
2. Review of Department Goals and Major Expenditures – Department Heads
3. Listing of Each Council Member's Goals and Priorities
4. Listing of Mayor's Goals and Priorities
5. Discussion of Goals and Priorities
6. Tentative List of Goals and Priorities (Limit to 10, if possible)
7. ADJOURNMENT

MOTION : *Councilmember Cieslak moved to adjourn the Budget Work Session.*

The Work Session was adjourned at 11:41 a.m.

SPECIAL SESSION

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Michele Graves, Librarian.

1. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 11:42 a.m.

SCHEDULED ITEM

2. AGREEMENT – Consideration and Approval of an Agreement with Deon Duncan for Grant-Funded Artwork.

This item was presented by Councilmember Donna Burnham. Councilmember Burnham stated that placing the item on this agenda was a matter of timing. It was already a full agenda for the February 16 City Council meeting and waiting until March 2 wouldn't allow the sculptor enough time to complete the statue by the Pony Express Days deadline. The City had been notified on February 2 that the grant funds were available through the County and it wouldn't have been appropriate to have placed the item on the agenda prior to that notification. Councilmember Burnham added that members of the public and press generally attend these types of meetings even though none were present at this meeting.

Unlike other statue proposals, this was a community art project. The proposal was to create an opportunity for the community to focus on specific core values represented in the oath the Pony Express Riders took. The vision was to involve the residents in creating such a monument. Councilmember Burnham suggested that the City host an essay contest with the local schools and that the winners could have their essays read at Pony Express Days. Councilmember Burnham said that she would offer her assistance in this program and that it would be a great way to get the community involved in the fundraising event. There should be prizes as an incentive for the participants.

Councilmember Burnham explained that the contract was with Deon Duncan, a local artist, who has established herself over her 20-year career specializing in public art and community involvement. This would be the first of several phases of the project with this contract being phase 1. In this phase, the artist would produce a small .25 scale hydrostone sculpture of a Pony Express Rider taking the oath; the City and the Artist recognize that more detailed cost estimates and time deadlines for the community art options phases must be planned, however the City would be licensed to sell copies of the ¼ life size statue in fund raising efforts for the full community art project.

Under the contract, the city would pay \$25,000.00 for the creative work and the ¼ life size hydrostone, patina-finished statues of the rider and horse. This fee will come from a grant received from Utah County for art in the community. If and when further funds were raised the City would proceed to the next phases of the contract which included enlarging the statue, the foundry process and final installation.

One item of concern that Councilmember Burnham discussed was the cost for the duplicate copies of the statue that would be sold to raise funds for the larger statue. Councilmember Burnham requested that staff be able to negotiate this cost as she believed that the \$1,300 identified in the contract for additional copies was too much and would impede the fund raising process. Councilmember Burnham stated that the City's cost should be somewhere in the range of \$500-\$800 per duplicate.

Councilmember Nathan Ochsenhirt was concerned that the public would have a negative perception of the Council's voting on this contract at a special meeting. Mayor Jackson responded that it wasn't unusual for the City to conduct business after a special work session and pointed out that a bid had been awarded last year at a similar meeting.

Discussion ensued regarding the size of the statue and the duplicate statues. These items would need to be discussed with the artist and the specific dimensions included in the contract.

Councilmember Ochsenhirt believed that the City was paying too much for the initial statue and shouldn't be charged on the potential of what money could be raised. This was nothing negative towards the artist, but it was his opinion that the \$25,000 was out of proportion for the first stage of the project and he didn't want the City Council viewed as mismanaging funds.

Mayor Jackson discussed the project costs and noted that the City was paying some up-front creative costs in this portion of the contract. The cost for the life and a quarter size statue would be \$106,000 and \$78,000 of this was a foundry fee. The artist wouldn't be making much of a profit on the second portion of the project.

Councilmember Painter raised a question regarding whether the base of the statue was included in the agreement for the ¼ size statue and what the final product would look like. Mayor Jackson explained that the base in the concept sketch was still conceptual and would be decided on at a later time. The base of the larger statue would include a plaque with the names of those individuals who donated funds.

Councilmember Burnham mentioned that the portion of the project that included the artist working with the local schools and instruction during the sculpting had been removed from this contract as it was not part of this phase of the project. Councilmember Burnham would have preferred to include the community education aspect of the project in this contract, as it would help the public understand why the first payment is as large as it is.

Councilmember Ochsenhirt stated that he would love to vote for art in the community, but can't find justification for this contract. He had a lot of support from the residents for his "no" vote on the previous statue that was voted down by the City Council.

Councilmember Burnham explained that the Council needed to be up-front about where the funds were coming from. It was a Restaurant Tax grant from Utah County specifically for this project and if the Council didn't approve the contract, the City would be walking away from the funds. This project would not be taken from Restaurant Tax funds that the City applies for on a yearly basis.

Councilmember Eric Cieslak believed that this was a good project for the City and that it would appeal to some people within the community. He added that the City had spent \$300,000 on the skate park. He'd only visited it on two occasions and while he doesn't get direct benefit from it, others do. The statue was a good thing for the community, without any fiscal impact to the City.

MOTION: *Councilmember Eric Cieslak moved to approve an agreement with Deon Duncan for grant-funded Community Artwork in the amount of \$25,000 and authorized the staff to negotiate the cost for the duplicate statues. Donna Burnham seconded the motion.*

Councilmember Ryan Ireland stated that this item should have been discussed in last year's budget work session or it should be placed on the City's budget priority list and planned for the future.

Councilmember Burnham pointed out the Restaurant Tax program would be going away.

Councilmember Ireland believed that this was the people's business and that the agenda item should be discussed in a meeting that was well attended by the public.

Councilmember Ochsenhirt stated that all items concerning the full project should be addressed in the proposed contract.

AMENDED MOTION: *Councilmember Cieslak amended his original motion to include the provision that the base of the statue be included in the in the \$25,000 cost for the project. Councilmember Burnham accepted the amendment.*

Councilmember Ireland questioned whether this was the best use of the taxpayers' money if the City was unsuccessful in raising the additional \$80,000 for the larger statue. He was also concerned that raising funds for the statue would get in the way of the Pony Express Days fund raising efforts.

Mayor Jackson stated that the City raised \$60,000 last year for Pony Express Days and it was her opinion that fund raising efforts for the statue wouldn't impact Pony Express Days donations.

Councilmember Cieslak reiterated that the City would be investing something that not everybody was interested in having, but it was a good investment that some residents could enjoy.

Councilmember Ireland believed that pursuing the statue was something that should be placed on the City's budget priority list. Mayor Jackson responded stating that not all grants were on the City's budget list and that we don't always know when the grants are available. This was a non-match grant and that type of grant didn't come along very often.

Councilmember Painter called the question.

*Those voting yes: Eric Cieslak, Nathan Ochsenhirt, Donna Burnham, John Painter.
Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

Councilmember Ochsenhirt stated that he voted yes because the funds had been approved by the County and if Eagle Mountain didn't spend the funds, someone else would. It was unfortunate that the City didn't have something else put together as he believed the City was paying too much for the statue.

3. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 12:30 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 16, 2010


Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 16, 2010

Work Session Directly Following Ribbon Cutting Ceremony. - 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 PM

1. CEREMONY – Wastewater Reclamation Facility Ribbon Cutting Ceremony Located at 2513 N. Sweetwater Road, Eagle Mountain Utah.

WORK SESSION – CITY COUNCIL CHAMBERS DIRECTLY FOLLOWING WASTEWATER RECLAMATION FACILITY RIBBON CUTTING CEREMONY

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

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

Mayor Jackson called the meeting to order at 4:47 p.m.

2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council 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 Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting adjourned at 6:03 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

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

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:07 p.m.

6. PLEDGE OF ALLEGIANCE

Scout Troop 856 led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- The Miss Eagle Mountain Pageant will be held March 6, 2010 at the Willow Creek Middle School at 7:00 p.m. More information about the pageant is available on the City website.
- Woman of Achievement Nominations are due by February 17, 2009. For more information visit the City website.

Mayor Jackson recognized the following individuals in the audience:

Mayor Mia Love, Saratoga Springs
Mayor Wilson, Lehi
Councilmember McCumber, Saratoga Springs

8. PUBLIC COMMENTS

Nikki Whitman, 2766 Fort Hill Road, stated that she did not agree with the City spending tax payer's money on an advertising campaign. She feels that the campaign only benefits the developers and not the City.

Donna Milackovic, 4163 N Saddlehorn Drive, thanked the Mayor, Council and City for their campaign to promote Eagle Mountain. She appreciates the work and creativeness that has been put into the campaign.

Tiffany Ulmer, 1320 E Harrier Street, stated that she had been to all of the trail meetings. She explained that a lot of mother's were concerned with the proposed trail routes provided for their children to walk to the new school. She said that the general consensus after the trail meetings were to see a trail along the east side of Ira Hodges Parkway. She sent out a map of proposals to the residents so that they could give input on the best locations for the trails.

9. CITY COUNCIL/MAYOR'S ITEMS

No comment was given.

CONSENT AGENDA

10. MINUTES

- A. February 2, 2010 – Regular City Council Meeting
- B. February 6, 2010 – Special City Council Meeting

MOTION: *Councilmember Ireland moved to approve the February 2, 2010 and February 6, 2010 minutes. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

11. PRESENTATION – Eagle Mountain Marketing Campaign (*Presented by Kassing Andrews*).

Ifo Pili thanked the Mayor and Council for supporting the marketing campaign. He explained that this campaign supports economic development growth. He is grateful that the Mayor and Council have taken aggressive action with the campaign. He stated that the City is at a population of approximately 20,000 and that demographics plays a major part in recruiting businesses. He explained that the marketing campaign would put the City in a place that would mitigate all issues that others perceive of the City. He also stated that many businesses like the fact that Mayor Jackson is very pro economic development. He feels that Eagle Mountain is at the forefront and he wants the City to stay that way.

Jason Kassing gave a presentation on the new City logo, website and commercials. He explained that the marketing campaign is designed to give Eagle Mountain a new positive image. He thanked the Mayor and Council and for the opportunity Kassing Andrews had to design the new marketing campaign. He explained that a business development packet will be sent out to over 250 businesses to promote Eagle Mountain City.

A twenty five minute recess was taken.

12. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah Approving an Economic Development Incentive Plan.

Don Richardson explained that the resolution being proposed would provide incentives to encourage the location of new businesses within Eagle Mountain, particularly those classified as high technology, renewable energy and research and development.

This item was discussed in work session.

MOTION: *Councilmember Ireland moved to adopt a resolution of Eagle Mountain City, Utah approving an Economic Development Incentive Plan with the following changes:*

- *That Section 1, Eligibility Requirements, where it states “one of the aforementioned targeted industries” to be replaced with “high-tech, green and renewable energies, and research and development”*
- *That the Incentive Available column on the chart has “equal or up to” added before each percentage.*

Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

PUBLIC HEARING

13. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the City’s Future Land Use and Transportation Corridors Map (General Plan Map 2).

Mr. Mumford explained that the capital facilities plan has been rewritten and that it is scheduled to be presented for approval at the March 16, 2010 City Council meeting. He said that the future land use and transportation corridor map have been revised along with the plan to adjust major road alignments and designations. He explained that several meetings and studies had been held in order to make adjustments to the map. He explained that the proposed right-of-ways can be adjusted if needed. He displayed the new maps for the Council.

Mr. Mumford explained that the significant changes to the map would be the addition of some planned major and minor collector and arterial roads in Saratoga Springs. He said that this would help the City with regional planning efforts. He explained that the alignment of the Cedar Valley Freeway would be altered, and that a 5-lane arterial road to be called Hidden Valley Highway has been added. He stated that the major and minor collector roads in the Hidden Valley project have been included as planned in their master development plan. A major collector has also been included at the suggestion of Horrocks (a consultant for the Capital Facilities Plan) connecting SR 73 to Pony Express Parkway through Cedar Pass Ranch and the Lone Tree subdivision. He explained that the alignment of a few minor collector roads in the South end of the City have been altered slightly.

Mr. Mumford explained that meetings were held with Farmland Reserve Incorporated (FRI) and several other companies regarding the alignment of the Hidden Valley Highway. He said that if the road shown on the map is approved, the alignment of this road will need be changed slightly so that after coming out of the west side of Hidden Valley the road goes South instead of West and connects to Airport Road shown on the map. He explained that the road would extend out to the Mountain View Corridor on the East side which will then eventually connect to I-15. He stated that the reason for making adjustments to the alignment of the proposed road would be to help lessen the negative impact of the road. He said that this road would need to be a highway or freeway so that the proper right-of-way width can be preserved. Further engineering studies will be needed for the exact alignment. He explained that a section of the Cedar Valley Freeway would also be straightened out to eliminate the curve North West of the Cedar Fort area.

Mayor Jackson suggested that the proposed map shows where future roads will be but it does not necessarily depict the exact road alignment. She said that engineering studies will have to be done to show the exact alignment of roads. She said that she does not want to see this road declared as a freeway. She feels that the purpose of the road is to carry people from one destination to another in high volumes and feels that this would encourage future economic development.

Councilmember Painter asked if there was a time frame in which the Hidden Valley Highway would be built. He also asked if there would be an overlap of funding interest between the Hidden Valley Highway and the Cedar Valley Freeway.

Mr. Mumford explained that there is no time frame because it all depends on development. He said that the road would be built when it was needed. He felt that a funding interest between both roads would be a possibility.

Mayor Jackson explained that she would like to see one designate as a highway and one as a freeway so that a funding order can be designated.

Mr. Hendrickson stated that both roads could not be built at the same time and that one road would be built much later than the other because of funding.

Mayor Jackson opened the public hearing at 8:46 p.m.

McKay Edwards with SITLA explained that there are alignments that they do not necessarily like on the plan but that they understand why the City has planned them that way. He said that when this plan was presented to Planning Commission they were in support of it. He explained that with some of the changes being proposed tonight SITLA feels that they do not support nor disagree with the plan. He said that SITLA supported the Hidden Valley Highway as a 5 lane arterial road because they felt that this would adequately suffice future growth. He feels that the geometry of a freeway is very harsh to the landscape and that the grading that would need to be done through the mountain areas would take a lot of work and would be hard to get funded. He said that SITLA will be working with FRI on exit and entrance locations if this road is to be a highway. He explained that FRI seems to feel that the Cedar Valley Freeway is a regional freeway.

Tiffany Ulmer, 1320 E Harrier Street, said that the unbuilt phases of Pioneer Addition and Eagle Point should be examined to be sure that the corridors for the Hidden Valley Highway are being preserved so that homes do not have to be removed in the future. She does not want to see anymore intersections that are close together that have stoplights. She feels that they need to be spread apart. She would like to see the collector roads lined up better.

Mayor Jackson closed the public hearing at 8:55 p.m.

Mayor Jackson stated that the City has been included in limited discussion regarding the Hidden Valley Highway. She explained that Mr. Hendrickson had spent most of his Friday on the phone with FRI bringing them up to date with the City's changes as well as learning about FRI's proposed changes. She stated that meetings have been held with Saratoga Springs, UDOT, MAG and SITLA to try and communicate these roads in a regional way.

Mayor Jackson explained that this map has to be in place in order to finalize the changes to the capital facilities plan. She said that by holding up the map it would hold up the capital facilities plan process which has been going on for a year.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting an amended general transportation plan and street maps for Eagle Mountain City with the changes to the Cedar Valley Freeway and Hidden Valley Highway as presented and also reserving 300 feet for a future highway. Councilmember Cieslak seconded the motion.*

Councilmember Burnham explained that the Planning Commission had supported the original plan that was presented to them with great concern. She explained that they were concerned to see a 5

lane arterial road for the Hidden Valley Highway and felt that they would not approve this road being any larger.

Councilmember Painter stated that the City's main focus should be the development of the Cedar Valley Freeway. He feels that this road is going to be a main access and would like to see this road developed before the Hidden Valley Highway.

Councilmember Ochsenhirt asked Mr. Trusty if he thinks it is necessary to make the changes to the Hidden Valley Highway road at this point in time. He asked Mr. Trusty to express his opinion on the situation.

Mr. Trusty stated that the changes are so minor and necessary for the completion of the capital facilities plan project that he feels comfortable with making those changes.

Mayor Jackson explained that the development code calls out certain right-of-way widths already and is concerned that if a specific right-of-way is called out in this plan that does not match the current code that there could be legal problems in the future.

Mr. Mumford explained that any exhibits to the general plan are guiding documents for the development code and that the development code is written to accommodate what is called out in the general plan. He said that the development code could be written to accommodate the changes called out in the motion.

Councilmember Ireland feels that the Hidden Valley Highway is still in a state of flux and would like to see more discussion take place concerning it. He said that this could always change again in the future as the City continues to grow and that he is okay with plan as presented.

Councilmember Burnham is concerned about the message the City would be sending if this plan was approved tonight. She feels that this plan accommodates business in Saratoga Springs rather than the needs of Eagle Mountain residents. She said that by putting in the Hidden Valley Highway it will ruin one of the most beautiful areas in Eagle Mountain.

Councilmember Ochsenhirt echoed Councilmember Burnham's comments. He feels that this will ruin the entire economic process that the City has been working towards. He said that the Cedar Valley Freeway should be the number one priority for the City right now.

Councilmember Ireland said that eventually, long term, the City will need both of those roads because there will be a lot of people living south of the City needing a way to get through our City. He feels that the Cedar Valley Freeway should come before the Hidden Valley Highway. He said that the right-of-way for the Hidden Valley Highway should be preserved so that it does not become a problem in the future like other roads in Eagle Mountain.

Mr. Hendrickson explained that the Hidden Valley Highway has been laid out to avoid the steepest areas through the Hidden Valley area.

Mayor Jackson suggested that the map state that the Hidden Valley Highway will eventually be phased into a Freeway and that the amount of right-of-way be discussed at a later time.

Councilmember Ireland feels that eventually it should become a freeway but that he does not want to see that happen within the next 15 years. He wants to see the Cedar Valley Freeway built first and then eventually have the Hidden Valley Highway built.

Councilmember Cieslak asked if the City would still have the ability to maintain the 300 foot right-of-way if the plan stated Hidden Valley Highway is to be phased into a Freeway.

Mayor Jackson explained that there is not currently a 300 foot right-of-way anywhere within the City. She said that the development code calls out a 206 foot right-of-way, and that the development code will in the near future be changed to reflect the new right-of-way width.

Councilmember Ireland asked that Hidden Valley Highway be changed to Hidden Valley Expressway; he does not want to see the word freeway used.

Councilmember Ochsenhirt called the question.

Mayor Jackson stated that as the motion stands it would approve the map, changing the curve on the Cedar Valley Freeway to a straight line, and calling out the Hidden Valley Highway to have a 300 foot right-of-way.

Those voting nay: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion failed with a unanimous vote.

MOTION: *Councilmember Ireland moved to adopt an ordinance of Eagle Mountain City, Utah amending the City's Future Land Use and Transportation Corridors Map with the following changes:*

- *That the curve on the Cedar Valley Freeway Northeast of Cedar Fort be straightened.*
- *That the Hidden Valley Highway be designated as an expressway.*

Councilmember Cieslak seconded the motion. Those voting aye: Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. Those voting nay: Donna Burnham and John Painter.

14. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Adopting the City Center Open Space Improvements Plan.

Mr. Mumford explained that the proposed resolution outlines the priorities of improvement of the City Center trails, parks, streetscapes, and open space. He explained this plan is for City Center only because it is lacking some of the improvements that The Ranches already has.

Mr. Mumford stated that the following subdivisions are in need of streetscapes and would be improved in the following order: 1. Eagle Park; 2. The Landing; 3. Mountain View; 4. Eagle Point and 5. Pioneer Addition. He said that based on previous projects the improvements will cost approximately 1.5 million dollars.

Mr. Mumford explained that Walden Park would be the first priority on the park list because there is a detention basin there that needs work and that the funds for those improvements have already been included in the budget. He said that the Mid Valley Park Phase 1 would be the second

priority because grant money is available to install ball fields there as well as funds for a splash pad.

Mayor Jackson asked if the list could be revised to read "The Land Detention Basin" instead of "Walden Park" because the detention pond originally existed before the park was built.

Mr. Mumford stated that the other parks would then be completed in the following order: 3. Eagle Point Park (adjacent to Sweetwater community park/detention basin); 4. Pioneer Park; 5. Pony Express Regional Park; He explained that these parks, excluding the Pony Express Regional Park, would cost approximately \$871,000 to improve.

Mr. Mumford explained that the paseos corridors would be improved as shown in the packet presented to the City Council. He stated that this would cost approximately 2.1 to 2.8 million dollars to improve.

Mr. Mumford went on to explain that the boundaries for the new elementary school were set by the School District at the end of January which had resulted in the need for discussions on safe walking routes to the school. He stated that an open house had been held to discuss these walking routes and that all residents from the effected subdivisions were invited. He explained that two routes to the school from the Eagle Park/Autumn Ridge Subdivisions were chosen. The potential cost for the improvements would be approximately \$750,000.

Councilmember Cieslak asked why the uncompleted trail running North/South on the West side of Eagle Park was not included on the list.

Mr. Mumford explained that this was because part of Autumn Ridge had not yet been developed and that would most likely be included when that phase of Autumn Ridge is built.

Councilmember Cieslak asked that a cost analysis for this section of trail be completed and that it be included on the priority list depending on how much it costs.

Councilmember Burnham asked if recycled asphalt could be used for trails and asked if it would save the City enough money to be worthwhile.

Mr. Trusty stated that it could potentially save the City money but the recycled product typically lasts only 5 years. He said that new asphalt will last 20 years.

Councilmember Ireland felt that a proper decision could not be made.

MOTION: *Councilmember Ireland moved to table the City Center Open Space Improvements Plan. Councilmember Painter seconded the motion.*

Councilmember Ireland feels that the trails can still be completed in time before the new school opens and that tabling this item will not delay it.

Mayor Jackson said that right-of-way acquisition is an issue.

Councilmember Ireland explained that if Spring Water Road was built that the majority of traffic would be driving on it rather than Ira Hodges Parkway. He feels that this would fundamentally

change his view of some of the problems that occur with Ira Hodges being the main transportation to and from the school.

Councilmember Painter asked if the City was confident that every option available was looked at concerning the assignment of children to schools.

Mayor Jackson explained that it was a closed deal and there is nothing more that can be done.

Councilmember Ireland asked if the Alpine School District was aware of how much their decision is going to cost Eagle Mountain City.

Councilmember Burnham stated that at the presentation given by the residents of Eagle Park to the Alpine School District they were told that only two board members read the packet.

Mayor Jackson stated that the board member representing the area would not come out to look at the situation. She explained that the board will not change their decision.

Councilmember Cieslak feels that this decision should not be made tonight and is concerned that the current proposal makes the worst of the situation.

Councilmember Ochsenhirt explained that they should move forward with the plan because the residents have helped give input on the situation regarding the proposed plan.

Councilmember Cieslak called the question.

Those voting aye: Ryan Ireland, John Painter. Those voting nay: Donna Burnham, Eric Cieslak and Nathan Ochsenhirt. The motion failed with a 2:3 vote.

MOTION: *Councilmember Cieslak moved to adopt a resolution of Eagle Mountain City, Utah, adopting the City Center Open Space Improvements Plan as presented in work session. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak and Nathan Ochsenhirt. Those voting nay: Ryan Ireland and John Painter. The motion passed with a 3:2 vote.*

Councilmember Ireland asked that a cost estimate be prepared on how much it would cost to construct Spring Water and how quickly it could be built and how the City could be reimbursed once the subdivision required to construct the road is built. He was concerned with the location of the crosswalk.

15. AGREEMENT – Consideration and Approval of a Residential Solid Waste and Recycling Collection Agreement between Eagle Mountain City Utah and Ace Disposal, Inc.

The City's current solid waste disposal contract is set to expire on April 1, 2010. Under the direction of the Mayor and City Council, the City went out to bid for services starting April 1, 2010 through April 1, 2015. The City received three responses to the published Request for Proposals; Allied Waste, Waste Management, and Ace Disposal. After an extensive bid evaluation process, staff determined Ace would provide the City with the best service. All the information gathered indicates that Ace is a viable company and will provide the City quality solid waste and recycling collection services.

MOTION: *Councilmember Cieslak moved to approve a residential solid waste and recycling collection agreement between Eagle Mountain City Utah and Ace Disposal, Inc. Councilmember Burnham seconded the motion and authorize the mayor to sign an agreement.*

Councilmember Ireland was concerned over information regarding number of residents and rates in the contract under exhibit 5.

Mr. Walker explained that this particular language was included only as an exhibit to the agreement. The rates were outlined in the agreement and recycle rates would not be impacted by the number of residents who participated in the recycling program.

Mayor Jackson stated that the rates are as per the contract and as reflected in the addendum. She explained that the rates would not change if the number of residents participating in the program changes.

AMENDED MOTION: *Councilmember Cieslak moved to approve a residential solid waste and recycling collection agreement between Eagle Mountain City, Utah and Ace Disposal, Inc. and authorize the mayor to sign the agreement and that the rates are reflected as discussed. Councilmember Burnham seconded the motion.*

The rate for a first can is \$5.28 a second can is \$3.92. A recycling can is \$3.90 These prices are at a fixed rate and will not change if the number of residents participating in the program changes.

Mayor Jackson explained that these rates are not the City's rates, rather what the City is being charged. She stated that the City will have to go back and evaluate the costs and then set the rate for the residents.

Councilmember Ireland asked when the opt out agreement would be presented and asked how this would be communicated to the citizens.

Mr. Walker explained that it will be advertised on the website, city newsletter, flyers in the utility bills and flyers sent out with the garbage cans which will include instructions on how to use the cans. He said that Ace will also be doing a PR campaign to inform residents.

Councilmember Ireland feels that residents should be fully aware of the situation and wants to make sure that they each know what their responsibilities are.

Councilmember Painter wanted to make sure that the provision of the agreement distributes 20% of the net proceeds made each month from the recycling program are given to the Eagle Mountain schools, and not to the district as a whole.

Those voting aye: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting nay: Ryan Ireland. The motion passed with a 4:1 vote.

16. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Painter

No comment

Councilmember Cieslak

Councilmember Cieslak thanked the individuals present for staying at the meeting. He appreciates all those who serve on boards and volunteer for the City. He encouraged everyone to continue contacting the elected officials about transportation in and out of Eagle Mountain.

Councilmember Ireland

Councilmember Ireland was glad to see the completion library and sewer expansions. He is happy to see the City moving forward and hopes that good things will happen in the future.

Councilmember Burnham

Councilmember Burnham encouraged people to support local and home based businesses.

Councilmember Ochsenhirt

Councilmember Ochsenhirt would like to see Spring Water Road constructed as soon as possible. He thanked staff for putting together everything for the marketing campaign presentation. He is confident that the new campaign will bring great things for the City.

17. CITY COUNCIL BOARD LIAISON REPORTS

No reports were given.

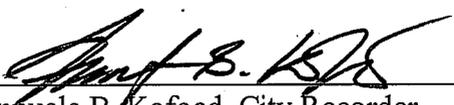
18. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Reports

19. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 10:21 p.m.

APPROVED BY THE CITY COUNCIL ON MARCH 2, 2010



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 2, 2010

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

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

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

4:00 PM WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt (arrived 4:32 p.m.) and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Paul Jerome, Senior Accountant; 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 4:09 p.m.

1. RECOGNITION
 - A. Eagle Mountain City Power Department Safety Award from Intermountain Power Superintendents Association.
 - B. Eagle Mountain Building Department – Library Expansion
2. DISCUSSION – Yard/Garage Sale Signage.
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.
5. 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, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:24 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; 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 7:15 p.m.

7. PLEDGE OF ALLEGIANCE

Tanner Johnson led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- The City held a welcome-home event for Olympic athlete Noelle Pikus-Pace on her return from the Vancouver Olympics. Mayor Jackson gave her the key to the City.
- The Miss Eagle Mountain Pageant will be held Saturday, March 6, 7:00 p.m., at Willow Creek Middle School.
- Ace Disposal will begin trash collection service on Monday, March 29.
- Baseball registration deadline is March 15.

9. 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.)*

Susan Hayward, 8466 Western Gailes Drive, a former member of the Parks and Recreation Advisory Board, spoke in support of building a city recreation center. Her daughter and other young parents in the City are very anxious to have a recreation facility for their families. She is willing to pay her share of the costs. It will also help attract new families and businesses.

Bryan Free, 7654 Red Kite Way, a member of the Parks and Recreation Advisory Board, said the board has been working on this proposal for two years. The majority of the feedback the board has received is in favor of the center. Youth sports programs are overcrowded and need more space. The center fits in with the new marketing campaign as an attraction to bring people to the City.

Elaine Duke, 2156 Sunrise Drive, first saw Cedar Valley as a college student, then later when she was looking for a home. She has enjoyed her service on the Parks and Recreation Advisory Board. The board originally proposed construction of a larger center, but feedback from the Council favored a less expensive alternative. She hoped the currently-proposed design will meet then needs of a wide spectrum of the community. She asked the Council to give the community a chance to vote on the issue.

Leigh Morrison, 4611 Conestoga Way, was recently appointed to the Parks and Recreation Advisory Board. He is also a director of his homeowners' association. He said that the City needs to grow to survive. The poor national economy favors construction now because construction costs, interest rates and bond rates are low. The city needs to attract large businesses in order to grow and those companies want amenities for their employees and families. A recreation center would help meet those needs.

10. 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 Burnham

Councilmember Burnham thanked residents for coming to the welcoming event for Olympic athlete Noelle Pikus-Pace. She asked residents to attend the next town hall meeting; only two residents attended the last one. It would help if the staff puts up outdoor signs. She said that Bobby Wren Blvd. is dangerous because drivers going in and out of Eagle Park make wide turns at the corner. She would like to see something done to improve safety.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the community for going to the welcoming event for Noelle Pikus-Pace. He asked residents to be aware of the upcoming recycling program and make sure that they're signed up for the containers they want: trash, recycling or both.

Councilmember Painter

Councilmember Painter commented on the proposed recreation center. He said that those who strongly support or oppose the issue must be committed to educating residents, going door to door or whatever it takes. Opponents will be loud and quick, so supporters will need to make the same amount of effort.

Councilmember Cieslak

Councilmember Cieslak said Noelle Pikus-Pace conducted herself with grace and class at the Olympics and was a great ambassador for the nation and the City. He appreciated the hard work that went into organizing the welcoming event. He was able to act as Mayor Pro Tem last week while Mayor Jackson was out of town. As part of that, he went to the State Capitol and stood with soldiers as the "Community Covenant" in support of Utah military members and families was read. Eagle Mountain supports its soldiers and their families. He said that the Town Hall meeting was an opportunity to speak with residents informally and hoped the next one will be better advertised and attended. He thanked Parks and Recreation Advisory Board and Jason Walker for their hard work in putting together the proposal for the recreation center.

Councilmember Ireland

Councilmember Ireland had no comment.

Mayor Jackson

Mayor Jackson thanked Councilmember Cieslak for serving as Mayor Pro Tem last week while she was out of town. She was in Washington, D.C., meeting with elected representatives on the City's needs: a business incubator, Central Water Project, equipment for emergency operations centers, and the Cedar Valley Freeway. She appreciated the City's lobbyist, Allen Freemyer, for his assistance with the City's funding needs.

CONSENT AGENDA

11. MINUTES

A. February 16, 2010 – Regular City Council Meeting

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

SCHEDULED ITEMS

12. MOTION – Consideration and Approval to Authorize Staff to Prepare a Bond Resolution for a Recreation Center.

This item was presented by Parks and Recreation Advisory Board Chair Lynnette Rose, with Phil Haderlie, Jason Walker and Laura Lewis, during Work Session. The Parks and Recreation Board has been working on a recreation center design for approximately a year and half. They have held several meetings and have received community input regarding the design and amenities. The proposed design includes a leisure pool, gyms, fitness center, party room and daycare center in the first phase. A walking track may be added as a bid alternate in the first phase. The Board is proposing that the City Council authorize staff to prepare a bond resolution that will be brought back to the Council for approval at a later date. The bond resolution would identify a maximum dollar amount to be voted on at the bond election. The entire amount, when bonded, would not have to be allocated immediately. The City would have ten years in which to bond for and allocate the funds.

The design for the center was reviewed. The process for holding a bond election was also explained. Councilmembers discussed whether the bond election should be held in June or as part of the November election. There was also discussion about whether now is a good time to build a recreation center in terms of construction costs, economic conditions and residents' interests in recreational facilities. Brent Tippetts of VCBO Architecture, was asked what effect a November vote would have on construction. He said that construction during winter would be more expensive. The design process might be shortened, but that could impact quality. The motion under consideration will determine whether or not the Council will give citizens the opportunity to vote on the issue.

MOTION: *Councilmember Cieslak moved to authorize staff to prepare a bond resolution for a recreation center in the amount of \$10.25 million for a bond election to be held in June, 2010. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ochsenhirt said the residents clearly want the opportunity to vote on the bond election.

Councilmember Cieslak said that the positives about the recreation center outweighed the negatives. He felt it was the citizens' right and opportunity to vote on the bond.

Councilmember Painter told those in favor of the proposal that they would have to be prepared to work very hard – knocking on doors, etc. – to educate the public about the issue before the bond election, or it would fail.

Councilmember Ireland felt that it would not be fiscally responsible to bond for the facility. The City should not build the center until all the funds were available.

After further discussion by the Council, Councilmember Cieslak called the question.

Those voting yes: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.

13. RESOLUTION – Consideration and Approval of a Resolution of the City Council of Eagle Mountain City, Utah Authorizing Participation in the Utah Associated Municipal Power Systems (UAMPS) Home Energy Savings Program.

This item was presented by Energy Director Adam Ferre. The proposed resolution would allow Eagle Mountain to participate in the UAMPS Home Energy Program. The program provides opportunities for residents of Eagle Mountain to receive cash back on any qualifying energy efficient appliances purchased for their homes. Customers who use energy efficient appliances can substantially reduce the amount of electricity and water used within their homes.

Council members asked for specific numbers illustrating how many more people would buy energy-efficient appliances with this incentive than without, and how would the program benefit residents who don't buy new appliances. Staff will analyze costs versus benefits and bring more specific information to the Council at a future meeting.

MOTION: *Councilmember Ireland moved to table a resolution of the City Council of Eagle Mountain City, Utah authorizing participation in the Utah Associated Municipal Power Systems (UAMPS) Home Energy Savings Program. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

14. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Amending and Approving the Eagle Mountain City Policies and Procedures Manual.

This item was presented by City Attorney Jerry Kinghorn during Work Session. The recommended change to the Policies and Procedures Manual would allow City employees to volunteer to perform certain types of service for the City, unless their volunteer activities would be in the same department in which they are employed. The purpose is to prevent employees from bringing wage claims against the City for work performed as volunteers.

MOTION: *Councilmember Burnham moved to adopt a resolution of the City Council of Eagle Mountain City, Utah amending and approving the Eagle Mountain City Policies and Procedures Manual. Councilmember Ireland seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

This item was presented by Senior Accountant Paul Jerome during Work Session. The proposed resolution amends the current garbage collection rates and includes the rates for the new recycling program with Ace Disposal that was recently approved by the City Council. As part of the new contract, the contractor will provide the City a curbside recycling program, on an "opt-out" basis. Residents will have the opportunity of declining recycling services prior to the commencement of the curbside recycling program. The proposed fee for curbside recycling service is \$4.00 per month per recycle can. No other fee changes are proposed at this time.

MOTION: *Councilmember Burnham moved to adopt a resolution of the City Council of Eagle Mountain City, Utah amending the Eagle Mountain City Consolidated Fee Schedule. Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

Councilmember Burnham

Councilmember Burnham said she agreed with most of what Councilmember Ireland said about the recreation center issue. She voted "yes" on the recreation center only because she felt strongly that a large percentage of the residents think they want a recreation center. She was concerned about sending an issue to a bond election that she thinks will fail. She appreciated the efforts of the Parks and Recreation Advisory Board. She would like further information on the specific increase in taxes for businesses.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said he agreed with many of Councilmember Burnham's and Ireland's comments. However, residents have asked for the opportunity to vote on the recreation center and the right thing for the Council to do is to put it in the hands of the community.

Councilmember Painter

Councilmember Painter had no comment.

Councilmember Cieslak

Councilmember Cieslak appreciated the Council's ability to have a discussion including a wide variety of opinions, and to make Eagle Mountain as great a community as it can be. He still wants additional transportation routes into and out of the City. He asked the Public Works Director whether the Pony Express Parkway project will be finished before Pony Express Days. Mr. Trusty responded that the planned project completion date is June 3. Pony Express section of the project will be completed before the 800 West portion.

Councilmember Ireland

Councilmember Ireland asked Mr. Trusty to see if Springwater can be extended to the new school, rather than traffic going to the school from Ira Hodges Scenic Parkway, where children will be walking. Regarding the recreation center, he said that no other 14-year-old city is going to build a recreation center based on property taxes. One of the City's selling points is that the City's portion of property tax is among the lowest in the county.

Mayor Jackson

Mayor Jackson said she would have preferred that the Parks and Recreation Advisory Board had recommended an outdoor-only aquatics facility. However, if the bond passes at the election, then the Council will have an opportunity to vote on the amount that will actually be spent on the facility. The tax rate being discussed is the highest possible rate increase. Any businesses that are brought into the city will reduce the tax increase.

Mr. Hendrickson pointed out that the City takes a neutral position on the bond election. No one may speak for the City in advocating for or against the issue, but anyone, including Council members and board members, can advocate for against the issue as individuals.

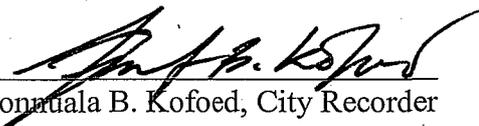
17. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

There were no board liaison reports.

18. COMMUNICATION ITEMS
 - a. Upcoming Agenda Items
19. ADJOURNMENT

Councilmember Burnham moved to adjourn the meeting at 8:57 p.m.

APPROVED BY THE CITY COUNCIL ON MARCH 16, 2010


Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 16, 2010

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

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

4:00 PM WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt (arrived at 4:27 p.m.) and John Painter.

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Ifo Pili, Assistant City Administrator; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Jena Harper, Deputy Recorder; Dave Norman, Assistant Public Works Director; Jason Walker, Management Analyst; Adam Ferre, Energy Director; John Hendrickson, City Administrator; Eric McDowell, Deputy.

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. Sustainability Program Update
 - B. Economic Development Update
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, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:29 p.m.

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

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

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Ifo Pili, Assistant City Administrator; Chris Trusty, Public Works Director; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Jena Harper, Deputy Recorder; Dave Norman, Assistant Public Works Director; Jason Walker, Management Analyst; Adam Ferre, Energy Director; John Hendrickson, City Administrator; Eric McDowell, Deputy.

Harper, Deputy Recorder; Jason Walker, Management Analyst; Adam Ferre, Energy Director; John Hendrickson, City Administrator; Eric McDowell, Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Regan Bolli led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Hartley Lojik was crowned Miss Eagle Mountain 2010 on Saturday, March 6. Anna Barnum was named First Attendant, with Charlee Allen as Second Attendant.
- Lee Kline received the Woman of Achievement Award.
- Effective the week of March 29, 2010, trash collection services will be handled by Ace Disposal. For more information on the new disposal and recycling services go to www.eaglemountaincity.com
- The City's annual Easter Egg Hunt will be Saturday, April 3, 2010 at 10:30 a.m.
- Information on Pony Express Days 2010 is now available on the city website.

7. PUBLIC COMMENTS

Leigh Morrison, 4611 Conestoga Way, felt that the recreation center should go to bond election to allow the people to vote. He stated that it is not the best time to build a recreation center.

Lynnette Rose, 2613 E Cedar Drive, stated that the residents should be the ones to vote for a recreation center. She explained that some of her children and grandchildren live in Eagle Mountain City and that all of them want a recreation center.

John Wallace, 9298 N Deerfield Circle, stated that he is opposed to raising taxes for anything but feels that the recreation center should go to the public for a vote. He is concerned that the turnout for the bond election will be low if it is held in June. He would like to see it held in November.

Elaine Duke, 2156 E Sunrise Drive, felt that only one proposition should be on the ballot. She was concerned that residents would get confused if there were two propositions. She would like to see the residents have an opportunity to vote for the recreation center.

Regan Bolli, 1959 E Church Way, explained that he was representing a large group of people that do not have extra money in their monthly budgets to pay for a recreation center. He felt that those who could afford a recreation center would be the ones that show up to vote for it.

Charlotte Ducos, 9328 N Deerfield Circle, stated that a recreation center should be built when the financial situation is right, not just because materials to build one are cheap. She felt that a lap pool should be included in the proposed recreation center plan. She wants election costs to be kept at a minimum.

Doug Comeau, 2137 Juniper Drive, wants to see the bond election held in June rather than November. He would like the residents to have an opportunity to vote for or against a recreation center.

Susan Vanderhoef, 1754 Independence Way, is concerned with parking on the streets and that children are going to get hit by vehicles because drivers won't be able to see them darting out between parked cars.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Painter

No comment.

Councilmember Cieslak

Councilmember Cieslak thanked the residents for coming to the meeting. He encouraged residents to fill out the survey on the City website concerning parking around Nolan Park. He asked residents to contact elected offices about Eagle Mountain's transportation issues.

Councilmember Ireland

Councilmember Ireland encouraged everyone to attend the caucus meetings at Rockwell High on March 23 at 7:00 p.m.

Councilmember Burnham

Councilmember Burnham congratulated the new Miss Eagle Mountain Royalty. She thanked Jessica Bare, Miss Eagle Mountain 2009, for her service. She also congratulated Lee Klein for receiving the Woman of Achievement award. She also encouraged residents to attend the caucus meetings.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the residents for expressing their opinions on the different issues. He encouraged residents to attend the meetings to express their opinions so that the City Council can hear them.

Mayor Jackson stated that building permit issuances are up, and bond ratings are great. She explained that construction of the Pony Express Parkway expansion has commenced and should be completed by June 3rd. She stated that the widening of SR 73 to Ranches Parkway is also underway.

9. APPOINTMENT

- A. Public Works Board – Branden Reall to fill the vacancy created by Brian Richards (3 year term).

MOTION: *Councilmember Ireland moved to appoint Branden Reall to the Public Works Board with a term end date of December 31, 2012. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

CONSENT AGENDA

10. MINUTES

- A. February 25, 2010 – Town Hall Meeting
- B. March 2, 2010 – Regular City Council Meeting

MOTION: *Councilmember Ireland moved to approve the consent agenda. Councilmember Ochsenshirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenshirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

11. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Title 16, of the Eagle Mountain City Code.

This staff-proposed Development Code amendment to Title 16, Section 16.35 Development Standards for Required Public Facilities, Table 16.35.130(b), Right-of-Way Classifications, proposes standards for roadways which were approved with the Future Land Use and Transportation Corridors Map, as well as some minor changes to other road sections.

Mr. Mumford explained that new classifications have been created. He stated that Freeway, Expressway, Highway, 7 Lane Major Arterial and Local Streets with Alleys have been adjusted/added on table 16.35.130. He explained that minor changes were made to some discrepancies in the table as well.

Mr. Mumford explained that the freeway classification includes a 300 foot right of way which provides for 8 lanes, a 30 foot median and 4 emergency lanes. He explained that the highway designation is for SR73 which included 6 travel lanes. He explained that UDOT currently owns 150 feet of right of way along the road through most of the City. He said the City is proposing that the right of way eventually be expanded to 162 feet.

Mr. Mumford stated that the seven lane major arterial is a portion of Airport Road. He explained that this provides for two additional lanes making it a 176 foot right of way.

Mr. Mumford explained that staff is proposing to eliminate the local streets with alleys designation and to use the local street standards instead.

Mr. Mumford stated that minor changes were also made to the 5-lane major arterial, minor arterial, major collector and minor collector.

Councilmember Painter asked if there were standards for freeway right-of-way.

Mr. Mumford explained that there isn't anything in place which is why it is being proposed that it be included in the table.

Mr. Trusty stated that cross sections have evolved over the years. He explained that most communities have standards that specify how many lanes, intersections, right of way, etc. for various roads.

Mr. Mumford stated that when it comes down to it UDOT will set the standard and the City will try to conform for notification purposes.

Mayor Jackson explained that UDOT will consider the City's requirements when building a road within the City.

Mayor Jackson opened the public hearing at 8:10 p.m.

Regan Bolli, 1959 E Church Way, explained that he was representing a large group on this issue. He stated that it is in the City's best interest to preserve the right of way now to avoid future problems. He felt that the locations of the proposed roads were the best locations.

McKay Edwards, SITLA, thanked staff for the work they did on right of way classifications. He feels that the right of way is adequate. He suggested that the City look at Highway 189 in Provo Canyon. He said that it is hard to predict how many freeways there will be in the City. He feels that it is a useful tool to have the freeway right of way on the table.

Mayor Jackson closed the public hearing at 8:18 p.m.

MOTION: *Councilmember Ireland moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Title 16, of the Eagle Mountain city code. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

PUBLIC HEARING

12. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Title 17, of the Eagle Mountain City Code.

This staff-proposed Development Code amendment to Title 17, Section 17.65 Home Businesses, allows City staff to approve minor exceptions to the home business standards, rather than requiring City Council approval.

Mr. Mumford explained that all business license exceptions are denied by the licensing official, and then appealed to the Planning Commission & City Council. He explained that the proposed change would allow the Planning Director to approve minor change that do not adversely impact surrounding residents or affect the residential characteristics of the neighborhood, or significantly increase traffic or the demand on utilities. He stated that any other exception would require petition to the Planning Commission and City Council.

Councilmember Ireland asked if the code change could read "Any petition for a minor exception from the standards listed in section 17.65.060, A through F, may be approved administratively at the discretion of the Planning Director."

Councilmember Painter suggested that other department heads such as the City Engineer, Fire Chief and Economic Development Director review business license appeals in order to eliminate individuals having to appeal to the Planning Commission and City Council.

Mayor Jackson opened the public hearing at 8:25 p.m.

No public comment.

Mayor Jackson closed the public hearing at 8:25 p.m.

Councilmember Ochsenhirt asked if the intent was to streamline the process in order to get businesses up and running. He concurred with Councilmember Painters suggestion.

Councilmember Ireland feels that items A through F in section 17.65.060 should be approved by the Planning Director.

MOTION: *Councilmember Ireland moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Title 17, of the Eagle Mountain city code adding items "A through F" after 17.65.060 in the proposed change. Councilmember Ochsenhirt seconded the motion.*

Councilmember Painter felt that this was an opportunity for Planning Commission and City Council to remove them from the process and allow the departments to do their jobs and streamline the process.

Mayor Jackson concurred with Councilmember Ireland's comments.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. Those voting nay: John Painter. The motion passed with a 4 to 1 vote.

PUBLIC HEARING

13. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Title 17, of the Eagle Mountain City Code.

Mr. Mumford explained that several meetings had been held concerning yard sale temporary signage. He stated that the proposed changes have incorporated Planning Commission and City Council comments.

Mr. Mumford explained that the current proposal would allow residents to put yard, garage and moving sale signage out under certain regulations. He stated that the signs must be no larger than 4 square feet in size. He said that they must be located on private property, unless the sale is registered with the City prior to the date of sale. Mr. Mumford went on to explain that an approval process would be set up on the City website that would list the yard/garage sales each weekend. He explained that if a resident wanted to put up temporary signage for their sale they would register online, then they would be able to post their signs in the right-of-way and have their address listed on the City website that week. He said that the registration would be simple, quick and free and it would be easy to maintain. Mr. Mumford felt that there could be drawbacks to the proposal, such as cluttered streets and signage being posted without permission.

Mr. Mumford recommended that yard sale and informational signage be permitted in park strips on local streets in neighborhoods and that on arterial and major collector streets signage be allowed on the green space between the sidewalk and the fence.

Mayor Jackson opened the public hearing at 8:39 p.m.

Charlotte Ducos, 9328 Deerfield Circle, asked if real estate open house signage would be included on the list of permitted signage. She also asked if businesses could put up sale signs.

Mr. Mumford explained that a separate section, approved at a previous Council Meeting, permitted real estate open house signage with specific conditions. He explained that in the code grand openings of businesses can have signage and that sale signage is restricted to business property only.

Elaine Duke, 2156 E Sunrise Drive, thought that the online registration for signage was a great idea. She asked that the weed abatement issue be addressed.

Mayor Jackson closed the public hearing at 8:42 p.m.

Councilmember Ireland asked how much it would cost the City to set the online registration up. He asked that an objectionable word filter be placed on the form.

Mr. Mumford explained that it would be limited as to what information can be entered.

Linda Peterson explained that more discussion would need to take place to determine how the form will work.

Mr. Painter stated that this would be a great service to the residents. He was concerned that the cost to pay an employee to run this site may be expensive. He asked to see numbers on the issue.

Linda Peterson stated that it would be determined by how many people used the website.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Title 17, of the Eagle Mountain city code as proposed. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. Those voting nay: John Painter. The motion passed with a 4 to 1 vote.*

PUBLIC HEARING

14. ORDINANCE – Consideration and Approval of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending the Fiscal Year 2009-2010 Annual Budget.

Mr. Walker explained that the City has received complaints from residents regarding the noise levels from the skate park. He said that in an effort to mitigate the sound issues, staff is proposing that a sound wall be constructed adjacent to the skate park. He explained that fund for this project were not budgeted, so the amendment would be necessary so that the project can be funded. He stated that funds for this project would be transferred into the Capital Projects Fund from the Capital Projects Reserve Fund.

Mr. Walker stated that a third party consultant recommended that the best solution to mitigate sound would be to build a berm. He explained that the proposed berm would have three tiers on the skate park side with landscaping with dirt sloping down on the backside. Mr. Walker explained that the amendment is for \$60,000 but he does not believe that it will cost that.

Mr. Trusty explained that UDOT's approximation for building a retaining wall was \$60,000. He said that staff is proposing that this be built in house. He stated that it will cost approximately \$40,000 for staff to purchase supplies and build.

Mr. Walker explained that the BYU Physics Department took sound measurements from intermittent points and determined that the sound does peak at certain times but that it is not significantly louder than the limit.

Mayor Jackson opened the public hearing at 8:56 p.m.

Regan Bolli, 1959 E Church Way, asked if the berms would deflect the noise to the homes north of the skate park.

Dan Cotton, 4391 N Major Street, explained that they have been discussing the problem with the City since November. He feels that the berm is a viable solution and requested that the Council approve the amendment.

Mark Mach, 4347 Major Street, stated that he invited the Council and Mayor to come to his home at any time so that they could experience the noise problem being caused by the Skate Park. He said that they don't hear sound all of the time and that it depends on the amount of kids that were at the skate park. He felt that the sound studies were not done at peak times. He stated that he would have never built his home here had he known that the skate park would be right next to it.

Mayor Jackson closed the public hearing at 9:02 p.m.

Councilmember Ireland asked if there was room to add 3 feet of dirt to the existing berm.

Mr. Trusty stated that he did not think that there would be enough room and that it will not block the sound as well as a retaining wall will.

Councilmember Painter asked how many people were actually at the skate park during the time the sounds studies were being conducted.

Mr. Walker explained that BYU had stated that approximately 25 kids were at the skate park during the time of the study. He said that the study also determined that when there were more than 15 people at the park, the majority observed while others skated on the ramps.

Councilmember Ochsenhirt feels that this is not the only situation within the City where there are noise issues. He is concerned that if this budget amendment is approved to appease 3 or 4 homes it will cause future problems with spending money to pacify a minority group of residents.

Mayor Jackson explained that the materials alone for the wall will cost approximately \$10,000. She said that the increase in cost comes from beautification and landscaping. She said that the park has been there for years with no beautification added to it.

Councilmember Burnham echoed Councilmember Ochsenhirt's comments. She is concerned that a large amount of money is being spent just to appease a few people.

Mayor Jackson stated that the improvements were necessary as it has been left un-landscaped for many years.

Councilmember Burnham asked if the kids who use the skate park could be recruited to lay the sod and help landscape.

Chris Trusty said that the installation of the sod is minimal when purchasing large amounts.

Councilmember Ireland suggested that dirt be added to the berm for now and that the parks be prioritized before spending a large amount of money.

Mr. Trusty feels that just adding dirt to the top of the berm may reduce the noise slightly but will not solve the problem.

Councilmember Burnham feels that the berm should be landscaped because it is the entrance to Pony Express Park.

Councilmember Cieslak asked if raising the berm would cause any safety risks.

Sergeant McDowell stated that it would not increase any safety risks and that the Sheriff's Department already does routine checks out there.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending the fiscal year 2009 – 2010 annual budget not to exceed \$40,000.00. Councilmember Ochsenhirt seconded the motion.*

Mayor Jackson stated that the City could use the TRCC (restaurant tax) grant to fund the project. The City had rolled over funds for three years and there was approximately \$36,000.00 that the city could apply for.

Councilmember Painter asked if the grant money was also paying for the Pony Express statue.

Mayor Jackson explained that the Pony Express statue was being paid for with a separate grant. She stated that the grant money that would be used to pay for the berm/retaining wall has to be used this fiscal year.

Councilmember Painter asked if there were previous plans to use the grant money.

Mayor Jackson stated that there were no plans to use the grant money prior to this amendment.

Mrs. Kofoed explained that the grant money would be reimbursed to the City after the project was complete and that the reimbursement had to be submitted by the end of October 2010.

Those voting aye: Donna Burnham, Eric Cieslak and Nathan Ochsenhirt. Those voting nay: Ryan Ireland and John Painter. The motion passed with a 3 to 2 vote.

15. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Title 5, of the Eagle Mountain City Code.

Mayor Jackson explained that this staff-proposed Code amendment to Title 5, Section 5.05 Business Licensing, removes the set fee for business licenses and instead refers to the most recent Consolidated Fee Schedule.

MOTION: *Councilmember Ireland moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Title 5, Section 5.05, Business licensing, of the Eagle Mountain City Municipal Code. Councilmember Burnham seconded the*

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

16. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Providing for a Special Election to be Held on June 22, 2010 for the Purpose of Submitting to the Qualified Electors of Eagle Mountain City, Utah, two Propositions as follows:
- A. The Issuance of Not to Exceed \$11,000,000 General Obligation Bonds to Finance Costs of Constructing a Community Recreation Facility and Related Improvements.
 - B. The Issuance of Not to Exceed \$6,000,000 General Obligation Bonds to Finance Costs of Constructing an Outdoor Aquatic Facility and Related Improvements.
- Approving the Form of and Directing the Publication of a Notice of Election and the Ballot Propositions; and Related Matters.

Mr. Walker explained that the City Council made a motion at the March 2, 2010 City Council meeting requesting that the City staff prepare a resolution providing for a Special Election to be held on June 22, 2010. He explained that the resolution allows a proposition to be considered; one for a multipurpose facility and one for an outdoor aquatic facility only. He stated that the election would provide Eagle Mountain residents an opportunity to vote for or against general obligation bonds to finance the construction costs.

Mayor Jackson explained that there are two options being proposed. She stated that option A. would not exceed \$11,000,000 and that the lap pool was included in this option. She explained that option B. would not exceed \$6,000,000 and that it did not include a lap pool.

Mr. Walker explained that there would be full sized locker rooms so that they do not have to be rebuilt later on because they are expensive.

Mayor Jackson stated that leisure pools make money and that lap pools in the long run do not make money.

Mr. Walker stated that it is much more cost effective to eliminate the lap pool. He feels that it would be a mistake to eliminate elements of the leisure pool.

Mr. Walker reviewed the operation and maintenance costs with the Council. He stated that many of the numbers were based off of Payson City's because they are similar in population and have a similar operation. He said that he was confident that an outdoor pool will cover its operation expenses.

Mayor Jackson stated that she did not want to see taxes raised to cover operation and maintenance costs.

Mr. Walker explained that a study was conducted by VCBO to see what amenities residents wanted to see in a recreation center. He said that the number one amenity was a swimming/aquatics center; second, a walking/jogging area; and third, family oriented swimming.

Councilmember Ireland was concerned that a lot of residents would not be able to afford a recreation center. He does not want the City to go into debt for a want. He stated that many cities did not get recreation centers until they had reached 100 plus years of incorporation. He feels that getting a recreation center at this time is premature.

Councilmember Ochsenhirt stated that the time it has taken other cities to get recreation centers should be irrelevant. He felt that it should be based upon population. He said that the City is at a high population and is in desperate need of recreation facilities.

Councilmember Burnham expressed concern about the financial impact that this recreation center would have on the residents. She also expressed concern about the impact a recreation center would have on a big corporation's decision to locate within Eagle Mountain.

Mayor Jackson explained that the tax rate would never increase unless property values continue to decrease. She stated that based upon a realtors perspective, home values have hit rock bottom and will not decrease anymore. She explained that every time a new home is built or a new business locates within Eagle Mountain the tax rate will decrease.

Mr. Pili stated that businesses that are currently looking into locating in Eagle Mountain are attracted to the low property tax rates. He explained that big companies are generally given tax increment deals.

Councilmember Burnham stated that it may take longer for the tax rate to drop if the City is offering tax increment deals to businesses.

Mr. Hendrickson said that each company looks for something different but generally they look for tax increment deals and amenities such as recreation centers.

Mr. Pili feels that it is important to not attach economic development to the recreation center.

Councilmember Ireland feels that getting a recreation center could affect smaller business and when they choose to build.

Councilmember Burnham asked if the primary election would be a closed one.

Mrs. Kofoed explained that the County will not know if they will have a primary until after the caucuses.

Councilmember Burnham does not want people to be limited on voting because they are affiliated with one party or the other.

Councilmember Cieslak wants this to be the resident's choice. He wants them to be able to vote on it. He said that residents can make their voices heard and that by approving this item it will allow the residents to do so.

MOTION: *Councilmember Cieslak moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, providing for a special election to be held June 22, 2010 for the purpose of submitting to the qualified electors of Eagle Mountain City, Utah, a proposition as follows:*

The issuance of not to exceed \$7,000,000 general obligation bonds to finance costs of construction an outdoor aquatic facility and related improvements. With a bond term of 20 years. Councilmember Painter seconded the motion.

Discussion ensued concerning the anticipated opening date of the recreation center if it is approved

at a bond election.

Councilmember Cieslak stated that the bond election is the time for residents to tell the City whether or not this is a good economic time to be building a recreation center. He stated that it should be the resident's choice, not the Council's.

Mr. Kinghorn said that at the next meeting a public hearing will be held to allow the residents to voice their opinion on the economic development impact. He explained that after this public hearing the City Council still has the option to not hold a bond election.

Those voting aye: Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting nay: Donna Burnham and Ryan Ireland. The motion passed with a 3 to 2 vote.

17. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah, Expressing Support for a Joint Land Use Study among Camp Williams and the Surrounding Communities.

The proposed resolution supports a joint land use study (JLUS) with Camp Williams and surrounding communities. The study would act as a guide for the participating communities to further community growth and development that is compatible with the mission of Camp Williams. Eagle Mountain City will act as the sponsoring agency for a grant to fund the study.

MOTION: *Councilmember Burnham moved to adopt a resolution of the City Council of Eagle Mountain, Utah, expressing support for a joint land use study among Camp Williams and the surrounding communities. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

18. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah, Amending and Adopting a Water Conservation Plan for Eagle Mountain City.

In conjunction with the Water Conservation Plan Act, Eagle Mountain City is required to implement a Water Conservation Plan and update it every five years. The proposed update does not modify any existing City policy as it relates to water conservation in Eagle Mountain.

Mr. Kinghorn recommended adding language to the right of way inventory because all of the water rights had not yet been received.

MOTION: *Councilmember Ireland moved to adopt a resolution of the City Council of Eagle Mountain, Utah, amending and adopting a water conservation plan for Eagle Mountain City with the City Attorney's recommended changes. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

The proposed amendment to the consolidated fee schedule would remove the shut-off date printed on final notices for City utilities. This would allow for additional time for technicians to carry out the utility shut-off as well as to avoid clerks working after hours to prepare for shut-off.

MOTION: *Councilmember Cieslak moved to adopt a resolution of the City Council of Eagle Mountain, Utah, amending and adopting the consolidated fee schedule as discussed. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

20. AGREEMENT – Consideration and Approval for an Interlocal Cooperation Agreement between Eagle Mountain City, Utah, and Utah County Relating to the Conduct of the Community Development Block Grant Program.

The cities and towns in Utah County are applying for Urban County status through the Community Development Block Grant (CDBG). By doing so, Utah County will be able to receive a direct allocation from HUD, rather than going through the Small Cities program offered by the State of Utah. In order to become an Urban County, all cities/towns need to approve the Utah County Interlocal Cooperation Agreement.

MOTION: *Councilmember Burnham moved to approve an interlocal cooperation agreement between Eagle Mountain City, Utah, and Utah County relating to the conduct of the Community Development Block Grant. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

21. CITY COUNCIL/MAYOR'S BUSINESS

Mayor Jackson explained that things are being done to improve the City's sustainability.

Councilmember Burnham

Councilmember Burnham explained that some residents currently using Waste Management have received Ace Disposal cans. She stated that they were worried that they would be forced to change service.

Mayor Jackson explained that Waste Management is discontinuing their services in Eagle Mountain so all residents will be using Ace Disposal.

Councilmember Ochsenhirt

Councilmember Ochsenhirt congratulated the new Miss Eagle Mountain and thanked the residents for coming to the meeting.

Councilmember Painter

Councilmember Painter expressed concern regarding a comment made in a recent news article entitled "Google Fiber." He was concerned that Lehi City stated that they were the technical capital of Utah.

Councilmember Cieslak

Councilmember Cieslak encouraged residents to let their voice be heard whether they do or do not want the recreation center. He reminded residents to contact their elected officials and asked them to thank them for giving the City what they have so far.

Councilmember Ireland

Councilmember Ireland thanked the staff for all that they do and feels that by focusing on the code it allows staff to do their jobs more efficiently.

22. CITY COUNCIL BOARD LIAISON REPORTS

No reports.

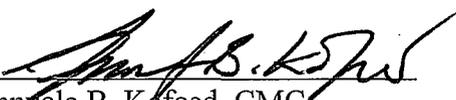
23. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Reports

24. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 10:26 p.m.

APPROVED BY THE CITY COUNCIL ON APRIL 20, 2010



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

March 30, 2010

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 an individual to participate ***

5:00 PM – BUDGET RETREAT WORK SESSION

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Michele Graves, Librarian; Angie Ferre, Mayor's Executive Assistant.

Mayor Heather Anne Jackson called the meeting to order at 5:10 p.m. Mayor Jackson changed the order of the agenda, conducting items of business on the Consent Agenda and Policy Session first. The Budget Work Session was conducted directly following the Policy Session.

1. Review of FY 2009-2010 Budget Current Status
2. Review of FY 2010-2011 Budget
3. ADJOURNMENT

SPECIAL SESSION – CITY COUNCIL CHAMBERS

4. CALL TO ORDER

CONSENT AGENDA

5. FINAL PAYMENT
 - A. SR-73 Gas and Power Extension – Probst Electric
6. FINAL BOND RELEASE – Out of Warranty
 - A. Lone Tree Plat D
7. DEVELOPMENT AGREEMENT
 - A. Northmoor Plat 2B

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

SCHEDULED ITEM

8. AGREEMENT – Consideration of an Agreement with The Ranches Homeowners Association for the Safety Landscaping Improvements and Site Amenities Project along Ranches Parkway and Pony Express Parkway.

This item was presented by City Administrator John Hendrickson. The proposed agreement is between Eagle Mountain City and The Ranches HOA to remove some median features as a safety precaution along Ranches and Pony Express Parkways. The proposal also includes additional landscape improvements along both corridors.

Mr. Hendrickson explained that the funds that would pay for the City's portion of the project were from SID 2000-1. Funds from the SID had been transferred into the Capital Fund for the Porter's Crossing project and there was approximately \$100,000 remaining that would cover the cost of the proposed landscaping project. Funding this project was an appropriate use of the SID 2000-1 funds. The City's portion of the proposed landscaping was approximately \$68,795, which would be reimbursed to The Ranches HOA. The City had been working on the proposal for approximately a year and a half and Mr. Hendrickson recommended moving forward. The Ranches HOA had collected the necessary bids for the project and a finalized agreement would be brought back to the City Council for approval at the April 20th meeting.

Councilmember Ochsenhirt asked whether the cost for some of the materials was negotiable as he believed them to be excessive, specifically, the benches and the trash receptacles.

HOA Manger Brian Haskell stated that the benches were a branded steel product and they didn't foresee having to replace them. The trash receptacles were also steel and were assumed to be durable, with a 20-year life expectancy.

Councilmember Ireland asked why they were planning on hauling in new soil and what would happen to the trees that were removed.

Brady Pitcher, Ranches HOA, responded that they were trying to improve the quality of the soil and that it needed to be replaced. The trees they removed would be recycled and would be replaced with a variety of deciduous trees that were known to grow well in Eagle Mountain. Previous experience with replanting trees in Eagle Mountain has shown a 20% chance of survival, which isn't worth the time or expense. There would be no extra charge to remove the old trees.

Councilmember Ireland suggested that they dig large enough holes when planting the new trees so the roots wouldn't hit the old soil and would have a better chance of survival and longevity.

Mayor Jackson pointed out that the actual bids had come in less than Mr. Pitcher had estimated and indicated on the spreadsheet that had been submitted to the City.

Councilmember Ireland wondered whether this was the best time to do this project and asked if it could be put off until the roads needed to be expanded with the future development of Hidden Valley.

City Engineer Chris Trusty stated he wasn't aware of any plans to expand Ranches Parkway and Pony Express Parkway. Traffic on these particular roads would be alleviated with the future construction of the Hidden Valley Expressway and he didn't anticipate that they would need to be expanded. Mr. Trusty was unsure of the build-out for Hidden Valley but thought that the service on Ranches and Pony Express Parkways would probably be reduced from an A2 to a D at peak times with the development of that area.

Councilmember Cieslak thanked the HOA for using a company from Eagle Mountain. He asked whether some of the landscaping would be replaced with xeriscape.

Mr. Haskell responded that, in the long run, grass was more cost effective than xeriscape. It took more time and effort to maintain the xeriscape even with the use of good landscape paper. It was easier to maintain good healthy grass than weed around the rocks used to xeriscape. The HOA would continue to maintain the property and cover that cost.

Councilmember Ochsenhirt asked what caliper of tree they intended to plant. He recommended a 3" caliper.

Mr. Pitcher responded that the trees were 2" caliper.

The Council reviewed the proposed plans.

MOTION *Councilmember Painter moved to authorize staff to prepare an agreement with The Ranches Homeowners Association for the safety landscaping improvements and site amenities project along Ranches Parkway and Pony Express Parkway in an amount not to exceed \$70,000.00. Councilmember Ochsenhirt seconded the motion.*

Councilmember Burnham stated that given the current economic times, she appreciated the partnership with The Ranches HOA and that this project was a cooperative effort.

Councilmember Ireland wanted to clarify that the agreement would be bought back for approval at a later time, documenting the terms of the agreement. Any improvements to the fountain at the entrance to The Ranches were not included in this particular proposal and would be addressed at a later time.

Mayor Jackson concurred and suggested that Councilmember Ireland discuss the issue of the fountain with the HOA and that it could be placed on the agenda at the Council's request.

Councilmember Ochsenhirt called the question.

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

9. BID AWARD – Consideration and Approval of a Bid Award to W-W Equipment for the Pony Express Days Rodeo Arena and Rodeo Equipment.

The proposed bid award would provide the City with rodeo arena equipment for the Pony Express Days Rodeo. Mayor Jackson opened the discussion, stating that the recent Pole Canyon annexation included the construction of rodeo grounds. With the upcoming Pony Express Days

Mayor Jackson wanted to consider the possibility of the City hosting a rodeo. Angie Ferre contacted Westlake High School to see if they would be interested in participating at a high school level.

After several meetings with the FFA, they recommended that the City do a Professional Rodeo Cowboy Association (PRCA) event. The City researched their options and determined that if they purchased the equipment and hosted the PRCA event, eventually, if the City continued to host a yearly rodeo, it could be self sufficient and cover the total costs of Pony Express Days. DAI, the developer for the Pole Canyon annexation, would repay the City for the cost of the equipment, \$25,000 now and the remaining amount over a 5-year period for a total contribution of \$107,000. This would cover DAI's obligation included in their Master Development Agreement. The City would have an initial upfront cost of approximately \$98,000 for equipment and a later cost of approximately \$45,000 for 3000 bleachers for the event.

The rodeo for 2010 would be held adjacent to Pony Express Park in City Center and the equipment could be relocated to the proposed Pole Canyon rodeo arena site when it was ready.

The City had taken the first step and submitted an application and had been accepted as a member of the PRCA. Contact had also been made with rodeo celebrity Rusty Allen who is a resident of Eagle Mountain. Mr. Allen had agreed to be an ambassador for the City and assist with the event.

Assistant City Administrator Ifo Pili presented the Council with the current cost of Pony Express Days, stating that the City generally spends approximately \$85,000 for the yearly celebration. If the City decided to do the rodeo as a yearly event, there would be a deficit the first year but the City could expect to be in the positive for future years. The City would borrow the necessary funds from the utility fund which would be refunded over the next five years. (Projections were estimated at \$5/ticket.)

Councilmember Painter asked what interest rate DAI would be charged to repay their portion of the cost.

City Administrator John Hendrickson replied stating that the City was still negotiating the terms of the agreement.

Councilmember Painter expressed his concerns regarding the anticipated turnout. The City was counting on the rodeo selling out to cover the costs – 3000 seats per night for three nights. What would happen if only 500 people showed up?

Angie Ferre responded that the City was going to advertise and that they had already received a lot of interest in the event. Ms. Ferre was confident that it would sell out. The City had been fund raising and had over \$100,000 already pledged. An additional \$30,000 had been pledged in trade. Ms. Ferre added that she had always met her goals in fund raising and didn't foresee it being a problem in the future. Pledges had always followed through. Ms. Ferre noted that it was much easier to raise funds for the rodeo than for Pony Express Days, there was a much greater interest in the rodeo.

Discussion ensued regarding the pricing and what other cities charged in comparison. Ticket prices would be: adults \$7; children \$5; and family night on the Friday evening was \$30/family.

Councilmember Burnham asked about parking and wanted to make sure that the ball fields would be protected. Mayor Jackson said that there would be sufficient parking and that the ball fields wouldn't be impacted by the event.

Councilmember Burnham asked whether there was an entrance fee for the participants.

Ms. Ferre said that they didn't have one in place but she would check with other cities to see if they charged.

Councilmember Ireland commented that the City had raised about \$45,000 in previous years for Pony Express Days and that he was concerned that the number anticipated to collect in fund raising would almost triple. Councilmember Ireland asked how confident was Ms. Ferre in raising these funds not only for this year but in the years to come.

Mayor Jackson believed that people would be calling the City to sponsor the event.

Ms. Ferre noted that there were only three rodeos in Utah County and she was confident that the event would sell out. This rodeo would mainly draw people from Utah County.

Mr. Hendrickson stated that the amount of funds taken from the general fund would be reduced over time. He was confident that the City would be successful.

Councilmember Ireland stated that people involved with rodeos like to travel and thought that the event would attract people from other cities.

Mr. Pili added that if the event didn't sell out and only half of the sponsorship came in, the City wouldn't be far from covering what it generally contributes to Pony Express Days.

MOTION

Councilmember Cieslak moved to approve a bid award to W-W Equipment for the Pony Express Days Rodeo Arena and Rodeo Equipment for \$98,369.20. Funds will be taken from FY 2009-2010 budget from the Telecom Reserve Fund. Councilmember Ochsenhirt seconded the motion.

Discussion ensued regarding the interest rate and what rate should be charged to DAI to repay the equipment costs. The terms of the agreement would be brought back to the Council for approval as an addendum to their original Development Agreement. The Telecom Fund would be collapsed into the Capital Facilities Fund and that is where the money would be repaid to by DAI. The interest rate charged to DAI would be determined by staff; however, Mayor Jackson recommended that the interest rate charged by the City will never be less than the interest that the City would generate from the funds, and that the rate not exceed 4.5%.

Councilmember Ireland asked if the marketing costs will need to be increased to market the rodeo as the numbers that were presented didn't include an increase.

Mayor Jackson stated that the budget will need to be amended to address those additional costs.

Ms. Ferre stated that she had budgeted \$30,000 for marketing and that she didn't anticipate any additional costs as she had worked out an arrangement with Channels 5 and 13 for some

advertising. This was a trade sponsorship arrangement, there may be a small cost but she didn't know at this point.

Mayor Jackson added that Kassing Andrews had also agreed to help with advertising.

Councilmember Painter asked if these types of events were ever done privately.

Ms. Ferre discussed creating a 501c(3) where funds could be generated to support the event and not have to be put back into the General Fund. Initially, the City would run the rodeo and then transfer it where it could generate revenue and be run by a community committee. That's the direction the City wants to go.

Mr. Pili stated that the City has wanted to move Pony Express Days to a 501c(3) but has been subsidizing the event for years. It makes sense to move in that direction when the event is making money, generating revenue and not impacting the General Fund.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. Those voting nay: John Painter. The motion passed with a 4 to 1 vote.

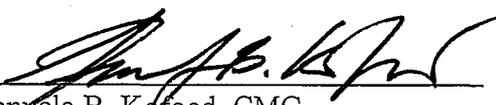
Councilmember Painter stated that he did not feel like he had adequate time to make an informed decision on the item. Additional time was needed to study it all out, get analysis and see what the details are. He believed that there were too many unanswered questions. It wasn't that Ms. Ferre wasn't capable of pulling the event off, but that additional time was needed to make the proper decision. He felt that he was placed in a difficult position that was sprung on him without enough time or information to comfortably prepare and make a decision. His "no" vote was that he just didn't know.

Councilmember Ireland agreed with Councilmember Painter; however, based upon the numbers that were presented, the City wouldn't have to subsidize that much more than they already did for Pony Express Days even if the rodeo didn't do as well as was anticipated.

10. ADJOURNMENT

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

APPROVED BY THE CITY COUNCIL ON APRIL 20, 2010


Fionnuala B. Keofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 20, 2010

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

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

4:00 PM WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: Eric McDowell, Sheriff; Adam Ferre, Energy Division Director; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; John Hendrickson, City Administrator; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Jenalee Harper, Deputy Recorder; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Paul Jerome, Senior Accountant; Dave Norman, Assistant City Engineer; and Linda Peterson, Public Information Director.

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

Lori Howes presented the Fire Department with awards.

1. DISCUSSION – Tiered Water Rates
2. DISCUSSION – Energy Efficiency Incentive Program
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.
5. 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, Nathan Ochsenhirt, and John Painter. The motion passed with a unanimous vote.*

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt, and John Painter.

CITY STAFF PRESENT: Eric McDowell, Sheriff; Adam Ferre, Energy Division Director; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; John Hendrickson, City Administrator; Rand Andrus, Fire Chief; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Jenalee Harper, Deputy Recorder; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Dave Norman, Assistant City Engineer; and Linda Peterson, Public Information Director.

6. CALL TO ORDER

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

7. PLEDGE OF ALLEGIANCE

Bryan Free led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express Days will begin May 27 through June 5. All information for Pony Express Days is available on the City website. Tickets are also available online for most events. The PRCA Rodeo will be held May 27 – 31.
- The City is in need of 50 volunteers for a cleanup project with Cabella's on June 1 from 5 to 7 p.m. in the City center. For more information please contact Angie Ferre at angief@emcity.org.
- Volunteers are also needed for the City's annual cleanup of the Veteran's Memorial Park by Camp Williams on May 27 from 4 to 8 p.m. For more information please contact Bonnie Elhalta at belhalta@emcity.org
- Discounted trees available for purchase will be available at the Public Works building on April 24 from 8 a.m. to 1 p.m. They will be sold only on Saturdays until the trees are sold out. More information is available on the City website.
- Dumpsters are available at the Public Works building for spring cleanup until April 30. Larger items such as appliances are not allowed to be dumped. No dumping of garbage around the dumpster is allowed.

9. PUBLIC COMMENTS

Nikki Wickman, 2766 Fort Hill Road, would like to see the gravel on the road near the gravel pit cleaned up. She has had broken windshields and feels that it is dangerous to motorists. She asked that something be done to clean it up.

Jennifer Holdsworth, 4632 Independence Way, explained that where the trails meet the road there is no landscaping and that it is just dirt. She would like to see these landscaped so that children riding the trails don't get muddy when it rains.

Marci Taylor, Lake Mountain Road, thanked the City for the improvements that have been made to Lake Mountain Road. She also stated that people have been camping, building fires, and riding on people's private property on Lake Mountain Road. She explained that trash is also being dumped at the ends of Lake Mountain Road such as mattresses and oil. She asked if the City could put a notice in the newsletter to remind residents that this is private property and that no camping or trash dumping is allowed.

Mayor Jackson asked Linda Peterson to put this information in the newsletter.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

No comment.

Councilmember Ochsenhirt

No Comment.

Councilmember Painter

Councilmember Painter explained that he has spent a lot of time to try and balance several factors regarding the recreation center. He said that for him and his family it would get tremendous use. He stated that many times in his life he has been torn between something that he wanted and something that he could afford. He feels that there is a fine line between government involvement with the recreation center and the private sector.

Councilmember Cieslak

Councilmember Cieslak thanked the residents for coming to the meeting. He stated that he did not vote for the recreation center, but voted to give an opportunity to the residents to vote for or against it. He explained that he has received quite a few emails on this topic. He said that he had asked the Recorder's Office for election results for all of the municipal elections. He had put the information together into a report to see voter turnout results. He stated that an average turnout for a primary election is 19.5%. He feels that this report shows that when topics matter to the residents of Eagle Mountain they will show up to vote. He said that with a good plan to educate the populace you can get a higher voter turnout than normal. He requested that when people make public comment or send emails to the Council that they remain polite and stick to the facts. He stated that he does not appreciate it when people attack his family and say things like, shame on you, you're not a representative of me. He feels that when people do this it negates their opinion. He asked that residents stick to the facts and issues without personally attacking people. He said that the Mayor has been attacked on this issue even though she did not vote for it. He stated that if there is a concern with how the Council voted then the residents need to voice their concern with the Council.

Councilmember Ireland

Councilmember Ireland reminded residents that April 23rd is the deadline for opting out of the recycling program. He felt that there may be some confusion with the recreation center and stated that it is an outdoor aquatics facility only. He asked that the residents making public comment state whether they are for or against the recreation center and to stick to the facts such as the economic impact to the residents. He also asked that everyone be respectful to each other and concurred with Councilmember Cieslak's comments.

Mayor Jackson stated the Pony Express Parkway has been closed for more than a week. She said that there have been accidents every single day on S.R. 73 because of it. She reminded everyone to slow down and pay attention to avoid accidents. She said that UDOT has increased the time of the left hand turn light to allow more traffic to get through. She stated that Pony Express Parkway should be completed by June 3. She also explained that it is illegal to shoot within the City limits

and that it is very dangerous. She stated that late in late June/early July the widening of SR 73 should begin.

11. RECOGNITION

- A. Fire Department Awards – *This item was moved to 4:00 p.m.*
- B. Fionnuala Kofoed, Melanie Lahman – CMC Award

Mayor Jackson explained that Mrs. Kofoed and Mrs. Lahman had received their Certified Municipal Clerk Award. She congratulated them on this achievement.

Mrs. Kofoed explained that it generally takes three years of courses to receive this certification.

CONSENT AGENDA

12. MINUTES

- A. March 16, 2010–Regular City Council Meeting
- B. March 30, 2010–Special City Council Meeting, Budget Session

13. DEVELOPMENT AGREEMENT

- A. Jacob's Well, Plat C

14. CHANGE ORDER

- A. Professional Services for Wastewater Reclamation Facility - Rodco Construction

MOTION:

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

SCHEDULED ITEMS

15. PUBLIC HEARING – Proposed 2010 Recreation General Obligation Bonds.

On March 16, 2010, the City Council of Eagle Mountain adopted a resolution that authorized the calling of an election concerning the issuance of the City's General Obligation Bonds. The public hearing allows Public Comment regarding (1) the issuance of not to exceed \$7,000,000 General Obligation Bonds to finance costs of constructing a community recreation facility and related improvements and (2) any potential economic impact that the improvements, facilities or properties financed in whole or in part with the proceeds of the bonds may have on the private sector.

Mayor Jackson explained that this is not a full blown recreation center and that it is an outdoor aquatic center only. She stated that it is similar to the outdoor aquatics facility in Payson. She also explained that a prior meeting the Council voted 3 to 2 that the outdoor aquatics center should go to bond election to give the residents an opportunity to vote yes or no on the center. She said that a previous plan was estimated to be \$9,000,000 but that this would put the City in the red zone every year so the City chose the \$7,000,000 option which gave the City a better chance of breaking even each year. She explained that by voting yes to the recreation center this would increase property taxes so that the City could go after a loan to build the facility.

Mr. Kinghorn explained that the local government bonding act requires that the City Council hold a public hearing to receive comment from the public with respect to the issuance of the bonds. He said that the statute doesn't require the Council to take any action, but that they can place an action item on the next meeting if the Council wants to.

Mayor Jackson opened the public hearing at 7:50 p.m.

John Lala, 8389 Crest Road, said that the Daily Herald indicated that the Council had passed the bond issue. He thanked Councilmember Ireland for voting no to the recreation center. He explained that there are bankruptcy stories and job loss stories in the newspaper as well. He feels that the recreation center cannot survive in this economy and on Eagle Mountain's tax base. He said that there are 150 businesses in Eagle Mountain and wanted to know what these businesses have paid the City.

Mayor Jackson stated that the business license fee is \$75 for commercial businesses and some home based businesses. She said that it's \$25 for most home based businesses.

Justin Pinkham, 3874 Smith Ranch Road, stated that he goes to an indoor recreation center in Orem. He explained that Lehi struggles to meet operating and maintenance costs with their outdoor facility. He is opposed to an outdoor recreation facility.

Stephanie Rocssello, 1963 Revere Way, does not want a June bond election for the recreation center. She feels that it would be in the City's best interest to hold the election in November. She feels that it will waste tax payers money and that more people will turn out to vote if it is held in November.

Mayor Jackson explained that there will be a primary election because of the number of people that have put in for the school board position.

John Hooser, 1583 Tumwater North Drive, explained that he had done some quick figuring and has found that it will cost each residence \$33.33 per month to have a recreation center. He feels that it is not right to charge residents who do not want the recreation center. He said that once the taxes are raised they will never go away.

Bryan Free, 7654 Red Kite Way, feels that it is the residents responsibility to vote for or against the recreation center. He wants people to get out and vote and to become educated on the topic. He wants to see the bond election held in June.

Gilbert Taylor, 7299 N Ute Drive, feels that all major projects including the recreation center should be tabled for now, because of the general economic situation. He also said that this recession is going to devastate families.

Bryan Free read comments on behalf of Amanda Hammond, 3714 Summer Way. He read "I have heard it said that we are letting 10% of the population vote on a seven million dollar bond. If we don't let the ballot go to the ballot in June we are letting 10% decide for us. By putting it on the ballot in June we are inviting 100% of the population to have a voice in regards to the Eagle Mountain recreation center."

James Stock, 2099 E Hickock Way, stated that to his knowledge the Mayor and Council Members are all Republicans. He read three paragraphs from the Utah County Republican Party Platform. He feels that the government should not own things such as golf courses and recreation centers. He stated that this is a massive government spending project that the government has no business getting in to. He feels that there are many things within the City that need to be completed before the City builds a recreation center. He encouraged the Council to re-read the Republican Party Platform and then re-examine their votes on this issue.

Gary Caulkin, 1758 American Way, explained that he supports privately owned, constructed and operated recreation centers. He feels that the City should offer incentives to private parties to build a recreation center rather than taxing the citizens of the community for a place.

Jennifer Webb, 7639 Sparrow Hawk, expressed appreciation for being allowed to vote on the issue. She feels that whether the election is held in June or November should be up to the citizens to decide. She said that there will be a cost savings if the election is held in June. She explained that people will vote whether the election is in November or June.

Elaine Duke, 2156 E Sunrise Drive, feels that it is important to hold the bond election in June to save on costs of construction, loan fees and loan interest if the recreation center would pass. She stated that if there isn't an election in June nothing would be possible until 2012. She feels that time and gas costs would be saved from not having to drive to and from the Lehi recreation center.

Lynnette Rose, 2135 Ranch Road, loves to see residents coming out to comment on this topic. She feels that the recreation center will keep residents interested and help keep the tax dollars within the City. She said that it will save money on gas, time, food, etc. She likes the idea of allowing residents to vote on this issue, because not all Cities allow their residents to voice their opinions and are simply forced to comply with decisions made. She feels that waiting until November to vote will allow costs to stack up and rise making it more expensive to build a recreation center in the long run.

Casey Jones, 3299 Appaloosa Way, thanked the Mayor and Council and snow removal crew for doing a good job. He stated that last year there were four months that there was no snow and doesn't see that the pool will make enough money only being open for that long during the year. He explained that with the wind out in Eagle Mountain the pool will have to be closed. He said that the City does not need any more debt and should be putting money aside for hard times.

Erin Madsen, 9776 N Oquirrh View Drive, said that she considers the Councilmembers to be her friends. She feels that not everyone will vote on this issue. She explained that she does not want to see a recreation center built and that she does not believe in socialized recreation. She doesn't want the bond election to be held in June she would like to see it in November.

James Pope, 859 Russell Road, would like the bond election to be in November. He doesn't want to see less than a 90% turnout during the bond election. He feels if there was a reserve and a great economy he may be in favor of the recreation center. He does not want to see the City go into debt for this. He said that the City is not in the position to be wasting money on things such as statues. He would like to see a reserve built up before money is spent.

Charlotte Ducos, 9328 N Deerfield Circle, would like to see a pool but feels that the issues of taxation, small government and the roles of government have made her feel that the City should

not bond for a want. She feels that in this economy the City should not be spending this kind of money. She sees no reason why people can't vote in June and does not see a reason why the turnout can't be the same regardless of when the election is. She said that some people act as if something is barring them from voting in June. She stated that the polls will be opened the same number of hours whether the election is in June or November.

Jennifer Konold, 9467 N Sunset Drive, said that she is concerned that the Council is even considering building a recreation center in this economy. She figured that it will be a 34.29% tax increase to each residence if the recreation center is built. She feels that in June people's minds are on vacationing and that they will be more focused in November so the bond election should be held then. She would like to see the aquatics center presentation posted on the website for citizens to review. She thinks that the cost far exceeds the economic impact. She feels that the skate park was a waste of money and that it looked cheap and worries that the recreation center will be the same way. She stated that it's not the government's job to entertain residents.

Royce VanTassell, 3659 Royal Troon Drive, stated that he was the Vice President of the Utah Tax Payers Association. He feels that the bond election should be moved to November. He said that the turnout for elections is greater in November rather than June. He said that for this reason this critical topic should be moved to November.

David Benight, 3648 Scotsraig Drive, feels that Eagle Mountain will not grow in the future because there is nothing for families to do. He said that there are many negative comments about the recreation center. He explained that he was tired of hearing that tax officials know better than others and he wants the opportunity to vote in June. He said that the vast majority of residents have kids that would benefit from a recreation center. He also said that construction costs to build a recreation center will be 25% less than next year. He feels that more business will come to the City because their employees will want to live here and have something to do.

Media Burton, 2441 Ranch Road, stated that she was against the recreation center. She thinks that the City should be focusing on attracting businesses to Eagle Mountain and that the recreation center should be privatized. She said that if the recreation center is built it will increase her property taxes 3 to 4 times more than other properties. She feels that it would be better to base the increase per capita or only tax those who will be using it. She stated that holding the election in June is deceptive to the residents and makes them feel as if this issue is trying to be pushed under the table. She wants the election to be in November.

Dee Scott, 2167 Weeping Willow Way, feels that the majority of Eagle Mountain citizens should be given the opportunity to vote.

Mayor Jackson stated that some individuals had to leave the meeting so she would read their comments.

The following comments were read by Mayor Jackson.

Daniel & Carlene Hishoni, 3945 E Comanche Street, are opposed to the recreation center because of additional taxation. They feel that there have been too many foreclosures and that the recreation center will not pay for itself.

Mackenzie Casey, 8614 Hancock Circle, feels that it is important for the residents to vote and is

thankful for the opportunity that the Mayor and Council are giving to the people to let their voices be heard.

Zac Huish, 3564 James Street, feels that the recreation center decision should be made by the citizens. He would vote for the increase so that his kids would stay close to home in the future. He feels that it would be more convenient than using the Lehi recreation center. He also feels that it is a great opportunity for residential and business and growth.

Charles Carlile, 7657 Sparrow Hawk Way, is concerned with raising taxes to fund an aquatic center. He feels that many people might not use it and would like to see a private enterprise fund it.

End of comments read by Mayor Jackson.

Mayor Jackson closed the public hearing at 8:48 p.m.

Mayor Jackson said that the bond amount is for 20 years. She said that if the City does not grow at all and it keeps the same taxable value it currently has, it would not go up. She explained that if property values go down then the tax rate would go up. She said that the dollar figure would remain the same because the obligation is still the same. She stated that in the initial estimations that were given to the City by Lewis, Young, Robertson and Burningham, if the bond election were to move until November it would cost the City an additional \$305,000.

Mr. Hendrickson explained that the \$305,000 amount is based off of a 15 year bond.

Mayor Jackson feels that the process of the bond election needs to be fixed. She would like to see the public hearing held first so that the Council can take the public's comments into consideration.

Councilmember Ireland thanked the residents for sharing their comments. He requested that the bond election resolution be brought back before the Council at the next meeting for a vote.

Councilmember Cieslak felt that if a plan was put together it could be possible to get a high voter turnout for the June election but that he just can't argue with the voter turnout from past elections. He would also like an opportunity to vote for the bond election resolution again.

Councilmember Painter stated that several months ago the City conducted an online survey regarding the recreation center and that over 600 people participated. He said that over 60% of these people were in favor of a facility and in favor of paying for it. He feels that the 25 people who made public comment should be added to this total number.

Councilmember Ochsenhirt stated that they have been discussing the recreation center for a long time. He expressed appreciation for those who commented and feels that this should be the resident's decision. He thanked everyone for being respectful.

Councilmember Burnham echoed Councilmember Ireland and Councilmember Cieslak's comments. She feels that the opportunity to vote should be given to the majority of residents not the minority. She stated that she is not sure why less people turn out to vote in June. She wants to see the election held in November. She also stated that many comments suggested that there was nothing to do here in Eagle Mountain and that her kids always have something to do.

Councilmember Ochsenhirt stated that he initially supported the June election because there is thousands of dollars at stake. He feels that if the residents care enough that they will come out and vote. He said that if people don't come out and vote it shows that they don't care enough. He feels that you also can't argue with the voter turnout facts.

Councilmember Painter stated that there may have been some confusion regarding Councilmember Ireland's request and Councilmember Cieslaks request.

Councilmember Cieslak stated that he would like to rescind the resolution so that the Council can have an opportunity to move the election to November.

16. **PUBLIC HEARING – Community Development Block Grant (CDBG) Seniors' Transportation.**

Mayor Jackson explained that Eagle Mountain City submitted an application for a CDBG grant fund for the purchase of a van for transportation for Eagle Mountain seniors. She explained that the grant was awarded and the City is required to hold a public hearing to receive comments from the community concerning the project that was awarded under the 2010 CDBG program. She explained that the grant is for \$56,352.00 and the City's contribution would be \$9,450.00 which is 15%. She stated that the van will be wheelchair accessible.

Mrs. Kofoed stated that the original van that the City had looked at was a 16 passenger van with the capacity for two wheelchairs. She said that the cost is significantly higher for ADA accessible vehicles. She explained that back in November the City found a van that cost approximately \$64,000.00. She said that the City is not sure of what is available on the market right now and that they would have to wait until June before anything was brought back before the Council.

Mayor Jackson explained that there is a very active senior community and Senior Council, and that all of their events and activities are listed on the City website. She feels that this van will help those seniors that are unable to leave their homes on their own.

Mayor Jackson opened the public hearing at 9:08 p.m.

Casey Jones, 3299 Appaloosa Way, asked who pays for the upkeep of the vehicle, gas and driver of the vehicle.

Mayor Jackson explained that all of those expenses would be paid for by the City. She stated that the funds have been included in the fiscal year 2010-2011 budget.

Ron De Robles, 2065 Jordan Way, feels that this is a great idea.

Donna Milakovich, 4261 N Saddle Horn Drive, commended staff who wrote the grant and thanked the City for reaching out to do something for the Seniors. She is grateful that the City received this grant.

Mayor Jackson closed the public hearing at 9:13 p.m.

17. **RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Amending the Policies and Procedures Manual.**

The proposed amendment to the Policies and Procedures Manual reflects the new title of Public Information Director and clarifies how media requests should be handled by staff. Also proposed is an amendment regarding donation of leave to include maternity leave and limits the number of donated hours received by an employee on maternity leave to 160 hours. It is also proposed that the position of the fire captain be removed from the list of employees not eligible for appeal rights.

Councilmember Painter asked for clarification for who an eligible recipient is.

Mr. Hendrickson explained that it is for people on maternity leave, or for those who have an unusually grave or unsuspected illness or accident. He explained that employees cannot receive donated long term sick leave if they have long term sick leave of their own. He also stated that those donating leave must keep at least 96 hours of long term sick and their donations cannot take them under that amount. He explained that the individual receiving time does not know who donates time to them. He stated that individuals are not allowed to solicit for time.

Councilmember Ireland asked what would happen to an individual if they ran out of all of their long term sick leave.

Mr. Hendrickson explained that in that type of a situation an employee would be provided with FMLA leave which means the employee would have a job to come back to but that it would be unpaid leave.

Councilmember Ireland asked if 160 hours of donated leave was excessive.

Mayor Jackson said that this donation is for someone who is ill and unable to come to work to try and help mitigate some of their costs if other employees are willing to donate their time.

Councilmember Ireland asked if there was a policy on maternity leave.

Mr. Hendrickson stated that there is a policy in place with FMLA.

Mayor Jackson explained that an employee may use what leave they have for maternity leave and that if something unexpected came up and the employee was out of their own leave, this would allow other employees to donate to them.

Mayor Jackson reminded the Council that not every pregnancy is planned and that maternity leave is being added to help the employees out.

Councilmember Painter asked who makes the determination if someone has an unusually grave illness and needs time donated to them.

Mr. Hendrickson explained that it is the administrator's decision and that the Mayor will also give input. He stated that doctor's evaluations are also required to help make determinations.

Councilmember Painter asked if the City participates in any long term or short term disability benefits.

Mayor Jackson stated that the City does not participate in any disability benefits, which is why they offer the long term sick leave donation.

Mr. Pili explained that an employee must be out of work for more than a week in order for their long term sick to kick in. He said that once it kicks in the employee must use their own long term sick before others can donate time to them.

MOTION: *Councilmember Cieslak moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, amending the Policies and Procedures Manual to reflect the new title of Public Information Director and to clarify how media requests should be handled, that the policy regarding donation of leave be amended to include maternity leave and to limit the number of donated hours received by an employee to 160 hours for any single occurrence of maternity leave or unexpected illness or accident, and that the position of fire captain be removed from the list of employees not eligible for appeal rights. Councilmember Ochsenhirt seconded the motion. The motion passed with a unanimous vote.*

Councilmember Ireland felt that 160 hours seemed excessive and asked why that number was chosen.

Mr. Hendrickson said that before this change it was unlimited and that a month was chosen because it seemed reasonable and not excessive.

Councilmember Ochsenhirt feels that a month is a reasonable amount of time for someone who needs help during extenuating circumstances.

Councilmember Ireland said that federal law says that the City has to keep the employee's job while they are out.

Mayor Jackson said that employees do not have to donate their time, it is only if they want to. She said that if someone was out of work for 4 weeks and had no leave and no short term disability it starts a downward financial spiral. She feels that by allowing employees to donate time to each other is a benefit.

Mrs. Kofoed explained that when she previously worked for the City she had an unexpected surgery that put her out for six weeks. She said that two weeks of leave was donated to her and that she could not have survived without it. She also stated that just because you can receive 160 hours of donated leave does not mean that you will always need that.

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

18. AGREEMENT – Consideration and Approval of an Agreement with Powder River for the Pony Express Days Rodeo.

The City has selected Powder River as a consultant rodeo producer to assist the City in the Pony Express Days Rodeo conducted as a City activity at the Pony Express Park in Eagle Mountain City. Powder River has the expertise to assist the City in the design of the rodeo arena and related chutes and stockholding pens, the provision of personnel to produce the rodeo, and to provide

consultant services to the City with respect to other services needed by the City in connection with the rodeo.

Mayor Jackson stated that the fiscal impact of this agreement would be \$98,368.20. She said that by approving this agreement it will allow the City to purchase the rodeo equipment. She explained that an agreement with Pole Canyon is still being worked out.

MOTION: *Councilmember Ochsenhirt moved to approve an agreement with Powder River for the Pony Express Days Rodeo in the amount of \$98,368.20 and authorize the Mayor to execute the agreement. Councilmember Burnham seconded the motion.*

Councilmember Cieslak said that based on financial information provided to the Council this rodeo will eventually allow the City to move away from subsidizing Pony Express Days.

Councilmember Ireland feels that the other agreement with the Pole Canyon individuals should be in place before this is approved.

Mayor Jackson said that the agreement will be put into place.

Councilmember Ochsenhirt felt that DAI had invested too much into the project to default on this agreement.

Councilmember Burnham feels that by approving this even if the developer does not pay his portion for five years it helps the City come ahead on costs for Pony Express Days.

Mayor Jackson said that with all of the projections on costs the City would be down \$20,000.00. She said that this year the developer has to pay the City \$25,000.00 per the current agreement they have with the City which puts the City at a gain of \$5,000.00.

Councilmember Painter hopes that the rodeo is extremely successful but feels that the City is trusting numbers that someone else is projecting. He explained that he does not support this because of the risk factor.

Those voting aye: Donna Burnham, Eric Cieslak and Nathan Ochsenhirt. Those voting nay: Ryan Ireland and John Painter. The motion passed with a 3 to 2 vote.

19. AGREEMENT – Consideration and Approval of an Agreement with The Ranches Homeowners' Association for the Safety Landscaping Improvements and Site Amenities Project along Ranches Parkway and Pony Express Parkway.

The proposed agreement is between Eagle Mountain City and The Ranches HOA to remove some median features as a safety precaution along Ranches and Pony Express Parkways. The proposal also includes additional landscape improvements along both corridors.

MOTION: *Councilmember Burnham moved to approve an agreement with The Ranches Homeowners' Association for the safety landscaping improvements and site amenities project along Ranches Parkway and Pony Express Parkway in the amount of \$68,795.68 and authorizing the Mayor to execute the agreement. Councilmember Ochsenhirt seconded the motion.*

Councilmember Cieslak noted that the Council has lengthy discussions on these items during Work Session and that the Council is not just going through and approving items.

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

20. AGREEMENT – Consideration and Approval of an Agreement with UAMPS for an Energy Efficiency and Conservation Block Grant.

Eagle Mountain City and participating members of UAMPS submitted a joint application to the Utah State Energy Office for an Energy Efficiency and Conservation Block Grant. The purpose of the grant was to retrofit existing streetlights with new LED streetlight lamps. The grant was awarded and proposed Memorandum of Agreement documents the terms of the agreement between the State Energy Office and the participating members. Eagle Mountain was allocated 114 LED streetlights for a total of \$51,300.

Mr. Ferre stated that this grant was so well put together that they didn't have to go through a lengthy review process.

MOTION: *Councilmember Cieslak moved to approve an agreement with UAMPS for an Energy Efficiency and Conservation Block Grant in the amount of \$51,300 and approve the mayor to execute the agreement. Councilmember Ochsenhirt seconded the agreement. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

21. BID AWARD – Consideration and Approval of a Bid Award for Underground Electrical and Natural Gas Services to Tempest Enterprises Inc. and Authorization of Mayor Heather Jackson to Sign an Agreement.

Mayor Jackson explained that Eagle Mountain City currently installs all the electrical and natural gas laterals within the City through a contract with Tasco Engineering. She said that the City has re-evaluated this contract and has taken it through the bid process. She explained that Tempest Enterprises was the lowest bidder and that Staff is recommending that the contract be awarded to them.

MOTION: *Councilmember Ireland moved to approve a bid award for underground electrical natural gas services to Tempest Enterprises Inc. and authorize the Mayor to sign the contract. Councilmember Cieslak seconded the agreement.*

Councilmember Ochsenhirt asked how long the contract was good for.

Mr. Ferre explained that it will be on a yearly basis and if everything is going smoothly they will renew it each year.

Mr. Kinghorn said that the one year agreement can be annually renewed for two subsequent one year periods for up to three years.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan

Ochsenhirt and John Painter. The motion passed with a unanimous vote.

22. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Painter

Councilmember Painter explained that he had the opportunity to meet with the Youth Council at a leadership luncheon that they had. He said that it is a great group of youth and they represent the City very well. He was very impressed with them.

Councilmember Cieslak

Councilmember Cieslak thanked everyone for the respectful manner when making comments. He said that for the past year he has talked about the need to contact elected officials about transportation. He stated that he attended a UDOT meeting and that while projects were being moved off of their lists, the Eagle Mountain projects have stayed.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham thanked the residents for coming to the meeting.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the residents for coming to the meeting and asked people to be patients with their neighbors while the roads are closed. He asked people to be respectful and drive safely.

Mayor Jackson reminded everyone to slow down while driving and to be safe while driving to mitigate the amount of accidents occurring.

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.

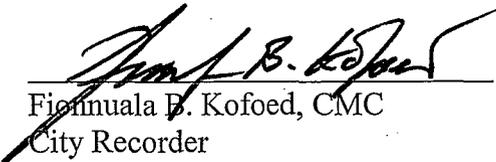
24. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Reports

25. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:53 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 4, 2010


Finnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 4, 2010

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

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

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

4:00 PM WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Rachel Bentley and Ikani Taumoepeau, Management Interns; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant.

Mayor Heather 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. Sustainability Committee Update

This item was not discussed.

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 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 yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt, and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:13 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Mumford, Planning Director; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Sali Burningham led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The State Transportation Commission has voted to delay the widening of SR 73. The City newsletter will include email addresses or phone numbers for elected representatives, Transportation Commissioners and UDOT officials. She asked residents to contact them and ask to have the road project reinstated.
- Pony Express Days will be held on May 27 – June 5. Information is available on the City's website, including events, sponsorship opportunities and ticket sales.
- The City's first PRCA Rodeo will be held from May 27 – May 31, except for Sunday. The Rodeo Pageant will be held on May 27. A rodeo arena was just built at Pony Express Park.
- The City is looking for volunteers for a community clean-up project with Cabela's on June 1 and a clean-up/landscaping project at the Veterans' Memorial Park on May 27.
- The Military Care Package drive will be May 10 – 21, as well as during Pony Express Days.

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.)*

Nikki Wickman, 2766 Fort Hill Road, was shocked that the SR 73 road project has been delayed and asked that everyone do something to help get the project constructed.

Bryan Free, 7654 Red Kite Way, supported voting on the recreation center in November.

Jen Morrison, read a statement opposing the rodeo, due to the stresses experienced by the animals used in the events.

Tiffany Ulmer, 1320 Harrier Street, announced that a school board candidate debate will be held in the City Council Chambers on Wednesday, May 19 at 7:00 p.m. Residents can email questions to be considered for debate to schoolboardrace@gmail.com.

Charlotte Ducos, 9328 Deerfield Cr., thanked Chris Trusty and the others who worked on the proposed tiered water rates. A large lot can't be watered with the same amount of water as a small lot. She was glad to hear the City is going to fight for the SR 73 widening project.

Mayor Jackson offered some information on road projects. The UDOT projects constructed in the last two years improve traffic flow only as far as Saratoga Springs, which has a much smaller population than Eagle Mountain. Pony Express Parkway is not a UDOT project. UDOT Region 3 has been responsive to Eagle Mountain, but UDOT administration and the Transportation Commission have not. Utah County has contributed \$190 million to road projects, which no other county has done, but 68% of the delayed projects are in Utah County. Davis County transportation projects have been fully funded.

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 Ireland

Councilmember Ireland thanked residents, especially the youth, for attending the meeting. He reminded residents that their grass doesn't need to be watered yet. He said the City has trees for sale at a discounted price on Saturdays from 8:00 to 1:00 at the Public Works Building.

Councilmember Burnham

Councilmember Burnham said the school board debate is important to everyone, not just people with children, because Alpine School District gets a large percentage of everyone's property taxes. She asked everyone to watch out for children, including walking behind their vehicles before backing out of driveways.

Councilmember Ochsenhirt

Councilmember Ochsenhirt mentioned the kinds of trees available to be purchased from the City. He asked residents not to water their lawns yet, to watch for small children and to slow down while driving. He thanked residents for coming to the meeting.

Councilmember Painter

No comment.

Councilmember Cieslak

Councilmember Cieslak thanked residents for coming to the meeting and taking an active interest in government. He asked residents to contact officials about transportation and ask their neighbors to do the same. He also asked them to slow down when driving.

Mayor Jackson

Mayor Jackson announced that the May 18 City Council meeting will be a joint meeting with Saratoga Springs. They'll discuss a boundary agreement, the Camp Williams joint land use study and other issues affecting both cities. The City Council meetings in June will be held on the 8th and 22nd. Planning Commission meetings will be held on the 15th and 29th.

9. PROCLAMATION

A. Municipal Clerk/Recorders Week, May 2 through May 8, 2010

MOTION: *Councilmember Cieslak moved to approve a proclamation designating May 2 through May 8, 2010, Municipal Clerk/Recorders Week. Councilmember Painter*

seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

10. PRESENTATION – Utah Municipal Clerks’ Association Presentation of Certification to Fionnuala Kofoed and Melanie Lahman

UMCA President Donna Weaver, Mary Kate Christensen, Dan Wright and Susan Farnsworth presented Certified Municipal Clerk certificates to Fionnuala Kofoed and Melanie Lahman.

CONSENT AGENDA

11. MINUTES
 - A. April 20 – Regular City Council Meeting
12. DEVELOPMENT AGREEMENT
 - A. Jacob’s Well, Plat C
13. CHANGE ORDER
 - A. Wastewater Reclamation Facility – Stantec Consultants
14. FINAL PAYMENT
 - A. Tank 5 Waterline Project – Silver Spur Construction

MOTION: *Councilmember Cieslak moved to approve the consent agenda, with the minutes as amended. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

15. RESOLUTION – Consideration and Adoption of a Resolution Repealing Resolution No. R-05-2010 Adopted on March 16, 2010, and Providing for a Special Bond Election to be Held on November 2, 2010, for the Purpose of Submitting to the Qualified Electors of Eagle Mountain City, Utah, a Proposition Regarding the Issuance of Not to Exceed \$7,000,000 General Obligation Bonds to Finance the Costs of Constructing an Outdoor Aquatic Center and Related Improvements; Providing for the Publication of a Notice of Public Hearing; Approving the Form of and Directing the Publication of a Notice of Election and the Ballot Proposition; and Related Matters.

This item was presented by City Attorney Jerry Kinghorn. On March 16, 2010, the City Council of Eagle Mountain adopted a resolution that authorized the calling of an election concerning the issuance of the City’s General Obligation Bonds. After the public hearing on April 20, 2010 the City Council requested that the resolution be addressed at the May 4, 2010, meeting and that the original resolution calling for a bond election in June be repealed. It was the Council’s opinion that a November election would have a higher voter turnout. The proposed resolution repeals the resolution adopted on March 16, 2010 and provides for a Special Bond Election to be held on November 2, 2010.

MOTION: *Councilmember Cieslak moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, repealing Resolution No. R-05-2010 adopted on March 16, 2010, and providing for a special bond election to be held on November 2, 2010, for the purpose of submitting to the qualified electors of Eagle Mountain City, Utah, a proposition regarding the issuance of not to exceed \$7,000,000 general obligation bonds to finance the costs of constructing an outdoor aquatic center and related improvements; providing for the publication of a notice of public hearing; approving the form of and directing the publication of a notice of election and the ballot proposition; and related matters. Councilmember Painter seconded the motion.*

Councilmember Cieslak said he is voting to approve this motion to allow residents the opportunity to vote on the issue, and asked residents to vote and encourage their neighbors to vote.

Councilmember Ireland objected to the City going into debt to fund a nonessential service such as a swimming pool.

Councilmember Painter felt that the City should minimize taxes, not create an additional, permanent tax. New businesses moving into the city will not reduce this tax appreciably for residents. The City's bond rating is not as good as it could be.

Mayor Jackson said that no city builds recreational facilities with cash. Other cities build them through bonds paid for by sales tax. The residents don't have a chance to vote on it. The bond that would be paid for by this bond would end with the payoff of the bond. Sales taxes received by the city are primarily distributed by the state based on population.

Mr. Hendrickson explained that the City's bond rating has just been raised from A to AA-. An AAA rating can only be achieved by a city that has been in operation for a very long time and has a high per-capita income in relation to its debt amount. An AA rating is a very good rating. He also explained that the City has no general obligation bond debt at all.

Councilmember Ochsenhirt stated that residents should be allowed to vote. The issue should not be controlled by the Council only.

Councilmember Burnham asked if there was a way to prevent a bond election, rather than moving it from June to November. City Attorney Jerry Kinghorn responded that tonight's motion should be voted on as listed on the agenda. The Council can place an item on a future agenda rescinding this resolution.

Those voting yes: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah Repealing Ordinances O-09-2005, O-18-2004, O-15-2004, O-03-2003 and O-14-2002 and Enacting Section 13.30.010 of the City Code of Eagle Mountain City.

This item was presented by City Attorney Jerry Kinghorn. The proposed ordinance repeals all ordinances that regulate outdoor sprinkler operation by alternate day use and restricts irrigation to certain hours of the day. The new ordinance only limits the hours of sprinkler operation, during the day, between the hours of 10:00 a.m. and 6:00 p.m. every day.

MOTION: *Councilmember Ireland moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, repealing Ordinances O-09-2005, O-18-2004, O-15-2004, O-03-2003 and O-14-2002 and enacting Section 13.30.010 of the City Code of Eagle Mountain City. Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Amending the Water Rate for Water Delivered Through the Eagle Mountain City Municipal System.

This item was presented by Public Works Director Chris Trusty. The proposed resolution establishes a tiered water rate structure to promote water conservation in Eagle Mountain. There are two separate rates, one for lots less than half an acre and one rate for lots larger than half an acre. Residents will need to submit an application to the City showing that their lot is larger than half an acre to qualify for the larger lot rate. The usage for the proposed rate system is based on the state recommendation for outdoor irrigation which is 2.4 gallons per square foot per month. For half acre lots, the first tier will be up to 65 kgal/month. For lots larger than a half acre, the first tier will be up to 120 kgal/month. The first tier will be based on the City's current rate for water usage of \$0.80/kgal. Subsequent tiers will be added for every additional 50 kgal of use, with an escalating rate increase of \$0.05 per tier.

Councilmember Cieslak asked why this should be done now, rather than after the water rights study is completed next year. Public Works Director Chris Trusty responded that by repealing the watering restrictions, the City has nothing in place that encourages residents to conserve water. Councilmember Cieslak asked if a note could be placed on utility bills informing residents that they've exceeded standard watering rates, or a general note placed on all utility bills that rates will go up when standard watering amounts are exceeded. Finance Director Gordon Burt said he would find out if the billing software can do so.

Councilmember Burnham objected to the base rate for water use, saying it gives residents on large lots a better overall per-unit rate than those on smaller lots. She said that large lots have a larger system impact than smaller lots and that every household should just pay for the water it uses. She approved of the tiered water system, but not the differential between prices for large and small lots.

Mayor Jackson stated that the flat fee doesn't include usage. She also stated that large lots have to provide more water rights before they can be built on than smaller lots do.

Councilmember Ireland said that schools and churches are going to have excessive water costs if the tiered system is adopted and pointed out that watering by the City is exempt and sometimes wasteful. He said that the dividing point between large and small lots is arbitrary. He would like to see the City encourage water conservation by education rather than by billing.

Councilmember Ochsenhirt stated that the tiered plan needs to include a commercial tier.

Councilmember Painter compared water rates to gasoline prices. Drivers of larger vehicles pay more for gas because they use more, but they don't pay a different price than drivers of smaller vehicles do.

MOTION: *Councilmember Ireland moved not to adopt a resolution amending the water rate for water delivered through the Eagle Mountain City municipal system. Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham and Ryan Ireland. Those voting no: Eric Cieslak, Nathan Ochsenhirt and John Painter. The motion failed with a 2:3 vote.*

MOTION: *Councilmember Cieslak moved to adopt a resolution amending the water rate for water delivered through the Eagle Mountain City municipal system, as follows, effective no sooner than July 1.*

<i>Small Lots Usage</i>	<i>Large Lots Usage (1,000 gallons)</i>	<i>Rate (per 1,000 gallons)</i>
<i>Up to 65 kgal</i>	<i>Up to 120 kgal</i>	<i>\$0.80</i>
<i>65-115 kgal</i>	<i>120-170 kgal</i>	<i>\$0.85</i>
<i>115-165 kgal</i>	<i>170-230 kgal</i>	<i>\$0.90</i>
<i>Over 165 kgal</i>	<i>Over 230 kgal</i>	<i>\$0.95</i>

Councilmember Painter seconded the motion. Those voting yes: Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting no: Donna Burnham and Ryan Ireland. The motion passed with a 3:2 vote.

Councilmember Cieslak asked if the water conservation goal reflected in the tiered system would help Eagle Mountain attract the kinds of businesses it was looking for. Economic Development Director Ifo Pili responded that it would.

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

This item was presented by Public Works Director Chris Trusty. The proposed amendment to the Consolidated Fee Schedule reflects the Tiered Water Rates. All lots will be charged the rate for smaller lots (less than half an acre) unless an application is submitted to the City to qualify for the rate for larger lots (one acre or larger).

MOTION: *Councilmember Cieslak moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule, based on the positive vote on the tiered water rates. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

Councilmember Burnham clarified that she only voted yes because the tiered rate resolution was already passed, so it makes sense for the change to be reflected in the Consolidated Fee Schedule.

19. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah to Adopt the Eagle Mountain City Tentative Budget for Fiscal Year 2010-2011 and Set a Public Hearing for Adoption of the Final Budget on June 22, 2010 at 7:00 P.M.

This item was presented by City Administrator John Hendrickson. 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.

Councilmember Burnham asked when a decision had to be made as to where \$261,000 in Parks money should be spent. Mr. Hendrickson said that it would be decided some time before the final budget is adopted on June 22. Mayor Jackson suggested putting on the June 8 agenda. Councilmember Burnham asked that it also be discussed at the next Parks and Recreation Board meeting. Mr. Trusty will have some numbers ready for the board meeting to help them make a recommendation.

MOTION: *Councilmember Burnham moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, adopting the Eagle Mountain City tentative budget for fiscal year 2010-2011 and setting a public hearing for adoption of the final budget on June 22, 2010 at 7:00 P.M. Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

20. AGREEMENT – Consideration and Approval of an Agreement between T & B Equipment Company and Eagle Mountain City for Rental of Bleachers for the Pony Express Rodeo.

This item was presented by City Administrator John Hendrickson. The 1st Annual Pony Express Rodeo, a Professional Rodeo Cowboy Association (PRCA) certified rodeo, scheduled on May 27-31, is expected to draw at least 3,000 – 4,000 people per day over the 4-day event. This estimate is based on other rodeos in the area that regularly average 6,000 to 8,000 people per event. The City plans to rent approximately 4,000 bleachers from T & B Equipment Company to accommodate seating at the event.

MOTION: *Councilmember Cieslak moved to approve an agreement with T & B Equipment Company for rental of 3,966 bleacher seats, including the transportation, setup and removal costs and applicable sales tax, as determined by staff, and authorize the Mayor to sign the agreement and the addendum. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak and Nathan Ochsenhirt. Those voting no: Ryan Ireland and John Painter. The motion passed with a 3:2 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 Ireland

Councilmember Ireland asked that a motion be placed on the next Council meeting agenda to rescind the resolution passed tonight.

Councilmember Burnham

Councilmember Burnham noted that she and Mayor Jackson don't always agree, but she was happy that Mayor Jackson fights for the City, specifically with UDOT over road projects that the City needs.

Councilmember Ochsenhirt

Councilmember Ochsenhirt echoed Councilmember Burnham's comments. He said he also supported every member of the Council. He was very disappointed at the attempts to remove the bond resolution from the ballot.

Councilmember Painter

Councilmember Painter stated that he makes all his Council decisions based on research he has done and what he believes is best for the City. He always enjoys listening to different perspectives. He asked if the next action on the election would be a motion to rescind the bond resolution. Ms. Kofoed responded that two Council members need to request that it be put on the agenda.

Councilmember Cieslak

Councilmember Cieslak thanked the audience for staying until the end of the meeting. He restated what said at the last meeting: everyone should stick to the facts and vote. He respects everyone on the Council and appreciates the Mayor's willingness to fight for the transportation projects the City needs.

Mayor Jackson

Mayor Jackson suggested that any motion on the bond resolution wait until after the next City Council meeting, since it will be a joint session with Saratoga Springs.

City Administrator John Hendrickson said that the City received a letter from UDOT with the results of the speed limit study on SR 73. They recommend raising the speed limit to 60 near Cedar Pass Road and lowering it to 55 between 800 West and Ranches Parkway. If the City objects to either of these recommendations, it must notify UDOT by May 14.

22. 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.

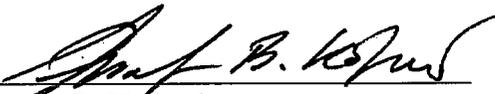
No reports were made.

23. COMMUNICATION ITEMS
A. Upcoming Agenda Items

24. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 9:29 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 18, 2010.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 18, 2010

Work Session at 4:00 p.m.

Joint Policy Session with Saratoga Springs City Council at 6:00 p.m.

Eagle Mountain City Council Policy Session at 8:00 p.m.

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

4:00 PM EAGLE MOUNTAIN CITY COUNCIL WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Jason Walker, Management Analyst; Rachael Bentley and Ikani Taumoepeau, Management Interns; Gordon Burt, City Treasurer; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Steven Turner, Planning Intern; Kent Partridge, Building Official; 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.
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 yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt, and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:04 p.m.

6:00 P.M. JOINT POLICY SESSION WITH SARATOGA SPRINGS CITY COUNCIL – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT:

Eagle Mountain: Mayor Heather Anne Jackson, Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

Saratoga Springs: Mayor Mia Love, Brent Call, Michael McOmber, Bud Poduska, Cecil Tuley, and Jim Miller.

Utah County: Commissioners Gary Anderson, Larry Ellertson and Steve White

CITY STAFF PRESENT:

Eagle Mountain: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; Jason Walker, Management Analyst; Rachael Bentley and Ikani Taumoepeau, Management Interns; Gordon Burt, City Treasurer; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Steven Turner, Planning Intern; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

Saratoga Springs: Ken Leetham, City Manager; Spencer Kyle, Assistant City Manager; Lori Yates, City Recorder; Jim McNulty, Planning Director; Tim Hay, Fire Chief.

1. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 6:18 p.m.

2. PLEDGE OF ALLEGIANCE

Ken Leetham led the Pledge of Allegiance.

3. DISCUSSION – Possible Creation of Local Fire District *(Presented by Jason Walker and Chief Andrus)*

The proposed fire district would include Eagle Mountain, Saratoga Springs, Fairfield, Goshen and the unincorporated areas of the county located between those cities. There was discussion on the costs to be paid by each entity, how equipment would be allocated and what level of service would be feasible. There was also discussion about whether the district would be structured as a joint powers agreement or a taxing entity and what process would be required for an entity to withdraw from the district. There was concern about how the costs would fit into each entity's budget and how the public would react to a possible new tax.

4. DISCUSSION – Transportation Issues and Plans *(Presented by Jim McNulty and Steve Mumford)*

Jim McNulty provided information about projects on Redwood Road, 2100 North, Pioneer Crossing, Pony Express Parkway, 2300 West, MountainView Corridor, the Utah Lake Crossing and SR 73. Although work on SR 73 has been postponed, UDOT will still install some traffic signals along the road. Steve Mumford presented Eagle Mountain's draft transportation plan, which included the Hidden Valley Expressway and the Cedar Valley Freeway. Part of the proposed Cedar Valley Freeway would be located on Camp Williams land, so the alignment would need to be negotiated. Saratoga Springs and Eagle Mountain will work together to align their transportation plans as much as possible. Commissioner Ellertson brought up the need for Pioneer Crossing to connect to SR 73. Mayor Jackson brought up the connection of Pony Express Parkway to Pleasant Grove and Lehi.

5. DISCUSSION – Eagle Mountain City Power Corridor Consideration (Presented by John Hendrickson)

Several large companies are considering locating in Eagle Mountain, which will increase the City's power needs considerably. Mr. Hendrickson presented the proposed power line alignment. The alignment would require a conditional use approval through Saratoga Springs.

6. AGREEMENT – Consideration and Approval of an Interlocal Agreement for a Joint Land Use Study for Camp Williams.

This item was presented by Mayor Jackson. Eagle Mountain City volunteered as the sponsoring agency for a Joint Land Use Study involving Camp Williams and land use authorities bordering and near Camp Williams. The City will apply for designated funding for the Study from the Department of Defense. Eagle Mountain City along with the City of Saratoga Springs, Lehi City, Bluffdale City, Herriman City, Utah County, Salt Lake County, Camp Williams and the Utah National Guard, as stakeholders, will enter into an Interlocal Agreement in a cooperative planning effort leading to the eventual implementation of master plans, ordinances, and other methods to guide growth and development compatible with the mission of Camp Williams. Each entity will have a member on the policy-making board and the technical committee. UDOT, SITLA and others will be invited to be on the technical committee, as well. Each policy-making entity will be required to provide a 10% funding match. The match can be in-kind, so attendance at meetings may be used to provide the match.

MOTION: *Councilmember Burnham moved to approve an interlocal agreement for a Joint Land Use Study for Camp Williams. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt, and John Painter. The motion passed with a unanimous vote.*

MOTION: *Councilmember McOmber moved to approve an interlocal agreement for a Joint Land Use Study for Camp Williams. Councilmember Poduska seconded the motion. Those voting yes: Brent Call, Michael McOmber, Bud Poduska, Cecil Tuley, Jim Miller. The motion passed with a unanimous vote.*

7. AGREEMENT – Consideration and Approval of a Cooperative Agreement between Eagle Mountain City and Saratoga Springs Regarding Boundaries and Annexation.

This item was presented by Ken Leetham and John Hendrickson. The proposed agreement between Eagle Mountain City and the City of Saratoga Springs defines a process for resolving service issues for certain landowners and designates a proposed jurisdictional boundary line between the two cities. There are currently some questions as to where the boundaries between the cities should be. Also, there is private property located at the cities' joint boundary that will have very specific requirements for utility infrastructure before it can be developed, which may call for a boundary change between the cities. The agreement doesn't legally bind either city, but it provides a framework for cooperative planning.

A question was raised about where the natural boundary between the cities should be. The response was that the current boundary is a compromise reached several years ago, partially based on the powerline corridor.

MOTION: *Councilmember McOmber moved to approve a cooperative agreement between Eagle Mountain City and Saratoga Springs regarding boundaries and annexation. Councilmember Poduska seconded the motion. Those voting yes: Bud Poduska, Cecil Tuley and Michael McOmber. Those voting no: Brent Call and Jim Miller. The motion passed with a vote of 3:2.*

MOTION: *Councilmember Burnham moved to approve a cooperative agreement between Eagle Mountain City and Saratoga Springs regarding boundaries and annexation. Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt, and John Painter. The motion passed with a unanimous vote.*

8. ADJOURNMENT OF JOINT SESSION OF SARATOGA SPRINGS AND EAGLE MOUNTAIN CITY MEETING

The Saratoga Springs City Council adjourned to a closed session at 8:11 p.m. The Eagle Mountain City Council recessed at 8:11 p.m.

**8:00 P.M. POLICY SESSION – EAGLE MOUNTAIN CITY COUNCIL MEETING/
COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Jason Walker, Management Analyst; Linda Peterson, Public Information Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Eric McDowell, Sergeant.

1. CALL TO ORDER

Mayor Heather Anne Jackson reopened the meeting at 8:22 p.m. She introduced Brianna Lamb, a student at Hidden Hollow Elementary School, who won an essay contest about why she would like to be Mayor for a day. Brianna sat next to Mayor Jackson during the meeting.

2. INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express Days, May 27 – June 5.
- Pony Express Days Rodeo, May 27 – May 31.
- Community clean-up project with Cabela's and Ace Disposal, June 1, 5-7 p.m.
- Clean-up and landscaping projects at Veterans' Memorial Park, May 27, 4-7 p.m.
- Military care package drive, now through June 14.
- Eagle Mountain Community Theater Junior auditions, see emctjr.blogspot.com.
- Mayor Jackson will barrel race during the Pony Express Days Rodeo to raise funds for cancer patients in Eagle Mountain.

3. PRESENTATION – Local Heroes Scholarships

This item was postponed to a future meeting.

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.)*

Jaden Lojik, 1804 E. Lake View Lane, requested materials funding for his Eagle project, a pavilion at North Ranch Park.

Jim Smith, 9610 N. Oquirrh View Drive, said that he and other construction professionals will supervise and assist with the work for Jaden's Eagle Project.

Fred Peeples, 7572 N. Kidwelly Ct., appreciated the joint session with Saratoga Springs and the cooperation between the cities. He also supported the proposed fire district and encouraged the City Council to pursue it.

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 Ireland

Councilmember Ireland thanked the Streets Department for the new road striping. He said he's seen City parks watered in cool, damp weather and would like the City to set a better example of water conservation.

Councilmember Burnham

Councilmember Burnham announced a fundraiser on Friday at Eagle Valley Elementary for Jim Hughes' cancer treatment expenses. A Meet the Candidates Night for school board candidates will be held on Wednesday at 7:00 at City Hall. She asked that a program allowing residents to use public land behind their lots for gardens and similar uses be considered.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the audience for attending the meeting and congratulated Brianna Lamb on being Mayor for a day. He thanked Adam Ferre and his crew for the building the rodeo arena.

Councilmember Painter

No comment.

Councilmember Cieslak

Councilmember Cieslak thanked the audience for attending tonight's meeting. He appreciated the comments Council members received from individuals. He asked residents to continue to contact officials about transportation needs and to keep those communications issue-based and respectful. He has received complaints about dust and speeding on Bobby Wren Blvd. and asked the Sheriff's Office to patrol the area. He thanked Adam Ferre and his staff for their hard work on the rodeo arena.

Mayor Jackson

Mayor Jackson said the City will work on allowing residents to use the City land behind their lots. She told Councilmember Ireland that the City's sprinkling system is complex and very difficult to adjust to weather conditions. She said that she and Councilmember Burnham attended the Transportation Commission meeting today. Mayor Washburn of Orem, Mayor Curtis of Provo

and Sen. Valentine were there and requested that funding be reinstated for the SR 73 project. She hoped residents would thank them for their support.

CONSENT AGENDA

6. MINUTES
 - A. May 4, 2010 – Regular City Council Meeting
7. BOND RELEASE – INTO WARRANTY
 - A. Skyline Ridge, Plat 1A
8. BOARD APPOINTMENT
 - A. Timpanogos Special Service District – Dave Norman

MOTION: *Councilmember Cieslak moved to approve the consent agenda, with the minutes as amended. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

9. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the City's Future Land Use and Transportation Corridors Map (General Plan Map 2).

This item was presented by Planning Director Steve Mumford. The Planning Commission recommended approval of the Future Land Use and Transportation Corridors Map following a public hearing at the April 27, 2010, Planning Commission meeting. The Future Land Use and Transportation Corridors Map is an exhibit to the City's General Plan and includes future roadways for regional planning purposes, and for use in obtaining state and federal funding and support for transportation projects. The plan is vital to the future development of the City and enables the City to preserve enough right-of-way for the size of roads that will be needed in the future. The plan will inevitably change over the years based on the growth and development of the City and surrounding areas.

Mayor Jackson opened the public hearing at 9:03 p.m.

Charlotte Ducos, 9328 N. Deerfield Cr., asked that Meadow Ranch and North Ranch not be sandwiched between the Cedar Valley Freeway and SR 73. She asked for creative solutions for handling future transportation needs.

Tiffany Ulmer, 1320 Harrier St., said traffic roundabouts like the one being constructed in Overland Trails are hazards for children.

McKay Edwards, SITLA, said the City is not likely to need two freeways. The road in Hidden Valley should be designated an arterial, not an expressway.

Ron Phillips, a consultant representing FRI and PRI, said that the traffic models his firm has had done indicate that two freeways will eventually be necessary. The freeways may not be needed for a very long time, but the rights-of-way need to be preserved now to prevent a situation like the

congestion on Main Street in Lehi.

Mayor Jackson closed the public hearing at 9:14 p.m.

Councilmember Ireland said if Hidden Valley isn't going to be preserved as an expressway, there will be no second option for a freeway when population growth requires it.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending the City's Future Land Use and Transportation Corridors Map (General Plan Map 2), specifying that the road in Hidden Valley be designated a 176-foot major arterial. Councilmember Painter seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

10. MOTION – Consideration and Acceptance of the Spring Run Annexation Petition for Further Review.

This item was presented by City Recorder Fionnuala Kofoed. A petition for annexation was received on May 4, 2010 to annex approximately 281 acres. The property is located on the northeast corner of Eagle Mountain, on the north side of SR 73. The first action for the City Council is the acceptance of the petition for further consideration. This will begin the 30-day review period for verification of the petition and related information for possible compliance certification. If the petition is certified, the annexation will be noticed to interested parties for comments and protests. The petition may be approved at a future City Council meeting upon the completion of required steps.

MOTION: *Councilmember Burnham moved to approve the Spring Run annexation petition. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

11. MOTION – Consideration and Approval of a Motion to Rescind the Notice of Withdrawal of Eagle Mountain City from Membership in the Utah Lake Commission.

This item was presented by Mayor Jackson. In order for Eagle Mountain City to continue as a member of the Utah Lake Commission, it is necessary for the City to rescind a Notice of Withdrawal that was filed terminating its membership in the Commission. The membership agreement provided a one-year opt-out clause if a Notice of Withdrawal was sent within the first year. Eagle Mountain filed a notice shortly after the City became a member of the Commission to protect the option to withdraw. The City believes that it is in its best interest to remain a member of the Commission and is therefore proposing to rescind the notice withdrawing from the Commission. 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.

Councilmembers Ireland and Ochsenhirt objected to the City's paying for membership in the Utah Lake Commission.

MOTION: *Councilmember Ireland moved not to rescind the Notice of Withdrawal of Eagle Mountain City from membership in the Utah Lake Commission. Councilmember Ochsenhirt seconded the motion. Those voting yes: Ryan Ireland and Nathan Ochsenhirt. Those voting no: Donna Burnham, Eric Cieslak and John Painter. The motion failed with a 2:3 vote.*

MOTION: *Councilmember Cieslak moved to rescind the Notice of Withdrawal of Eagle Mountain City from membership in the Utah Lake Commission. Councilmember Burnham requested an amendment to allow the City to send another one-year Notice of Withdrawal. Councilmember Cieslak accepted the amendment. Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak and John Painter. Those voting no: Ryan Ireland and Nathan Ochsenhirt. The motion passed with a 3:2 vote.*

12. AGREEMENT – Consideration and Approval of an Agreement with HUD for a Community Development Block Grant.

This item was presented by City Recorder Fionnuala Kofoed. The proposed agreement documents the terms for expending CDBG funds that were awarded to Eagle Mountain City for the purchase of a sixteen-passenger van for Eagle Mountain senior citizens. It is anticipated that the van will be purchased in July 2010, at the beginning of the new fiscal year. The van will be used to transport seniors to and from City-sponsored events and other approved programs.

MOTION: *Councilmember Ireland moved to approve an agreement with HUD for a Community Development Block Grant. Councilmember Cieslak seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

Councilmember Ochsenhirt
No comment.

Councilmember Painter
No comment.

Councilmember Cieslak
Councilmember Cieslak asked residents to email their elected officials about transportation, making sure that their comments are respectful and based on the issues. He appreciated Charlotte’s comments asking for a creative solution. He said that it’s a privilege to work with the Council. Even though they don’t always agree, he appreciated the hard work that everyone puts into serving on the City Council.

Councilmember Ireland
No comment.

Councilmember Burnham
No comment.

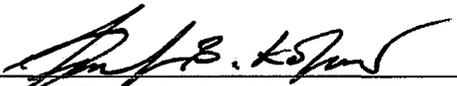
Mayor Jackson

Mayor Jackson thanked Ms. Kofoed for the work she put into setting up the joint meeting. She thanked Mr. Hendrickson, Mr. Mumford, Mr. Trusty and Chief Andrus for their collaboration with their counterparts in Saratoga Springs.

14. 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.
15. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
 - B. Financial Report
16. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 9:48 p.m.

APPROVED BY THE CITY COUNCIL ON JUNE 8, 2010



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 8, 2010

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

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

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

4:00 PM WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Steven Tanner, Planning Intern; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant.

Mayor Heather Jackson called the meeting to order at 4:12 p.m.

1. DISCUSSION – Recap on Eagle Mountain PRCA Rodeo.
2. DISCUSSION – Budget/Capital Improvements Park Allocation.
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.
5. 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 Burnham seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt, and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:04 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Steven Tanner, Planning Intern; Kent Partridge, Building Official; Adam Ferre, Energy Division Director; Eric McDowell, Sergeant.

6. CALL TO ORDER

Mayor Heather Jackson called the meeting to order at 7:14 p.m.

7. PLEDGE OF ALLEGIANCE

Kindra Jones led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- The City's Military Care Package Drive is going on through June 14.
- The Pony Express Re-ride begins on Sunday in Sacramento. It will reach Eagle Mountain on June 14 at approximately 11:30 a.m. The City's new Pony Express statue will be unveiled at that time. This year is the 150th anniversary of the Pony Express.
- Recycling program information is available on the City website.
- A welcome home parade will be held tomorrow for a soldier returning home from Afghanistan.

9. 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.*)

Amy Duke, 3625 Golden Eagle Road, asked if something can be done about speed control down the hill on Golden Eagle Road and traffic control at the intersection.

Rusty Allen, 3061 Hillside Drive, thanked the Mayor and Council for holding the rodeo and congratulated them on how well it was done. He said positive comments are being made by other rodeo organizations. He also thanked the staff for their hard work.

Mayor Jackson appreciated Rusty's help with the rodeo. She, John Hendrickson and Adam and Angie Ferre are going to Colorado Springs tomorrow to talk to PRCA about the rodeo.

10. 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 Cieslak

Councilmember Cieslak said that Pony Express Days was great. He is continually impressed with how hard City staff works to accomplish events. He's heard lots of positive comments about Pony Express Days. He requested an update from the Mayor on SR 73 and encouraged residents to contact elected officials, expressing appreciation for what has been done so far and reminding them that safety requires some more work on transportation.

Councilmember Ireland

Councilmember Ireland thanked everyone who worked on or participated in Pony Express Days.

Councilmember Burnham

Councilmember Burnham was very impressed with hard work of the staff and with the residents who showed up at the new rodeo. Vendors told her they loved to come and do Pony Express Days because they are treated so well.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said Pony Express Days was a wonderful experience. A rodeo is the pinnacle of events for a city celebration in the West and he was totally blown away by the rodeo. He praised the staff's effort and commitment for the rodeo and all events. He asked residents to keep contacting officials about transportation and keep their comments respectful.

Councilmember Painter

Councilmember Painter said he had been worried about adding the rodeo to the Pony Express celebration, but then he was thoroughly impressed about how Eagle Mountain presented itself. The staff was very impressive. After the rodeo on Monday night, he spoke to several of the participants, all of whom gave positive feedback. He thanked the Sheriff's Office. Adam's crew, Sandy & Dave Reit for providing him with a horse for the parade, Rusty Allen for being the rodeo ambassador, and all the staff, especially Angie Ferre.

Mayor Jackson

Mayor Jackson thanked the City staff and the residents. She said the rodeo was spectacular. She announced that MAG approved construction of another eastbound lane for SR 73. The plan will still need to be approved by the Transportation Commission.

11. RECOGNITION – Community Hero Volunteers/Kindra Jones and Wendy Lojik.

Mayor Jackson recognized Kindra and Wendy, as well as Chad from Holiday Oil/Chevron for designing and assembling the home improvements for Samantha Clark's family, a community service project during Pony Express Days.

12. PRESENTATION – Local Heroes Scholarships—Presented by Kim Schultz, Librarian at Eagle Valley Elementary.

Ms. Schultz created the Local Heroes program four years ago to encourage students to excel. Hunter Buxton, a junior at Westlake High School, won this year's \$1,000 scholarship.

CONSENT AGENDA

13. MINUTES

A. May 18, 2010 – Regular City Council Meeting

14. BOND RELEASE – Out of Warranty

A. Stonebridge – Final Bond Release

MOTION: *Councilmember Ireland moved to approve the consent agenda. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

15. ORDINANCE – Consideration and Approval of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Title 17 of the Eagle Mountain City Development Code.

This item was presented by Planning Director Steve Mumford. This is a proposed new Section 17.76 of the Development Code, specifically addressing small wind and solar energy systems. This code will promote these uses while providing proper restrictions to protect neighborhoods, residents, and city employees. The restrictions include provisions for safety and neighborhood aesthetics.

The ordinance calls for conditional use permits, but the Council requested that it be a building permit process, instead. The Council raised additional concerns about safety, noise control and aesthetics. Several revisions to the ordinance were proposed.

Mayor Jackson opened the public hearing at 8:00 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 Title 17 of the Eagle Mountain City Development Code, providing for an effective date of July 1, 2010, and authorizing any changes that make the process a building permit rather than a conditional use, with the following specific amendments:*

Small Energy Facilities(Windmills):

1. *Section 17.76.050.B.13, delete “to the greatest extent possible”*
2. *Delete Section 17.76.050.B.14*
3. *Section 17.76.050.G: delete “and approval by the Planning Commission”*

Roof-mounted Wind Energy Systems:

4. *Section 17.76.060.A: delete “conditional use”*
5. *Section 17.76.060.A: delete “conditional use permit”*
6. *Section 17.76.060.B.4: delete “to the greatest extent possible”*
7. *Section 17.76.060.G: delete “and approval by the Planning Commission”*

Solar Energy Devices (Panels or Collectors):

8. *Delete Section 17.76.050.B.8*

Councilmember Burnham seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

PUBLIC HEARING

16. ORDINANCE – Consideration and Approval of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Title 17.25 of the Eagle Mountain City Development Code.

This item was presented by Planning Director Steve Mumford. This staff-proposed Development Code amendment limits the size, type, and number of accessory structures in the Residential zone, to protect the residential character of neighborhoods and prevent negative effects. Square footage of accessory buildings would be limited to a percentage of the square footage of the primary

structure, based on tier and lot size. Height would be limited based on tier, with a maximum height of 35 feet. Agricultural-related buildings are limited to lots of one acre or larger, or those with an equine overlay. Minor exceptions to the regulations may be approved by the Planning Director. Other exceptions may be approved by the Planning Commission.

Mayor Jackson opened the public hearing at 8:39 p.m. Hearing no comments, she closed the hearing.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Title 17.25 of the Eagle Mountain City Development Code as presented in the staff report. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

17. DISCUSSION – Regarding a Resolution of the City Council of Eagle Mountain City, Utah, Approving the Horse Butte Wind Project Power Sales Contract between Utah Associated Municipal Power Systems and Eagle Mountain City – No Action Will be Taken.

This item was presented by City Attorney Jerry Kinghorn. The Horse Butte project is a wind generator system located in southern Idaho. In order for UAMPS to maximize the opportunity to keep the power rates to the City as low as possible, the Project is planned using a private party to construct the facilities and retain tax benefits and a non-profit entity "Horse Butte Wind Farm I, LLC" which is owned and controlled by UAMPS to operate the Project and take additional tax benefits which can be sold. The non-profit entity will contract with UAMPS to sell all the generated power to UAMPS and the City will contract with UAMPS for the power supply to the City. Mr. Kinghorn presented these documents as preliminary information so the Council would be informed when the final documents are presented for a vote.

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

Councilmember Painter

Councilmember Painter said that the street name for Appaloosa Way comes up on internet ordering sites as Appaloosa Court. Ms. Kofoed said she will check on it.

Councilmember Cieslak

Councilmember Cieslak asked Mr. Trusty to have someone look into bike park maintenance. He thanked the Sheriff's Office for doing extra patrols around Nolan Park during Pony Express Days. He was happy that the SR 73 widening project was approved through MAG, and asked residents to continue to contact officials about the City's transportation needs.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham thanked the Mayor for the Pony Express Days rodeo.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the Mayor for singing karaoke at Pony Express Days.

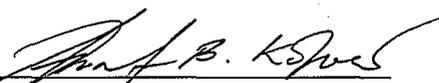
Mayor Jackson

Mayor Jackson said Sgt. McDowell looked great on a horse at Pony Express Days.

19. 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.
20. COMMUNICATION ITEMS
 - a. Upcoming Agenda Items
21. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 9:00 p.m.

APPROVED BY THE CITY COUNCIL ON JUNE 22, 2010.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 22, 2010

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

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

4:00 PM WORK SESSION – CITY HALL TRAINING ROOM

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Jason Walker, Management Analyst; Eric McDowell, Sergeant; Ifo Pili, Assistant City Administrator; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Rachel Bentley, Management Intern.

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

1. PRESENTATION – Utah County Health Substance Misuse and Abuse Reduction Team.

MOTION: *Councilmember Cieslak moved to adjourn into a recess for a ribbon cutting ceremony and to then reconvene 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, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

Item's 3 and 4 were not discussed due to time limitations

2. CEREMONY – Ribbon Cutting Ceremony for Pony Express Parkway Extension – will be held at the corner of Foothill Drive and Pony Express Parkway at 5:00 p.m.
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.
5. ADJOURN TO A CLOSED EXECUTIVE SESSION

The meeting adjourned after item number 1.

7:00 P.M. POLICY SESSION – CITY HALL TRAINING ROOM

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Jason Walker, Management Analyst; Eric McDowell, Sergeant; Ifo Pili, Assistant City Administrator; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Rachel Bentley, Management Intern.

6. CALL TO ORDER

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

7. PLEDGE OF ALLEGIANCE

Councilmember Ochsenhirt led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- A ribbon cutting ceremony was held for the Pony Express Parkway extension to Redwood Road.
- The annual citizen satisfaction survey for Eagle Mountain residents is now available on the City website. It is located on the home page under the news section. Residents are encouraged to respond to this survey so the City can better understand how to meet the needs of the community.
- The City is now holding its annual military care package drive through July 12. Donation boxes are located at City Hall and the Ranches HOA office. A list of acceptable items for donation can be found on the City website.
- Monday, June 28 at 6:00 p.m. the Seniors will be holding an ice cream social at the pavillion at Nolan park. The Senior event listings can be found on the City website.

9. PUBLIC COMMENTS

Nikki Wickman, 2766 Fort Hill Road, stated that there was water flowing down Half Mile Road a while back and she wanted to call the City to notify the water department. She said that when she called 411 the only number they had for the City was the Eagle Mountain Police Department and that number just kept ringing. She asked if something could be done to add the City's other main numbers to the 411 system.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ireland

No Comment.

Councilmember Burnham

Councilmember Burnham said that it was wonderful to see Saratoga Springs, Eagle Mountain and Utah County working together to get Pony Express Parkway done. She would like to see this great working relationship continue.

Councilmember Ochsenhirt

Councilmember Ochsenhirt stated that it has been a long process to complete Pony Express Parkway and that he is glad to see it finished. He thanked everyone who had worked on the project.

Councilmember Painter

Councilmember Painter thanked the poll workers. He said that he was concerned that the work being done north of S.R. 73 and South of the Ranches Parkway intersection is looking more like a rock quarry and less like a development. He asked if the issue could be reviewed.

Councilmember Cieslak

Councilmember Cieslak stated that the opening of this road shows that the residents have the power to get something done. He said that this is a victory along the way to increase transportation. He encouraged everyone to continue contacting their elected officials regarding the transportation issues in the area.

Mayor Jackson

Mayor Jackson explained that when traveling to meetings she tries to carpool with Mayor Love of Saratoga Springs so that they can discuss various topics regarding both cities.

CONSENT AGENDA

11. MINUTES

A. June 8, 2010 – Regular City Council Meeting

12. BOND RELEASE – Into Warranty

A. Jacob's Well Plats B & C

MOTION: *Councilmember Ireland moved to approve the consent agenda. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. 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 2009-2010 Budget.

Mr. Burt explained that the Utah State Code requires any final increases in the budget to be adopted after a public hearing and prior to the fiscal year ending. He said that the City's budget is being amended to cover all anticipated expenditures through the fiscal year ending June 30, 2010. He stated that the amended budget should cover all eventualities so that the City will not be cited for budgetary non-compliance.

Mr. Burt explained that the general government fund includes council, administration, finance, utilities, engineering, recorder's office, etc. He said that there will be an increase of \$21,000 in the general government fund. He explained that the rodeo falls under the community

development section and that this budget has been increased by \$348,540.00. He said that the public safety budget is fairly close on target but may go slightly over what was budgeted.

Mr. Hendrickson said that an extra month may have been counted in the budget and that staff will go back through the numbers to check. He felt that the budget for public safety should still be increased slightly just in case.

Mayor Jackson asked if court credits were being received and if the City was reimbursed for those court credits not received during the time that the public safety system was not working.

Mr. Hendrickson stated that those had been received.

Mr. Burt explained that there was a discrepancy with salaries in the Fire Department because of GAP funding.

Mr. Hendrickson said that if a fire fighter gets called out after the 19th hour the City has to pay them and that it is called GAP funding.

Mr. Burt said that the public works budget will need an increase of \$50,000.

Mr. Hendrickson stated that most of this increase was due to the snow plow budget.

Mr. Burt explained that the planning and zoning budget had an increase of \$7,000 and that this was because of the library expansion and the overtime employees put in to supervise the project.

Mr. Hendrickson explained that the total budget increase will be made up from line items that exceeded revenue projections.

Mr. Burt explained that the following line items had exceeded revenue projections: property tax, sales tax, building permits, B&C road funds, subdivision inspection fees, rodeo revenue, fire services, FEMA cert. grant, electric transfer, gas transfer, ambulance services, plan check fees, late fees, youth sports, and PED sponsorships.

Mr. Ireland asked for clarification on what plan check fees are.

Mr. Burt explained that plan check fees come from the building department and are charged by the city when reviewing plans for a building. He said that because more permits were issued this year, there was extra money that was not anticipated.

Mr. Burt stated that the total revenue exceeded projections by \$898,500 which would then offset the \$775,056 increase from other areas that was not anticipated.

Mr. Burt said that the capital projections amendment will cover the expenses associated with the City's marketing campaign. He said that these funds came from the telecom fund which had been collapsed into the capital projects fund as requested by the City Council. He explained that this amendment would also cover additional costs associated with the use of the rodeo equipment and arena seating.

Mayor Jackson noted that it was actually the auditor who requested that the telecom fund be closed out and put into the capital projects fund.

Mr. Burt explained that the City is contracted with certain developers where the City collects impact fees then pays those out to the developers based on their development, capacity, etc.

Councilmember Ireland asked why an additional \$85,000 was coming out of the capital projects.

Mr. Burt explained that this is the money that came from the telecom fund to pay for the developer's portion of the rodeo. He said that this money will be reimbursed to the City by the developer.

Mr. Burt stated that with impact fees there are sometimes transfers. He said that one fund will typically pay the initial cost and another fund will reimburse the first fund once funds are available.

Mr. Hendrickson said that the general fund fronted the cost for the second fire station and then as impact fees are collected it would reimburse the general fund for the original funds spent on the construction of the fire station.

Mr. Burt stated that revenue is provided from impact fees that have already been collected.

Mr. Burt explained that the fleet fund would be increased by \$49,594 for vehicle fuel maintenance, and new vehicle purchase. He said that the revenue source for this amendment is the fleet fund balance.

Mr. Burt said that the enterprise funds for electric are projected to exceed the budget by \$120,000 and that \$15,000 of that will go towards increasing the Pony Express Days sponsorship. He also explained that \$15,000 will come from the gas enterprise fund to go towards the Pony Express Days sponsorship as well. He stated that the revenue on the gas fund is projected to exceed expenditures by approximately \$300,000.

Mr. Burt stated that the total of all transfers was \$4,825,000 and that the total amendments totaled \$1,683,009.

Councilmember Cieslak asked why there was an increase in the funds for telephones.

Mayor Jackson stated that the City upgraded to fiber which increased the cost.

Councilmember Cieslak asked why there was overtime in the Planning & Zoning.

Mr. Pili said that the building department was also included in that overtime and that most of that overtime actually came from the time that Bob Hansen spent working on the library expansion project.

Councilmember Burnham asked if the total rodeo revenue was more than what was shown in the proposed budget amendments.

Mayor Jackson said that there was sponsorship revenue in the budget for the rodeo. She said that line item PED Sponsorships was money that was above and beyond what had been anticipated, including rodeo sponsorships.

Mayor Jackson opened the public hearing at 7:50 p.m.

Nikki Wickman, 2766 Fort Hill Road, asked how much of resident's property tax goes to the fire department.

Mr. Hendrickson explained that approximately 90% of property tax goes to the fire department so that residents can have types of emergency services. He said that it is high because Eagle Mountain has no industrial or commercial tax base.

Mayor Jackson closed the public hearing at 7:53 p.m.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the final amendments to the Fiscal Year 2009-2010 Budget and that any money over 18% of the General Reserve Fund be transferred to the Capital Projects General Fund Reserve #47. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. 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 2010-2011 Budget.

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 4, 2010. 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 expenditures for the FY 2010-2011.

Mr. Hendrickson said this budget does not anticipate any major projects like the rodeo stadium/arena. He explained that staff would come back at a later time to discuss the rodeo budget. He said that the City has accepted the amount that the State has given them and that Eagle Mountain will have the second lowest tax rate.

Mayor Jackson said that because property market values have gone down, which means that market value the City gets from that amount also goes down.

Mr. Hendrickson stated that they are anticipating approximately \$990,000 in tax revenue.

Mayor Jackson explained that the tax rate will be slightly higher because the value of property has gone down but that the amount the City receives stays the same.

Mr. Walker reviewed the breakdown of expenditures for each department with the Council. He said that most of the money goes towards the Police and Fire Services because they are a crucial part of the City.

Mr. Walker explained that there are no cost of living or merit increases proposed in the budget. He said that 1.23 million has been budgeted in the capital projects fund. He said that the parks projects have been laid out and can be approved as is and that the Council can come back at a later time change those projects if needs be.

Mr. Walker explained that 7.08 million had been budgeted for power and that a lot of this would be for a substation if needed. He said that these funds could also be used for a power building if grant funds were available.

Mayor Jackson explained that the funds have been placed in the budget to show that the City anticipates spending those funds if awarded a grant for the power building. She stated that it helps to show earmarked funds when going through the grant process.

Councilmember Ireland asked if the building was not constructed could the money be spent to reduce rates.

Mayor Jackson said that there are still many projects that need to be completed using the power funds.

Councilmember Burnham feels that a splash pad should be built because it was promised to the residents.

Mr. Walker explained that there has been an increase in funding to the Mid Valley Park funds and the addition of playing fields to Smith Ranch Park. He stated that the Parks & Recreation Board had proposed locating everything in Mid Valley Park.

Mayor Jackson stated that if the Council would like to see something different that what is currently proposed with the park funds then it be made as part of a motion.

Mr. Walker stated that the enterprise funds contains sufficient funds to meet the City's needs. He said that there would be no rate increase with the exception of the TSSD increase.

Mr. Walker explained that there were also enough funds to cover the debt service.

Councilmember Ireland asked if \$10,000 was put into the legislative travel and training budget because of money spent in the last budget.

Mr. Hendrickson stated that the current Council has been much more active in attending trainings and meetings.

Councilmember Ireland felt that the \$14,000 total in the legislative meetings budget was excessive.

Councilmember Ochsenhirt stated that there are meetings that are very beneficial for the Council and feels that there are opportunities that are being missed because of budget restraints. He feels that the proposed amount for legislative meetings is adequate.

Councilmember Ireland asked why banking fees were so high.

Mr. Walker explained that a lot of people are now using cards to pay for various services at the City and the majority of the banking fees are from card processing.

Mr. Hendrickson stated that the City is looking into different processors to try and reduce those card processing fees.

Mr. Burt said that the City is also looking into card processing online, which would reduce card processing cost.

Mayor Jackson stated that under the Economic Development Summary it shows \$85,000, and that \$80,000 of that is the marketing budget with Kassing Andrews. She asked if these could be separated out so that it clearly shows that the \$80,000 is for marketing. She also stated that the City has spent \$170,000 of the \$250,000 contract with Kassing Andrews.

Councilmember Ireland stated that there was \$67,000 in the Interfund Transactions, under the Senior Council Summary. He asked how much of those funds were from the grant.

Mayor Jackson stated that \$9,000 of that total amount were actually City funds and the rest was grant money.

Councilmember Ireland asked if the total budget for the police included all of the overtime hours needed for Pony Express Days, the rodeo, etc.

Mayor Jackson stated that the total number does not include the rodeo because the rodeo was not previously included. She explained that Sheriff's try to have volunteers help at the special events to try and mitigate over time hours. She said that there are also people paid using grant funds.

Sergeant McDowell stated that the City has agreed upon approximately \$90,000 which pays for the bulk of over time. He said that adjustments may need to be made in the future to this budget.

Councilmember Ireland asked how the budget would be affected with the addition of one new school in the upcoming year.

Sergeant McDowell stated that RAD Kids is being run mostly by volunteers and that it should not significantly affect the budget. He explained that in the past couple of years Deputy Mulder has strengthened the volunteer base for RAD Kids so that he is not as heavily relied upon as he has been in years past.

Mayor Jackson explained that the City is looking into how much the City, and School's are putting towards funding RAD Kids.

Councilmember Ireland stated that the under the Streets & Roads Summary the materials budget has increased by \$77,896, he asked if cost of materials had increased.

Mr. Walker explained that the paved road maintenance had to be matched with the B&C road funds that came in because it is a restrictive fund.

Mayor Jackson stated that Chris Trusty had a list of streets that will be improved during the upcoming fiscal year.

Councilmember Ireland asked why the library has \$100,000 in capital outlay.

Mayor Jackson stated that this money is grant funds awarded to the library for software that tracks and inventories books.

Councilmember Ireland asked why funds were being transferred from the water and sewer funds to the power fund.

Mayor Jackson stated that it takes power to run the water and sewer and so those funds put money into the power fund.

Mr. Hendrickson said that the auditors require that it be itemized out this way to show an accounting for what is being spent.

Councilmember Painter asked why reimbursement miscellaneous under the electric summary jumped from \$23,281 to \$321,000.

Mayor Jackson explained that the City had put money into the coal plant to receive power from but it had been shut down so the City was being reimbursed their money.

Councilmember Ireland asked where the telecom fund had been moved to in the budget.

Mayor Jackson stated that it is a fund balance set aside so it is not shown in the budget because it is not being used in this budget year. She stated that the financial report provided each month could be amended to show the fund balances for capital projects and reserve funds.

Mr. Pili stated that the fund balances are shown in the audit.

Mayor Jackson opened the public hearing at 8:50 p.m.

Wendy Bagley, 1467 Hawk Way, thanked the Council for their hard work in reviewing the budget and governing. She also thanked them for giving funds to help the Arts Council and the Eagle Mountain Community Theater.

Nikki Wickman, 2766 Fort Hill Road, asked if there were funds in the budget for atv trails. She feels that the children need this so that they can drive their atv's legally. She also stated that she liked the services the Sheriff's Department was providing. She asked if there was a point at which the City would need its own police department.

Mr. Hendrickson said that the City has a partnership with the Sheriff's Department and that as long as they have the ability to provide us services the City will continue to have a working relationship with them.

Nikki Wickman also asked if the existing Rocky Mountain Power customers in Eagle Mountain would be bought out by the City and hooked up to City power.

Mayor Jackson said that Rocky Mountain Power wants to sell the City those services and that it is not currently in the City's budget to purchase it. She said that the atv trail program is still under the works and that it has been moved to the end of the list because of more pressing projects. She stated that the City hopes to get that going this year.

MOTION: *Councilmember Cieslak moved to approve the Fiscal Year 2010-2011 Budget with clerical changes made by staff and that a splash pad be included in the budget. Councilmember Burnham seconded the motion.*

Councilmember Ochsenhirt stated that he would like to see a splash pad but feels that green space/fields are needed more. He said that he would like to see the Smith Ranch Park done because there needs to be more space for sports. He also feels there needs to be reasonable completion to the parks especially because of past history.

Mayor Jackson said that telecom and reserve funds could be used to build a splash pad in addition to the items currently in the budget.

Mr. Hendrickson said that if the City takes money from the capital projects fund it needs to be for projects that benefit the entire City not just certain subdivisions.

Councilmember Burnham feels that a splash pad compares to the skate park which has no grass area. She said that by only focusing on putting in grass fields the City would only be focusing on the group of people who play sports. She explained that there are others in the community that don't enjoy sports and enjoy other activities.

Councilmember Cieslak said that the splash pad will be an additional amenity that was budgeted for and promised to residents. He feels that the Council should do what they promised.

Mayor Jackson asked for clarification of Councilmember Cieslak's motion. She asked if Councilmember Cieslak meant that a splash pad be included using funds from another project and if so which budget.

Councilmember Cieslak stated that he would like to see the splash pad built using funds from either the Smith Ranch Park or the Mid Valley Regional Park.

Mr. Walker stated that the \$250,000 allocated for a splash pad was meant to be used to build a splash pad and a restroom facility, not to build two splash pads.

Mayor Jackson explained that last year the interns had proposed the possibility of using the funds to build two splash pads.

Mr. Walker stated that in speaking with Herramin they strongly suggested only building one splash pad. He also explained that the price of a splash pad varies depending on the type and size.

Councilmember Cieslak stated that he would like to see the Smith Ranch Park funds used for the splash pad because the completion of that park was not promised to the residents.

Councilmember Ochsenhirt feels that the Smith Ranch Park needs to be completed because it will have two fields which will decrease the burden that is on Nolan Park during sports seasons. He asked how many baseball players there were this year compared to last year.

Mr. Walker said there is approximately 800 who have signed up this year and approximately 600 last year.

Mayor Jackson said that if there was already a restroom facilities the splash pad may only cost somewhere around \$150,000.

Councilmember Ireland stated that the Council did not put this at the top of the priority list and feels that project completions should follow that list that was created.

Councilmember Burnham explained that she had been under the impression that funds were set aside for the splash pad and that it was already being constructed prior to this list being made which is why it wasn't part of the discussion that the Council previously had.

Councilmember Painter asked if the numbers could be changed at a later time and would like to discuss this topic later if possible.

Mayor Jackson stated that the Council can revisit this issue at a later date and change the budget.

Those voting aye: Donna Burnham, Eric Cieslak. Those voting nay: Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion failed with a 2 to 3 vote.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2010-2011 Budget, with the parks budget expenditures not be allocated to specific projects in the capital projects portion with the exception of the grant. Councilmember Ochsenhirt seconded the motion.*

Councilmember Burnham was concerned that if the splash pad is not somehow included in the motion that the Council will not revisit the issue at a later date.

Councilmember Ireland stated that staff would not allocate any fund until the Council revisits this issue.

Councilmember Burnham said that the grant money must be spent on grass and irrigation.

Mayor Jackson explained that the grant funds must be spent towards fields otherwise not all of the grant money will be awarded.

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

15. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Approving a Residential Net Metering Policy and Agreement.

Mr. Kinghorn explained that the proposed resolution adopts a policy to regulate the interconnection and metering of renewable energy generating facilities. Eagle Mountain City will

offer net metering to their customers that generate electricity on the customer's side of the meter, using renewable energy sources not to exceed 100 kilowatts or exceed the customer's peak electric needs or capacity of the distribution circuits. The credit for the net excess kilowatt hours (kWh) generated by the customer shall be 4 cents per kWh.

Mayor Jackson explained that the cost is compiled from different things such as generation, transmission and debt service, etc.

Mr. Kinghorn said that he had a few text changes to the agreement. He explained that the City should use this year as a trial year for this program and re-visit the agreement after one year. He said that the proposed numbers are based off of numbers that other cities use. He explained that what residents generate will be offset by demand. He also explained that if there is a credit remaining from power generated it will remain with the property if a homeowner moves.

Councilmember Ochsenhirt asked if the metering will be done on a monthly or weekly basis.

Mr. Kinghorn stated that what residents generate they will keep and that it does not go through the meter. He said that meters will be read on a monthly basis.

Mr. Kinghorn said that in Paragraph 13 the date referenced will be changed to June 22, 2010.

Mayor Jackson stated that under General Interconnection Provisions, Section 2d will be removed.

Councilmember Painter stated that he liked that the City is providing an even swap for residents wanting to generate their own power.

Councilmember Cieslak asked if 4 cents per kWh would incentivize people to pursue solar panels/windmills.

Mr. Kinghorn stated that it does not but the offset does. He said that people could live on what they generate and the City would not charge anything for power.

MOTION: *Councilmember Cieslak moved to adopt a resolution of the City Council of Eagle Mountain City, Utah approving a Residential Net Metering Policy and Agreement as amended. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

Mayor Jackson explained that the proposed resolution amends the consolidated fee schedule for the following: Pony Express Park Arena rental fee; tiered water rates for Commercial and Industrial uses; increase in fees for the North Service Area sewer treatment; increase in overdue fees and adds a damage fee and media collection fee for the Library.

Councilmember Ireland asked what the \$5.00 daily arena fee is put towards.

Mayor Jackson stated that the fee goes towards the upkeep of the facility. She explained that the

ground has to be harrowed after a horse has been in the arena.

Mr. Hendrickson stated that this fee is similar to the one that Spanish Fork charges at their arena.

Councilmember Ireland stated that he was okay with charging a fee for the stall rentals but that he was not comfortable in charging a fee just for people to come and ride on the arena for one day.

Mayor Jackson said that there are costs involved to maintain the arena. She stated that there is maintenance involved after someone uses the arena and that the 5 dollar fee would go towards that maintenance. She said that the arena will most likely need to be harrowed once a week.

Councilmember Burnham asked if people would have to call before hand to use the arena if they had an annual pass.

Mayor Jackson explained that people with an annual pass can use the arena at any time unless someone has rented the arena. She said that those with an annual pass will need to carry it with them while riding in the arena.

Councilmember Cieslak asked if there would be a charge for water that is available on site.

Mr. Kinghorn stated that there will be an application that has rules on what is allowed. He explained that there are some items that will still need to be worked out.

MOTION: *Councilmember Ochsenhirt moved to adopt a resolution of the City Council of Eagle Mountain City, Utah amending the consolidated fee schedule as presented. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting nay: Ryan Ireland. The motion passed with a 4 to 1 vote.*

17. MOTION - Consideration and Acceptance of the Spring Run Annexation Petition for Further Review.

Mayor Jackson explained that a revised petition for annexation was received by the Recorder's Office on June 16, 2010 to annex approximately 241 acres. She explained that the County did not accept the first annexation petition because they felt that the annexation would create a peninsula. She stated that if this annexation petition is approved, this will begin a 30-day review period for verification of the petition and related information for certification.

Mrs. Kofoed stated that the County had sent her notification that the revised Spring Run Annexation Petition has been considered submitted.

MOTION: *Councilmember Ireland moved to accept the Spring Run Annexation Petition for further review. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

18. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Painter

No Comment.

Councilmember Cieslak

Councilmember Cieslak thanked the everyone for their comments. He reminded everyone to contact their elected officials regarding transportation.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Ochsenhirt

No comment.

19. CITY COUNCIL BOARD LIAISON REPORTS

No reports were given.

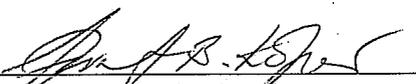
20. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Report

21. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:48 p.m.

APPROVED BY THE CITY COUNCIL ON JULY 6, 2010.


Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 6, 2010

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

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

4:00 PM WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland and John Painter. Councilmember Ochsenhirt participated by phone from 4:15 p.m. to 4:51p.m. during the work session and was excused for the rest of the meeting.

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

Mayor 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.
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 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 52-4-250(1) of the Utah Code, Annotated. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and John Painter. The motion passed with a unanimous vote.

The meeting adjourned at 5:53 p.m.

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

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

CITY STAFF PRESENT: Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Linda Peterson, Public Information Director; Jerry Kinghorn, City Attorney; Steve Mumford, Planning Director; Eric McDowell, Sergeant; John Hendrickson, City Administrator; Kent Partridge, Building Official; Gordon Burt, Finance Director; Chris Trusty, Public Works Director; Angie Ferre, Executive Assistant to the Mayor.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Councilmember Cieslak led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Ashalon Goodrich from Eagle Mountain won Mrs. Utah and will be attending Mrs. America this year.
- The annual citizen satisfaction survey for Eagle Mountain residents is available on the city website through July 16th. It is located on the home page under the news section. Residents are encouraged to respond to this survey so the City can better understand and meet resident's needs.
- The City is holding its annual military care package drive through July 12th. Donation boxes are located at City Hall and the Ranches HOA office. A list of acceptable items for donation is available on the City website.
- The City in conjunction with the National Center for Constitutional Studies is sponsoring a series of seminars to help us remember our history and focus on the principles of liberty founded in the U.S. Constitution. The community is encouraged to come and listen to Stephen Pratt address these great principles of liberty. The seminars are free and open to all who wish to attend. The schedule and topics covered are available on the City website.
- The Eagle Mountain Community Theater will be performing Into the Woods, Jr., August 12 – 14 at the SilverLake Amphitheater. Tickets are available for purchase through the event listing on the City website.

7. PUBLIC COMMENTS

No comments were made.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Cieslak

No comment.

Councilmember Ireland

Councilmember Ireland said that he had attended the Stadium of Fire on Saturday and expressed appreciation to all branches of the Military that were there. He explained that the largest Eagle Court of Honor was also held there. He stated that it is a great time to honor our freedom and that he is grateful for the men who signed the Declaration of Independence. He stated that everyone has the responsibility to preserve our freedom in every way possible.

Councilmember Burnham

Councilmember Burnham explained that her father served the Country for over 40 years and was glad to be raised in a family where the Country is important. She stated that freedom is not free and that it comes at a great cost to everyone. She said that it is our responsibility to express our opinions, volunteer and to do all things possible that help preserve our freedom.

Councilmember Painter

Councilmember Painter echoed Councilmember Ireland and Burnham's comments. He thanked all of those who serve the Country. He explained that he has the opportunity to work with all types of individuals and reminded everyone that not all of these people have the same rights that we do. He said that he was grateful for his freedom.

Mayor Jackson said that she was also at the Stadium of Fire and was too grateful for the military and the services that they provide our Country. She said that her cousin whom she had done the charity ride for at Pony Express Days had passed away.

CONSENT AGENDA

9. MINUTES

A. June 22, 2010 – Regular City Council Meeting

10. CHANGE ORDER

A. Wastewater Reclamation Facility Change Order #8 – Nelson Brothers

MOTION: *Councilmember Cieslak moved to approve the consent agenda. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

11. PRESENTATION – Eagle Mountain City PRCA Rodeo Recap.

Dave Bentley showed two video presentations regarding Pony Express Days and the Pony Express Days PRCA Rodeo to the Council.

Mayor Jackson thanked Linda Peterson and her husband for putting the videos together. She also thanked Dave Bentley for all of his hard work.

Mayor Jackson thanked Angie Ferre and Adam Ferre for all of their hard work in putting Pony Express Days together. She presented Adam and Angie each with rodeo belt buckles.

12. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and Powder River Rodeo LLC for the Eagle Mountain PRCA Rodeo Contract.

Mr. Hendrickson explained that the City has selected Powder River as a consultant rodeo producer to assist the City in the Pony Express Days Rodeo. He said that Powder River assisted the City the 2010 rodeo and offers comprehensive services required by the City in the future. He explained that Powder River will furnish personnel to produce the rodeo, provide stock and to provide consultant services to the City with respect to other services needed by the City in connection with the rodeo.

Angie Ferre explained that Powder River fits the community and that they are clean, fun and family oriented. She said that they took a chance on the City and the rodeo. She feels that the contract should be made with them because they have done a lot for the City and the City should be loyal to those who helped out and put on a great rodeo.

Mr. Hendrickson also felt that the City should be loyal to those who have been loyal to the City. He said that the prices are fair and they have outstanding stock. He explained that by signing the 5 year contract this would mean the City intends to hold a rodeo every year for the next five years. He explained that the original numbers given to the Council had been changed but the numbers are still favorable. He said that the City expects the rodeo to grow over time and that this is a good and reasonable contract that has been budgeted for. He said that minor adjustments such as ticket pricing may need to be made to adjust costs. He said that the City's goal is to raise around \$180,000. He explained that this is a long term relationship and feels that the City may not get as good of pricing if it were only a one year contract.

Mayor Jackson said that the cost of the bleachers was cheaper because the amount of seating was smaller than what the City had originally anticipated.

Councilmember Ireland asked if people were turned away from the Pony Express Days Rodeo.

Mr. Hendrickson said that no one was turned away and that there was just a lesser amount of seating than the City had originally anticipated. He said that the amount the City paid for seating was reduced because it was not originally what the City was counting on.

Mayor Jackson said that an article had been written about the rodeo on the PRCA website and that Angie Ferre had been asked to participate in the PRCA National Conference. She said that ticket prices will most likely be \$5 and \$10 dollars next year.

Councilmember Ireland asked if the advertising costs listed in the provided documents included the advertising Kassing Andrews had done.

Mayor Jackson said that Kassing Andrews did all of the advertising and that funds for the advertising came from the Pony Express Days Budget, the Rodeo Budget and the Economic Development Budget.

Councilmember Ireland asked if the item could be tabled because he felt that he needed more time to review the financial aspect of the contract.

Mayor Jackson said that the City has budgeted for this contract.

MOTION: *Councilmember Ireland moved to table the agreement between Eagle Mountain City and Powder River Rodeo LLC. Councilmember Painter seconded the motion.*

Councilmember Cieslak asked if it was at all possible to have the costs for bleachers and the seating arrangements brought back when this item is presented again.

Mayor Jackson explained that those numbers are still being worked on and that they may not be ready in two weeks when this item is presented again.

Councilmember Cieslak asked if a better price for bleachers could be found now that there is more time to do the research.

Mayor Jackson said that better pricing could possibly be found but that the City also wants to have good quality seating that is numbered.

Mr. Hendrickson said that the City is still waiting for bids on seating and that it could take some time to receive those.

Mr. Kinghorn said that the contract allows the City to back out of the rodeo if the City cannot come up with funds to pay for the rodeo. He said that the City is not tied down in that regard.

Those voting aye: Donna Burnham, Erick Cieslak, Ryan Ireland and John Painter. The motion passed with a unanimous vote.

Councilmember Ireland stated that he would like to see the crow's nest at the arena weatherized because he does not want to see it ruined.

13. MOTION – Consideration and Approval of a Park Plan for the FY 2010-2011 Budget.

Eagle Mountain City Council approved the 2010-2011 City Fiscal Year Budget at the June 22, 2010 City Council meeting. The proposed park plan identifies specific parks projects and improvements that were funded in the budget.

This item was removed from the agenda.

14. ORDINANCE - Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting a Storm Water Utility System and Services Charges.

The maintenance, cleaning and regulation of the City storm water system is becoming increasingly more time consuming and equipment intensive. The proposed ordinance defines prohibitive discharges to the storm water system, establishes a storm water utility fund and enacts a service charge of \$3.00 per month for each equivalent residential unit for storm water or snow melt contributed to the City system by developed properties in the City. Fees imposed under this Ordinance are to be offset with reductions in other utility fees as provided in Item 15.

MOTION: *Councilmember Cieslak moved to adopt an Ordinance of Eagle Mountain City, Utah, enacting Chapter 13.75, Storm Water Utility System enacting and regulating water quality discharge of storm water in Eagle Mountain City. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

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

The proposed amendments to the Consolidated Fee Schedule reflects the \$3 fee for the Storm Water Utility System, reduces the power rate by \$1 and reduces the sewer rate in both service areas of the City by \$2.

MOTION: *Councilmember Cieslak moved to adopt a Resolution of the City Council of Eagle Mountain, Utah Amending the Consolidated Fee Schedule. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Approving a Master Development Agreement for Oquirrh Mountain Ranch.

The Oquirrh Mountain Master Development Plan Land Use Element was approved by the City Council on September 2, 2008. This 120-acre project includes 417 residential units, a church site, various parks and open spaces, and some hillside and hilltop open space with a trail system. This approval included zoning, uses, and densities for specific areas within the project. Zoning for the project will be vested with the approval of the master development agreement.

Councilmember Ireland asked what the timeline for the project would be.

Scott Kirkland, Sage Communities, said that it is based on market demand, permits, etc.

Councilmember Ireland asked if the sewer lift station would be turned over to the City and if so what costs would be associated with it.

Mr. Trusty stated that there are currently two operating lift stations within the City. He said that residents benefiting from the lift stations pay the same amount in utilities as residents who do not benefit from lift stations. He said that some maintenance is involved with lift stations. He stated that if the City got too many lift stations they might have to look into charging a higher rate to residents who benefit from those lift stations to compensate for maintenance costs.

Mr. Hendrickson asked how many homes a lift station can serve.

Mr. Kirkland stated that the lift station can serve close to 300 homes. He said that the lift station has to be able to serve all of the homes in the development on the South side of Pony Express Parkway. He explained that the manhole that they will be tying into sits on Red Pine Road in Lone Tree.

Mayor Jackson said that if the City finds it necessary to charge an additional fee for lift stations they can do so in the future.

Councilmember Ireland asked what would happen to the open space, parks, etc. if the developer leaves and the HOA dissolves. He asked who would be responsible for maintaining those open space areas.

Mayor Jackson stated that it can be difficult if that happens but it is a risk the City has to take when allowing people to develop within the City.

Mr. Kirkland explained that with this particular development The Ranches HOA would be responsible for maintaining the open areas. He said that they are a lot more stable and that it is a level of protection that other developments do not have. He stated that there is always a possibility that things may not work out and the area could possibly be left with unmaintained open space. He said that he does not want to see this happen but it is always a possibility. He stated that as each subdivision is constructed the open space areas will be bonded for.

Mr. Kinghorn said that The Ranches Master HOA documents will be recorded before any of the area is developed. He explained that in the end there is no way for the City to guarantee that The Ranches HOA will exercise their discretion if the developer were to go under. He said that without forming a contract with the HOA the City does not have control over the maintenance of the open space and parks. He said that this development has a large number of privately owned facilities and that unless the City owns them they don't have any control over what happens to them. He said that it is in the best interest of the developer to get the facilities in as soon as possible.

Mr. Kirkland stated that the open spaces and parks are privately owned so that good quality landscapers can be hired to maintain them. He said that if they are City owned they do not necessarily get the opportunity to hire someone who does high quality maintenance. He said that it is also possible to do a maintenance agreement so that if there is ever a default the City could own and do something to maintain the property.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, approving a Master Development Agreement for Oquirrh Mountain Ranch and zoning the Oquirrh Mountain Ranch area as presented. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

17. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City, Utah and Utah Valley University for a Paramedic Ride-along Program.

This agreement documents the terms and conditions under which the Utah Valley University 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 Cieslak moved to approve an agreement between Eagle Mountain City, Utah and Utah Valley University for a Paramedic Ride-along Program. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

18. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City, Utah and Utah County for a 2010 Municipal Recreation Grant.

Eagle Mountain City was allocated funds from the Utah County Tourism, Recreation, Cultural and Convention Facilities Tax. As permitted by the program, Eagle Mountain rolled the funds from 2008 through 2010 for a total of \$35,746.05 which will be used to pay for the construction of a sound barrier berm and landscaping at the Pony Express Skate Park. The agreement documents the terms of the reimbursement grant.

MOTION: *Councilmember Cieslak moved to approve an agreement between Eagle Mountain City, Utah and Utah County for a 2010 Municipal Recreation Grant. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

19. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah Adopting Federally Required Policies to Participate in the Utah County CDBG Program.

Eagle Mountain City recently approved an agreement to participate in the Utah County CDBG program. The proposed resolution adopts certain federally required policies and procedures for law enforcement agencies within the City's jurisdiction cited in the original resolution.

MOTION: *Councilmember Cieslak moved to adopt a Resolution of the City Council of Eagle Mountain, Utah adopting federally required policies to participate in the Utah County CDBG Program. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

20. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Cieslak

Councilmember Cieslak asked that everyone continue to contact elected officials to inform them of Eagle Mountain's transportation needs.

Mayor Jackson stated that the transportation commission gave the City \$2.6 million to build an eastbound lane on S.R. 73.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Painter

No comment.

21. CITY COUNCIL BOARD LIAISON REPORTS

No reports were given.

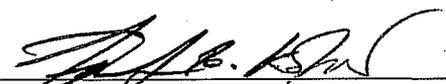
22. COMMUNICATION ITEMS

- a. Upcoming Agenda Items

23. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 8:26 p.m.

APPROVED BY THE CITY COUNCIL ON JULY 20, 2010.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 20, 2010

Work Session 4:30 p.m. - Policy Session at 7:00 p.m.

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

4:30 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Manager; Eric McDowell, Sheriff; Ifo Pili, Assistant City Manager; Chris Trust, Public Works Director; Paul Jerome, Senior Accountant; Jenalee Harper, Deputy Recorder; Jason Walker, Management Analyst; Kent Partridge, Building Official.

Mayor Jackson called the meeting to order at 4:45 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.
3. ADJOURN TO A CLOSED EXECUTIVE SESSION

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, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting adjourned at 5:52 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Manager; Eric McDowell, Sheriff; Ifo Pili, Assistant City Manager; Chris Trusty, Public Works Director; Paul Jerome, Senior Accountant; Jenalee Harper, Deputy Recorder; Jason Walker, Management Analyst; Kent Partridge, Building Official.

4. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:14 p.m.

5. PLEDGE OF ALLEGIANCE

Ryan Ireland led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

None.

7. PUBLIC COMMENTS

Tiffany Ulmer, 1320 E. Harrier Street, asked that the Council approve the funds for Smith Ranch Park but not the layout. She feels that there are safety issues with the proposed design. She asked if sidewalks along Ira Hodges could be extended because most children will take this route when going to the new school by the Overland Trails subdivision. She feels that the Mayor, Council and Staff should attend the Alpine School District meetings to try and get the District to provide a bus.

Doug Page, 7877 N Crestwood Circle, asked if a decision has been made regarding the fencing in the SilverLake subdivision.

Mayor Jackson stated that a fence will be installed but that she did not yet have a time frame of when it would be done.

Greg Riley, 4095 Mt Airey Drive, thanked Councilmember Ochsenhirt for organizing a street planting fair for the park strips in his neighborhood. He said that 70 to 85 trees were planted.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham asked where the town hall meeting scheduled in August would be held. She asked if there could be more signage and advertising for this meeting so that more than 1 resident will attend.

Mayor Jackson stated that the meeting would be the third Thursday in August.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked Mr. Riley for his kind words. He said that the residents had a great time planting the trees together. He thanked the HOA and neighbors for making the event a success.

Councilmember Painter

Councilmember Painter stated that Councilmember Ochsenhirt is a great example of a Councilmember who goes above and beyond. He said that he was grateful for the opportunity he has to work with him. He stated that he was excited to see the concrete being poured along Ranches Parkway for the pergolas and feels that this is a great example of the community coming together.

Councilmember Cieslak

Councilmember Cieslak stated that he was also excited to see the work being done along Ranches Parkway. He said that this election year there are several choices for the Alpine School District Board. He encouraged everyone to vote for individuals who reside in the area so the City can have

a chance to increase their presence on the board. He encouraged everyone to vote and that it's a disappointment to see a low voter turnout. He stated that he was grateful that \$2.6 million had been given to the City to expand S.R. 73 and encouraged residents to contact their elected officials regarding transportation because there is still a need.

Councilmember Ireland

Councilmember Ireland explained that he had the opportunity for two Friday's and Saturday's in a row to come to City Hall and sit in a full room and be taught about the Country's history. He stated that he was grateful for Dave Jensen and those who took the time to learn and study.

Mayor Jackson said that she would be going to Washington DC next week to do some lobbying.

9. APPOINTMENT

A. Pat Graves – Senior Council

MOTION: *Councilmember Painter moved to appoint Pat Graves to the Senior Advisory Board to fill a vacancy created by Sue Hillaker whose term expires December 31, 2010 and also to appoint her to a 3 year term which expires December 31, 2013 after she has filled the remained of Sue Hillaker's term. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

CONSENT AGENDA

10. MINUTES

A. July 6, 2010 – Regular City Council Meeting

11. FINAL PLAT

A. The Village at Simpson Springs Plat A and Vacation of Condominium Record of Survey

12. BOND RELEASE – Into Warranty

A. Valley View Ranch North B

13. DECLARATION OF SURPLUS PROPERTY

A. Two Troxler Nuclear Density Gauges

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

SCHEDULED ITEMS

14. PRESENTATION – Community Heroes presentation of checks from donations made during Pony Express Days.

Mayor Jackson stated that she was grateful for the opportunity to barrel race to raise money for the families. She said that her cousin, Amy Jackson, had passed away on July 3, 2010. She said that \$2,000 had been raised and that each family would receive a \$500 check.

15. PRESENTATION – Youth City Council Certificate of Appreciation for volunteer services during Pony Express Days.

**This item was removed from the agenda.*

16. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and Powder River Rodeo LLC for the Eagle Mountain PRCA Rodeo Contract.

The City has selected Powder River as a consultant rodeo producer to assist the City in the Pony Express Days Rodeo. Powder River assisted the City with the 2010 rodeo and offers comprehensive services required by the City in the future. Powder River will furnish personnel to produce the rodeo, provide stock and provide consultant services to the City with respect to other services needed by the City in connection with the rodeo. This Agreement requires annual approval of the budgeted amounts by the City Council and does not require the City to appropriate the funds required to pay Powder River beyond the current year budgeted each year for the rodeo production.

MOTION: *Councilmember Cieslak moved to approve an agreement between Eagle Mountain City and Powder River Rodeo LLC for the Eagle Mountain PRCA Rodeo Contract and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion.*

Councilmember Cieslak stated that he was comfortable with approving this contract because of what the City Attorney had mentioned regarding the opt out.

Councilmember Ireland stated that he was not comfortable approving something that had many parts to it that still needed to be discussed and decided upon.

Those voting aye: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting nay: Ryan Ireland. The motion passed with a 4 to 1 vote.

17. MOTION – Consideration and Approval of a Park Plan for the FY 2010-2011 Budget.

Mayor Jackson explained that the City Council approved the 2010-2011 City Fiscal Year Budget at the June 22, 2010 City Council meeting. She said that the proposed park plan identifies specific parks projects and improvements that were funded in the budget. She stated that this item was tabled at the July 6, 2010 City Council meeting.

Councilmember Ireland thanked Chris Trusty for his work on the Mid-Valley Park. He asked if there was any interest in doing the splash pad in Mid-Valley rather than Nolan Park. He stated that he understood that restroom facilities, water, etc. would be needed if it were built in Mid-Valley.

Councilmember Ochsenhirt stated that he feels that having a splash pad at Mid-Valley is appropriate but feels that it should be done at a later time. He said that the ball fields and splash pads would need separate restroom facilities because of their locations in Mid-Valley.

Mr. Trust agreed that two restroom facilities would most likely be needed if a splash pad was built in Mid-Valley.

Councilmember Ireland asked if there was any interest from the Council in jump starting the pool idea in Mid-Valley by using telecom funds to build a splash pad.

Councilmember Cieslak stated that he had voted in favor of giving the residents a chance to vote for a pool. He said that he was comfortable with the splash pad going into Nolan Park. He feels that it is a good area and that it is the most cost effective.

Councilmember Burnham stated that residents can walk to the splash pad if it is at Nolan Park. She said that everyone would have to drive to it if it is at Mid-Valley. She asked if the one million dollar restroom would need to be built if the splash pad was put in Mid-Valley.

Councilmember Ireland stated that he wasn't sure where the pool priority was in relationship to other projects. He said that he would like to see the City stay out of debt as much as possible. He feels that based on discussions the Council would like to see a splash pad at Nolan Park and then have the residents vote on one in November and feels that it is not prudent.

Mayor Jackson stated that the Council had made their priorities fairly clear through the past two budget cycles. She said that the splash pad was something that was high priority and was budget for in last year's budget but was never built. She feels that the Council still wants to see a splash pad built and that the most cost effective place for it to go would be in Nolan Park because of the restroom requirement. She said that the aquatic center is something completely different because it is a luxury item. She said the Council voted to put this on the November election to give residents the opportunity to vote on it.

MOTION: *Councilmember Ochsenhirt moved to approve a park plan for Fiscal Year 2010-2011 Budget, selecting option #12 which includes, Mid Valley B, Smith Ranch C, and a splash pad at Nolan Park, with the understanding that Smith Ranch C will need a redesign on the parking. Councilmember Painter seconded the motion.*

Councilmember Burnham asked if the intent of the motion was to use all of the funds.

Councilmember Ochsenhirt stated that he would like to add to the motion that Council approves the budget to be up to the number presented as part of option #12.

Mrs. Kofoed asked if this would be at staff's discretion.

Mayor Jackson said that it would not be up to staff because the Council wants to see the park re-design before the funds are used.

Councilmember Cieslak asked if the motion could state 'as per discussion in the works session'.

Mrs. Kofoed asked that the motion be restated.

MOTION: *Councilmember Ochsenhirt moved to approve a park plan for Fiscal Year 2010-2011 Budget, selecting option #12 which includes, Mid Valley B, Smith Ranch C, and a splash pad at Nolan Park, with the understanding that Smith Ranch C will*

need a redesign to include parking, and the allowing the City to spend up to \$311,584, and that the Council will approve the redesign before construction. Councilmember Painter seconded the motion.

Councilmember Ochsenhirt asked if Smith Ranch Park would be built to completion this year.

Mr. Trusty stated that he would like to see as much as possible done this year. He said that the parking may not get done but a gravel base could possibly be laid down.

Those voting aye: Donna Burnham, Eric Cieslak, Nathan Ochsenhirt and John Painter. Those voting nay: Ryan Ireland. The motion passed with a 4 to 1 vote.

18. BID AWARD - Consideration and Approval of a Purchase from Lewis Coach of a 15 Passenger Glaval Van.

Mayor Jackson explained that Eagle Mountain City was awarded CDBG funds to purchase a van for transportation for seniors in the community. She said that Lewis Coach submitted the lowest bid for a 15 passenger Glaval van that will be built to the requested specifications and ready to be delivered in August 2010. She stated that the vehicle will be ADA accessible and will be equipped to accommodate 2 wheelchairs. She explained that the total expense including a wrapping of the vehicle will be \$59,740.00.

Councilmember Ochsenhirt asked if the total expense needed to be increase because there may be an additional increase on the wrapping.

MOTION: *Councilmember Painter moved to approve a purchase from Lewis Coach of a 15 passenger Glaval Van in the amount of \$60,000.00 and to allow staff to work out the details of the wrap for the vehicle. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

19. BID AWARD – Consideration and Approval of a Bid Award for the City Center Trails Project.

With the completion of the new elementary school in the City Center, the City has solicited bids to install a trail running from the Eagle Park subdivision to the new school to accommodate pedestrian traffic. The trail issued for bid conformed to the City's Open Space Improvement Plan for the City Center. An alternate bid was also included which would allow for a trail to be constructed on property already owned by the City. The City does not currently own easements for portions of this trail. With school beginning on August 25, it is unlikely that easements can be obtained and a trail built prior to the school opening. The City Council could choose to award the alternate bid, which would route pedestrian traffic across Eagle Mountain Boulevard at Major Street and along the east boundary of Pony Express Park.

Mayor Jackson stated that the plan the City had will not work because the City has been unable to obtain the easements necessary to be able to build the trails.

Mr. Trusty explained that the low bidder was DRD Paving and that staff recommends that the bid be awarded to them. He said that any additional work could also be negotiated with them.

Councilmember Ochsenhirt asked if the City has worked with DRD Paving before.

Mr. Trusty stated that the City has not worked with them on a pavement project but that they have worked with them on other projects. He said that they have been good to work with the City and have been interested in several other bids.

MOTION: *Councilmember Burnham moved to approve a bid award for the City Center Trails Project to DRD Paving in the amount of \$56,245.12 and direct staff to bid out the proposed bike trail that is on the west side of the subdivision and authorize the Mayor to sign the contract.*

Mayor Jackson asked if Councilmember Burnham's intent was to authorize staff to work this out and bring back a change order and to authorize spending up to \$150,000. She also asked the Council wanted to include anything about a 4 way stop.

Councilmember Burnham said she did not want to state that in the motion but that she would like to see the plan at a later time.

Mrs. Kofoed asked if the motion could be clarified to state the beginning and ending points of the trail in Eagle Park.

Mayor Jackson stated that the trail would end at the road that comes from the Autumn Ridge subdivision and that to have the trail go as far north along the west side of the subdivision as the budget allows.

Councilmember Burnham said that she agreed with the Mayor's statement.

MOTION: *Councilmember Burnham moved to approve a bid award for the City Center Trails Project to DRD Paving in the amount of \$56,245.12 and to direct staff to bid out the proposed bike trail ending at the road coming from the Autumn Ridge Subdivision and going as far north along the west side of Eagle Park as the budget will allow, to authorize spending of up to \$150,000.00 and authorize the Mayor to sign the contract. Councilmember Cieslak seconded the motion.*

Councilmember Ireland asked if the north section of the trail by Eagle Park is the most important section of trail. He feels that the north part of the trail by Eagle Park isn't a high priority because it only benefits a few children going down to the new school.

Councilmember Burnham stated that she feels that it is important because children are not supposed to be riding their bikes on sidewalks and that it will serve a lot of kids.

Councilmember Ireland stated that there are also other needs and other areas that don't have trails at all for kids to ride on. He asked if all of the money should be spent to take the trail north along Eagle Park or if the money should be used somewhere else.

Councilmember Ochsenhirt asked if the City will lose more if they try to make another trail somewhere else as well.

Mayor Jackson stated that the City is not prepared to answer that question at this point. She said the priority is to get children from Eagle Park to school.

Mr. Trusty said that they will need to come back to the Council with a change order and that the council can discuss it at that time.

Councilmember Ireland asked Mr. Trusty to figure out how many linear feet the trail is.

Mr. Graves, 1503 Harrier Street, said that kids are going to take the shortest route and that if they have to go outside of their housing track the likelihood of them going out of their way to get to a trail is slim. He said he isn't sure that the trail would work the way it has been discussed.

Tiffany Ulmer, 1320 E. Harrier Street, said that stopping the trail at the Northwest corner of the subdivision wouldn't work because there would be no access to the trail unless it was taken east over to the roundabout. She said it would be nice to see the sidewalks extended over by the church.

Councilmember Burnham stated that she would like to remove her previous motion and give a new motion.

MOTION: *Councilmember Burnham moved to approve a bid award for the City Center Trails Project to alternate bidder, DRD Paving, in the amount of \$56,245.12, authorize the Mayor to sign the contract and instruct staff to provide a plan that makes the most sense for the Eagle Park trail. Councilmember Ochsenhirt seconded the motion.*

Mayor Jackson asked if there was an advantage to putting the trail in along the edge of Overland Trails. She felt that it would at least get the children out of the neighborhood aspect of the street.

Councilmember Ireland felt that the kids would not use the trail if they can see the school right down the street on the road that they are already on. He feels that the east entrance will most likely be heavily used to get kids to and from school.

Mayor Jackson said that for the purpose of safety it may make more sense for a one way out and a one way in so people are entering and exiting the school from the right side of the road.

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

20. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Painter

No comment.

Councilmember Cieslak

Councilmember Cieslak encouraged everyone to email their elected officials regarding transportation. He stated that he respects Councilmember Ireland for sticking to his vote even when it does not turn out his way. He thanked him for being respectful.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham said that the item just discussed is a good example of why the school board election is so important. She said that the Council would not be having this discussing had a school not been put by a rural subdivision with no sidewalks. She feels that it was not a good decision and encouraged residents to vote.

Councilmember Ochsenhirt

No comment.

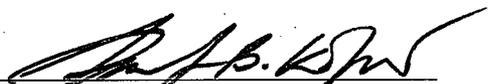
Mayor Jackson

Mayor Jackson said that Eagle Mountain City took the best small float award in the American Fork Steel Days Parade.

21. 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.
22. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
 - B. Financial Report
23. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 8:23 p.m.

APPROVED BY THE CITY COUNCIL ON AUGUST 3, 2010



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 3, 2010

Work Session 6:00 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 ***

6:00 P.M. WORK SESSION – ADMINISTRATIVE CONFERENCE ROOM

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Adam Ferre, Energy Department Manager; Chris Trusty, Public Works Director.

Mayor Jackson called the meeting to order at 6:10 p.m.

1. 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 Painter 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 Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:57 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder; Adam Ferre, Energy Division Manager; Eric McDowell, Deputy Sheriff; Ifo Pili, Assistant City Administrator; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Melanie Lahman, Deputy Recorder; Kent Partridge, Building Official; Kevin McCarthy, Fire Captain.

2. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:07 p.m.

3. PLEDGE OF ALLEGIANCE

Brianna Loveridge led the Pledge of Allegiance.

4. INFORMATION ITEMS/UPCOMING EVENTS

- The annual Economic Development Summit and Golf Tournament will be held on Tuesday, August 10, at 8:00 a.m. at The Ranches Golf Club.
- The Eagle Mountain Community Theater will present "Into the Woods, Jr." from August 12-14 at SilverLake Amphitheater.

5. 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.)*

Bryan Free, 7654 Red Kite Way, is a member of the Parks and Recreation Advisory Board. He said the board would like to participate more in studying and making recommendations to the Council regarding recreation issues. They would like to be informed of upcoming recreation issues before they appear on the City Council meeting agendas.

Mark Rivenbark, 6956 Comanche St., thanked the City for its funding and support of the Eagle Mountain Community Theatre. He particularly thanked Angie Ferre, John Hendrickson and Linda Peterson.

6. 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 Ireland

No comment.

Councilmember Burnham

Councilmember Burnham asked if any crosswalk lights would be moved from their current positions to Mountain Trails Elementary School crosswalks. Mayor Jackson responded that the City is considering moving two lights. Councilmember Burnham also asked why the property tax rate increased. Mayor Jackson said the amount of property tax the City collected remained the same, but because property valuations were reduced, the tax mill rate increased.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked The Ranches HOA for helping with the Ranches Parkway and Pony Express Parkway park strips. He also requested that, with the increase in traffic on Pony Express Parkway, the City consider constructing a left-turn lane into Plum Creek.

Councilmember Painter

No comment.

Councilmember Cieslak

Councilmember Cieslak thanked the residents for attending this meeting and invited them to come back. He recognized former Councilmember David Lifferth, who was attending the meeting. He asked residents to continue contacting state elected officials about transportation needs.

Mayor Jackson

Mayor Jackson announced that the county's new east-west connector to I-15, Pioneer Crossing, will open on August 23. She said she was in Washington, D.C., last week and met with Senator Hatch.

7. PROCLAMATION – “International Fetal Alcohol Syndrome Awareness Day, September 9, 2010” requested by Terra Daniel.

Councilmember Cieslak stated that International Fetal Alcohol Syndrome Awareness Day was created on September 9, 1999, to remind women not to drink during the nine months of pregnancy, as Fetal Alcohol Syndrome is 100% preventable if women don't drink during pregnancy.

MOTION: *Councilmember Cieslak moved to approve a proclamation designating September 9, 2010, Fetal Alcohol Syndrome Awareness Day. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

8. PRESENTATION – Smith Ranch Park Project

Public Works Director Chris Trusty described current plans for Smith Ranch Park, including soccer fields, landscaping and a parking lot. The project is expected to be completed under budget.

CONSENT AGENDA

9. MINUTES
A. July 20, 2010 – Regular City Council Meeting
10. BOND RELEASE – Out of Warranty
A. Colonial Park, Phase 2
B. Sage Valley, Plat B
11. CHANGE ORDER
A. City Center Trails Project

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

SCHEDULED ITEMS

12. PRESENTATION – Youth City Council Certificates of Appreciation for Volunteer Services during Pony Express Days.

Mayor Jackson presented certificates of appreciation to the Youth City Council members who worked as volunteers during Pony Express Days.

13. AGREEMENT – Consideration and Approval of a Standard Form Escrow Completion Agreement between Eagle Mountain City and Insurance Company of the West for The Woods Subdivision Completion Project.

This item was presented by City Attorney Jerry Kinghorn. The Woods subdivision, located southwest of the Overland Trails subdivision, was originally constructed in 2004. The required

improvements were never completed. Eagle Mountain City made a demand against the bonding agency, Insurance Company of the West (ICW), for the completion of this project. The agreement is a standard form agreement that the City has used before for subdivision improvement completion projects.

Councilmember Ochsenhirt asked if the money available will be enough to complete all the improvements. Mr. Trusty said it would be enough to cover all the improvements, including a trail, fencing and sidewalks.

MOTION: *Councilmember Ochsenhirt moved to approve a standard form escrow completion agreement between Eagle Mountain City and Insurance Company of the West for The Woods subdivision completion project and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

14. BID AWARD – Consideration and Approval of a Bid Award for The Woods Subdivision Completion Project.

This item was presented by Public Works Director Chris Trusty. Because the main office for ICW is located in Las Vegas, earlier this year they approached the City to ask if it would be willing to manage the completion project. The City has received four bids for the completion project. Staker Parson submitted the low bid. The trail will be completed before school starts and the rest of the project will be finished before the end of the year.

MOTION: *Councilmember Cieslak moved to award a bid to Staker Parson for The Woods subdivision completion project in the amount of \$107,564.65 and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

15. 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.

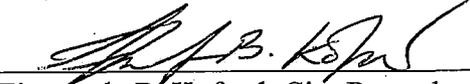
No reports.

16. COMMUNICATION ITEMS
A. Upcoming Agenda Items

17. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 7:45 p.m.

APPROVED BY THE CITY COUNCIL ON AUGUST 17, 2010.


Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 17, 2010

Work Session 5:00 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 ***

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak (arrived 5:23 p.m.), Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Ifo Pili, Assistant City Administrator; Linda Peterson, Public Information Director; Steve Mumford, Planning Director; Steven Tanner, Planning Intern; Chris Trusty, Public Works Director; Steve Olson, Electrician; Gordon Burt, City Treasurer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Jeff Cornell, Sergeant.

Mayor Jackson called the meeting to order at 5:08 p.m.

1. DISCUSSION – Enerlyte Utility Monitoring.
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

This item was moved to the Policy Session.

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 Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:46 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Ifo Pili, Assistant City Administrator; Linda Peterson, Public Information Director; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Steve Olson, Electrician; Gordon Burt, City Treasurer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Jeff Cornell, Sergeant.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at *** p.m.

6. PLEDGE OF ALLEGIANCE

Caysen Flint led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Town Hall meeting on Wednesday, August 18, at The Ranches Academy at 8:00 p.m.
- Youth City Council meeting on Thursday, August 19, at City Hall at 4:00 p.m.
- Ribbon cutting ceremony for Pioneer Crossing on Monday, August 23 at 7:00 a.m.
- Community Theater auditions on Tuesday, August 31, at City Hall at 5:00 p.m.

8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*

No comments.

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. *(Comments are limited to three minutes each.)*

Councilmember Burnham

Councilmember Burnham thanked Councilmember Cieslak for his service to the City.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said he was a better person for knowing Councilmember Cieslak. He also asked Sgt. Cornell to have parking regulations enforced on builders near his neighborhood who are parking on the sidewalks. He said several residents have told him that Sheriff's Office staff have been telling callers to contact a City Councilmember to complain about the illegal parking.

Councilmember Painter

Councilmember Painter commented on the importance of the Youth City Council. He encouraged more youth to get involved. He also expressed appreciation for Councilmember Cieslak.

Councilmember Ireland

Councilmember Ireland thanked the Cieslak family for their friendship and example and wished them well in Chicago.

Councilmember Cieslak

Councilmember Cieslak read a statement saying that in the last few years the City has virtually stopped receiving negative publicity, is receiving a lot of inquiries from businesses interested in locating here, and has improved its transportation access. We have opened the new wastewater treatment plant, constructed two new wells and implemented a new water conservation initiative. He's been impressed with City staff's commitment to making residents' lives as good as possible, by leaving them alone as much as possible, but stepping in in a professional, courteous manner when needed. Recycling has been made available, with an option for residents to opt out if they wish. We've enacted a renewable energy policy and tiered water rates. He's been privileged to work with the other members of the Council and the Mayor, who are committed to make the City as good as possible, while handling disagreements civilly. He's been a proponent of disagreeing in a civil manner. He explained that he is resigning because, after a long period of unemployment, he has accepted a job in Chicago.

He said that in order to be consistent with his comments at every City Council meeting, he wanted to encourage residents to contact their elected officials about the City's transportation needs.

He encouraged residents to give thanks to whatever power they believed in for the opportunity to live in such a fine community and such a wonderful country.

Mayor Jackson

Mayor Jackson presented Councilmember Cieslak with a gift of a Hot Wheels road set in tongue-in-cheek recognition of his constant work on transportation issues.

10. PROCLAMATION – “A Proclamation of Recommitment to Full Implementation of the Americans with Disabilities Act” requested by resident Tom Brownlee.

MOTION: *Councilmember Cieslak moved to approve a proclamation recommitting to full implementation of the Americans with Disabilities Act, as requested by Tom Brownlee. Councilmember Ochsenhirt seconded the motion. Those voting yes: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

11. PRESENTATION – Wastewater Reclamation Facility Presentation and Award by the Division of Water Quality Presented by Ed Macauley and Lisa Nelson.
12. PRESENTATION – Advanced Series Certificate Presented to Kevin McCarthy by Ted Wooley, Department of Homeland Security

CONSENT AGENDA

13. MINUTES

A. August 3, 2010 – 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, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

14. AGREEMENT – Consideration and Approval of a Settlement Agreement between Eagle Mountain City, Kent L. Jones State Engineer of Utah, Central Utah Water Conservancy District and the Town of Cedar Fort for the Approval of 1,000 Acre Feet of Central Utah North Shore Aqueduct Project Water from Certain City Wells.

This item was presented by City Attorney Jerry Kinghorn. The Town of Cedar Fort, the State Engineer of Utah, The Central Utah Water Conservancy District and the City have negotiated a settlement of the appeal litigation which challenged the approval of a change application allowing the City to use contract water supplied under Central Utah Water Conservancy District water rights pumped from wells #3 and #5 which are owned by the City. Under the settlement the amount of water which can be pumped is to be reduced from the originally approved 3,000 acre feet of water to the amount of 1,000 acre feet, which matches the amount the City can purchase under the original contract for North Shore Aqueduct project water. The change approval under the Settlement is timed to expire approximately one year after the Aqueduct is scheduled to be finished in 2014. An amended Order of the State Engineer is required to implement the Settlement.

MOTION: *Councilmember Cieslak moved to approve a settlement agreement between Eagle Mountain City, Kent L. Jones State Engineer of Utah, Central Utah Water Conservancy District and the Town of Cedar Fort for the approval of 1,000 acre feet of Central Utah North Shore Aqueduct Project water from certain city wells. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

15. MOTION – Consideration and Approval of a Motion to Authorize Publication of Notice of City Council Vacancy, Deadline for Submittal of Statements of Interest and Meeting to Appoint a New Council Member.

This item was presented by City Recorder Fionnuala Kofoed. State statutes require that the City Council set a deadline for applicants to file a statement of interest for consideration to fill the City Council position created by the resignation of Councilmember Eric Cieslak and provide the name of the person authorized to receive such statements. The statute provides that the City Council may not appoint to fill the vacancy, or by implication set a deadline for filing a statement of interest earlier than 14 days after the publication of the Notice of Vacancy. The statute requires the City Council to set the date and time of the meeting where the appointment to fill the vacancy will be made. The earliest publication date available is August 21, 2010 and therefore the deadline may not be earlier than September 6, 2010 at 5:00 p.m. The City Council will need to decide whether to make the appointment at its regularly scheduled meeting September 7, 2010 or to make the appointment at a Special Meeting prior to September 21, 2010. The blank in the notice will be filled in during the meeting when the Council decides when to make the appointment.

Councilmembers asked several procedural questions regarding filling the vacancy. Ms. Kofoed explained that the application requires a statement of interest form to be hand-delivered by the applicant to the Recorder's Office by 5:00 p.m. on September 3rd.

MOTION: *Councilmember Cieslak moved to authorize publication of notice of City Council vacancy, deadline for submittal of statements of interest and meeting to appoint a*

new Council Member. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

Councilmember Cieslak requested that his letter of resignation be posted on the City website, as a matter of transparency, to inform the residents of his reason for resigning.

CITY ADMINISTRATOR INFORMATION

Mr. Hendrickson said that work on the walking trail to the new elementary school started yesterday. He asked Mr. Trusty if it would be completed by Wednesday, when school starts. Mr. Trusty said the portion of the trail that goes through The Woods subdivision will be finished on Tuesday.

16. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

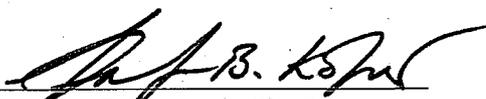
None.

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

18. ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 8:03 p.m.

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 7, 2010.


Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 7, 2010

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

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

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Adam Ferre, Energy Department Manager; Steve Mumford, Planning Director; Rand Andrus, Fire Chief; Eric McDowell, Sheriff; Dave Norman, Assistant Public Works Director; Gordon Burt, City Treasurer; Linda Peterson, Public Information Director.

Mayor Heather Jackson called the meeting to order at 4:14 p.m.

1. PRESENTATION – American Fork Hospital/Hospital Services and Community needs – Bryant Larsen and Ethan Shumway.
2. PRESENTATION – National Flood Insurance Program – John Crofts, State Coordinator.
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.
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 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, the purchase, lease or exchange of real property, and the discussion of character of an individual, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting adjourned at 5:42 p.m.

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

6. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:07 p.m.

7. PLEDGE OF ALLEGIANCE

Eric Dow led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- A community open house will be hosted by the Utah Transit Authority representatives to provide information on the Frontrunner South project and construction that will take place in the Lehi area. The meeting will be at the Meadow Elementary School at 176 South 500 West in Lehi.
- A special story time in honor of Fetal Alcohol Awareness Day will be held at the Eagle Mountain City Library on September 9th at 4:00 p.m. Mrs. Utah, Ashalon Goodrich, and Eagle Mountain resident, will read to the children. There will also be a craft activity and the admission is free.
- The City's third annual small business street fair will be held September 11th from 1:00 to 5:00 p.m. along Peregrine Road. There will be a talent showcase and battle of the bands sponsored by the Music Stop.
- A 5k race and kids fun run will be held September 18th to raise funds for books for the new Mountain Trails Elementary School. This event has been organized as an Eagle Scout project. Registration begins at 7:30 a.m. The 5k begins at 8:00 a.m. and the kids run begins at 9:00 a.m. All of the proceeds will go to the library, book donations are also welcome. Registration information is available on the City website.

9. PUBLIC COMMENTS

Dennis Price, 2191 E Jordan Way, explained that he had recently received his tax assessment form and asked how the City can raise taxes without voting.

Mayor Jackson explained that the rate itself increased by approximately 3% and that the dollar figure that the City receives has stayed the same. She explained that the City has to maintain that dollar figure so that residents do not lose any services. Property values had decreased and the rate needed to be increased in order for the City to maintain the dollar figure and offset the difference. She said that this meant that some homes would see their tax assessments decrease or increase. Truth in taxation was not required unless the increase reached 5% which it did not so therefore the City Council was able to vote on this item at a City Council Meeting rather than have a public vote. The increase was actually approved through the budget process and not voted on individually.

Glenn Black, 2011 E Juniper Drive, stated that he was a member of the Military and that he has been concerned with seeing the flags for special occasions being left out over night without lighting. He asked if there was a law against leaving them out overnight. He suggested that the City organize volunteer groups to pick up the flags at the end of the day so that they do not stay out all night.

Mayor Jackson stated that she had checked the policy and that it was her understanding that the flags could be left out overnight without lighting. However she liked the idea of a volunteer group that could be in charge of the placement and pickup of those flags and would look into it.

Zac Huish, 3564 E James Street, thanked the City Council for allowing The Cure Starts Now foundation to partner with Pony Express Days. He explained that his daughter had been diagnosed with brain cancer and passed away in 2009 and that this foundation is actively looking for a cure. He explained that over \$10,000 was raised for the foundation and that it all goes towards pediatric brain cancer research.

Tiffany Ulmer, 1320 E Harrier Street, thanked UDOT and the Utah County Commissioners for building Pioneer Crossing. She also thanked the Council for ensuring that this project was built. She asked if the City could work with Saratoga Springs to get the 25 mph zone along Pony Express Parkway by the high school increased. She feels that it should not go from 45 mph to 25 mph in that area. She was happy to see that some trees have been trimmed at intersections along Ranches Parkway because it makes it easier to see oncoming cars.

Mayor Jackson explained that Pony Express Parkway extension had originally opened at a 35 mph with the 25 mph stretch. She said that she had spoken to Mayor Love about the slow speed and asked that it be increased. She stated that there was a misunderstanding between Mayor Love and her staff so the 35 mph was increased to 45 mph. Mayor Jackson explained that Mayor Love is still working on getting the 25 mph increased and that there may be special signage there stating that it's only 25 mph during specific times of the day.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone for coming to the meeting. He asked residents to be mindful of the children walking to school now that it has started back up. He would like an update on the turn lane he requested for traffic going eastbound turning into the Plum Creek subdivision from Pony Express Parkway.

Councilmember Painter

Councilmember Painter stated that he was happy to see the results of the Council and Staff's efforts on various projects and that he hopes to continue to see good things happening within the City. He thanked Mayor Jackson for keeping the Council up to date on the feedback received on the trails now that school has started, and for sharing her opinion and ideas with them. He asked for an update on the Kiowa Valley storm drain system. He mentioned that parents of soccer players have asked him if the City could be more strategic on when they cut the grass and whether it could be cut on Tuesday nights prior to the games.

Councilmember Ireland

Councilmember Ireland thanked the applicants for their willingness to serve. He thanked the Public Works Department for building the new trail to the new school so quickly.

Councilmember Burnham

Councilmember Burnham thanked everyone for coming to the meeting.

Mayor Jackson stated that the City received a \$42,000 grant for trails by the new school. She explained that the City is still working on obtaining easements to be able to complete portions of the trail system near the new school. She said that she had the opportunity to attend a Joint Planning Advisory Committee meeting and speak with Jeff Holtz and John Nold about the City's current transportation issues.

11. APPOINTMENTS

A. Economic Development Board – Eric Dow

MOTION: *Councilmember Ireland moved to appoint Eric Dow to the Economic Development Board to complete an open term which expires December 31, 2010 and to also appoint him to a 3 year term which expires December 31, 2013. Councilmember Ochsenschirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenschirt and John Painter. The motion passed with a unanimous vote.*

CONSENT AGENDA

12. MINUTES

- A. August 17, 2010 – Regular City Council Meeting
- B. August 19, 2010 – Town Hall Meeting

13. BOND RELEASE – INTO WARRANTY

A. Willow Springs Phase 4

14. RESOLUTION

A. A Resolution of the City Council of Eagle Mountain City, Utah Amending and Approving the 2008 Personnel Policies and Procedures Manual – General Safety and OSHA Requirements

MOTION: *Councilmember Burnham moved to approve the consent agenda. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenschirt and John Painter. 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 Authorizing and Approving the Horse Butte Wind Project Power Sales Contract with Utah Associated Municipal Power Systems; and Related Matters.

Mr. Kinghorn explained that approval of this resolution would allow the City to enter into a power sales contract with UAMPS and allow the City to purchase power from the UAMPS Horse Butte Wind Project. He said that it would give the City equity interest in their first power generation resource. He recommended that the Council approve this resolution and also stated that the contract is to purchase 5 megawatts of power.

Councilmember Ochsenschirt asked if the City would only be paying for the power that they receive because the wind may not always generate the 5 megawatts of power.

Mr. Kinghorn stated that after the bonds have been paid off the City will only be paying for power received.

Councilmember Ochsenschirt asked if the City will receive all of the power they pay for.

Mr. Kinghorn explained that in any given year the City may or may not get the power they pay for.

He said that if people are allowed to use renewable energy credits they will go out and broker or acquire those so that the City can pass them along to people. He went on to say that it is a take or pay contract and it's the only way to purchase firm capacity in these types of projects. Based on UAMPS engineering studies it is highly unlikely that the City will not receive the power they pay for.

Councilmember Ochsenhirt asked if at the end of the contract the City would be reimbursed for power that they purchased but did not receive.

Mayor Jackson said that during the presentation it was explained that after the bonds have been paid off it will be a pay as you go type of situation.

Mr. Ferre explained that UAMPS has been careful with how much power they purchase so that they can almost guarantee that the City will receive the power they pay for. He said that in the future there may be extra power that the City will have the option of buying or selling. He said that UAMPS has been conservative so that the City will most likely receive the amount of power that they pay for.

Mayor Jackson said that this has been a long process because UAMPS takes their time to make sure that everything is correct and followed through.

Mr. Ferre said that if the board did not see this as a viable product UAMPS would not have moved forward with it. He said that 30% of the wind generation power plant is paid for through a grant which is why this contract needs to be in place before the end of September.

Councilmember Ireland asked how the power would be used throughout the day when the power is produced during the windy times which are mornings and evenings.

Mr. Ferre said the City is a member of a pooling project which allows the City to sell any power on the market that they do not use.

Councilmember Ireland asked if the City would be selling electricity in the morning and evenings and during the day they would be purchasing it.

Mr. Ferre explained that it all depends on how it is worked out in the portfolio with UMPA. He said at this point there are still some things being worked out and there is still a question as to how and who the power can be sold to. He said that this will be marketed properly so that the City will not be on the hook for it.

Mr. Kinghorn explained that the revenues will be balanced based on the load pooling arrangement. He said that the advantage of this project is that there is a market for wind energy in California that is bigger than the State of California can supply. He said that this situation is similar in other states as well. He said that any excess energy that the members of UAMPS can't use will be marketed through the western area grid.

Mr. Ferre said that with this wind project there is opportunity for the City to make sure that it will fit into their portfolio with UMPA until 2012.

Mayor Jackson said that the pooling process is separate from the contract being presented. The City will have the opportunity to sit down with UAMPS to work out the details.

Councilmember Painter said that this is an opportunity for the City to establish a long term relationship and contract that will bring renewable energy into the City for the same price that the City current pays for fossil fuels.

Mr. Ferre said that this is a great project at a great price and feels that the City needs to participate in it. He said that in the future it may be mandated that the City has to have renewable energy in their portfolio.

MOTION: *Councilmember Burnham moved to approve a resolution authorizing the execution of the power sales contract between UAMPS and Eagle Mountain City as proposed by UAMPS at 5 megawatts. Councilmember Painter seconded the motion.*

Councilmember Burnham stated that the Council is dedicated to economic development and that this is a major step in bringing economic development to the City.

Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

16. MOTION – Consideration and Appointment of a Candidate to Fill the City Council Vacancy Created by the Resignation of Eric Cieslak.

Councilmember Eric Cieslak's resignation from the City Council created a vacancy which was effective August 17, 2010. A Notice of Vacancy was published in the Daily Herald which set a deadline for submitting statements of interest as well as a meeting date and time to fill the vacancy. The deadline to submit statements of interest was September 3, 2010 at 5:00 p.m. The person appointed to the City Council will serve until January 2, 2012 at noon.

Mayor Jackson explained that there were sixteen statements of interest submitted to the Recorder's Office. She explained that each applicant was previously emailed a list of questions and they would be given 3 minutes to answer those questions and 2 minutes for the Council to ask any follow up questions.

The following is a list of questions that was sent to each applicant:

1. Have you ever been charged or convicted of a crime involving violence or moral turpitude?
2. Why and when did you move to Eagle Mountain?
3. Tell us the highest priority issue you believe that needs to be addressed by the City council?
4. Have you ever served on a city council, board or commission before, and if so when and where?
5. What do you and your spouse do for a living and are your working hours flexible enough to provide the time needed to work on the City Council?
6. Tell us your general philosophy of local government.
7. Why you, why now?
8. What skills do you bring that will help the Council?
9. The city wants to build a park in your neighborhood and your neighbors are opposed, but this park would be a great benefit to the city. How would you arrive at a decision?
10. Please explain how you handle conflict or disagreement.

11. What are you willing to do to improve transportation in Eagle Mountain?

Each applicant had the opportunity to respond to these questions during their 3 minute allotment. The Mayor drew names and the applicants were interviewed in the following order:

Bryan Free
Nikki Wickman
Darin Garrett
Oliver Brown
Kendel Saunders
Mark Rivenbark
Jonathan Celaya
Greg Ford
David Landon
Jon Barclay
Jesus A. Medina
Cory James Bargeron
Vincent M. Liddiard
Brice A. Bitter

Joshua McPherson and Evan Sigler were not present at the meeting and therefore they were not interviewed. Each Councilmember was then given a ballot and was instructed to vote for 3 applicants. The list of applicants was then narrowed down to four based upon the results of the ballot tally. Those individuals were:

Brice A. Bitter
Jonathan Celaya
Mark Rivenbark
Kendel Saunders

These four individuals were given a second opportunity to be interviewed by the Council. The Council asked each of these individuals various questions.

MOTION: *Councilmember Burnham moved to appoint Jonathan Celaya to the City Council to fulfill a vacancy created by Councilmember Eric Cieslak which expires December 31, 2011. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

Fionnuala Kofoed administered the oath of office to Jonathan Celaya.

17. CITY COUNCIL BOARD LIAISON REPORTS

No reports were made.

18. COMMUNICATION ITEMS

A. Upcoming Agenda Items

19. ADJOURNMENT

Councilmember Celaya moved to adjourn the meeting at 10:42 p.m.

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 21, 2010.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 21, 2010

Work Session 6:00 p.m. - Policy Session at 7:00 p.m.

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

6:00 P.M. WORK SESSION – ADMINISTRATIVE CONFERENCE ROOM

1. **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.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Adam Ferre, Energy Division Director; John Mulder, Sheriff; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Jason Walker, Management Analyst; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief.

2. **CALL TO ORDER**

Mayor Jackson called the meeting to order at 7:07 p.m.

3. **PLEDGE OF ALLEGIANCE**

Adam Ferre led the Pledge of Allegiance.

4. **INFORMATION ITEMS/UPCOMING EVENTS**

- A pancake breakfast, yard sale and silent auction fundraiser for the Parker family is being held September 25, 2010 from 8:00 to 11:00 a.m. All funds raised will go to the Parker family to help with their medical expenses. More information is available on the City website.
- UTA will be closing Lehi Main Street at the railroad crossing to install upgrades for the FrontRunner South commuter line. Main Street will be closed between 300 West and the 500 West roundabout from September 27 to October 3.
- The Eagle Mountain City library is having a book fair to be sponsored by Barnes & Noble in Orem. This event takes places on Saturday, September 25 from 1 – 5 p.m. at the Orem location.
- The Hidden Hollow PTA is hosting a meet the Candidate Event at Hidden Hollow Elementary on September 30 at 6:00 p.m. All candidates for contested races on the Eagle Mountain ballot have been invited to attend. The event is co-sponsored by the PTA/FSO organizations at all of the other Eagle Mountain Elementary Schools and Eagle Mountain City.

Mayor Jackson announced that Kindra Jones's husband, a member of the military and the Eagle Mountain community was in an accident over in Afghanistan and is in critical condition.

5. PUBLIC COMMENTS

Jennifer Holdsworth, 4632 Independence Way, thanked the Council for their hard work. She stated that she has noticed some walking trails and open space being used as dump areas. She said that there are many vacant lots with overgrown weeds that are getting tall and growing out into the sidewalks. She would like to see these maintained. She said that the volleyball court at Pioneer Park has turned into a weed patch and is unusable and that she would like to see drinking fountains at the parks.

Marci Bray, 4568 Maple Drive, stated that the bathroom at the amphitheater has been locked so children and families playing there can't use the restroom. She would like to see it left open during the day.

Mr. Trusty stated that he has been to the amphitheater recently and that the restrooms were open when he was there.

6. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham stated that some of the Council went to the Utah League of Cities and Towns training. She explained that one of the classes she attended was the emergency training and that new regulations require certain courses to be held. She said that she went to speak to the Fire Chief regarding these courses and that he was already aware of them and was taking the steps necessary to have those courses conducted. She also explained that residents have made complaints about City employees speeding down Lake Mountain Road. She asked that the employees be reminded to go the speed limit, she also asked residents to slow down as well. She explained that a resident had asked if signage could be put up around the Lake Mountain Area letting people know that it is still within City limits. She stated that residents have complained that people are shooting in the area.

Councilmember Celaya

Councilmember Celaya explained that this is the first City Council meeting he has attended since he was appointed as a City Councilmember to fill Eric Cieslak's position. He thanked the Mayor and Council for the confidence they had placed in him and expressed his gratitude for the ability to contribute to the community in this manner. He stated that he could be an effective member of the Council by keeping his communication open and encouraged residents to share their opinions on different matters with him.

Councilmember Painter

Councilmember Painter explained that in light of the Herriman fire several individuals have asked him if the City has an emergency plan in place and how it has and will be communicated. He stated that Mayor Jackson has kept the Council informed on different issues and that the City website is used as well to communicate different information. He appreciates that the Mayor and Fire Chief have taken preemptive measures to protect the City. He explained that the Youth Council Election will take place November 9th and encouraged the Youth to vote. He said that his thoughts and prayers are with the Jones family.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the residents for making comments about the local areas that need extra attention. He said that the City tries to remedy issues that come up but sometimes due to funds it takes longer to put the plans into place to remedy the issues. He encouraged the community to take pride in their property and their neighbor's property to keep the community a nice place. He said that his thoughts and prayers were with the Jones family as well.

7. PRESENTATION – City Trails – *Presented by Chris Trusty*

Mr. Trusty gave a presentation on the City Center Trails which included maps of existing and future trails in the Eagle Park and Pioneer Addition subdivisions. He discussed with the Council various trail options for the park in Eagle Park. He also reviewed a funding analysis for the City Center Trails which highlighted the following information:

- Total Budget for City Center Trails: \$150,000
- Cost for Existing Project: \$70,000
- Remaining Balance: \$80,000
 - Eagle Park Trail: \$7,000
 - Pioneer Addition Ramps: \$20,000
 - Contribution from Alpine School District: \$35,000
- Remaining Budget: \$88,000

He also explained that a \$42,000 grant will cover the full cost of a trail in the Overland Trails subdivision from Ira Hodges to Major Street.

Mayor Jackson stated that she had left an item out of her information items. She explained that 3 new lights have been placed in the lobby and that each of them has a meter below it. She asked Mr. Ferre and Mr. Mumford to give a brief presentation on them.

Mr. Mumford explained that the setup consists of an incandescent bulb, a compact fluorescent bulb and an LED bulb. He said that each of these have a meter attached to them that displays the yearly cost to run each light. He stated that more information will be put into flyers and will be available on the City website for energy and water saving tips.

8. CITY ADMINISTRATOR INFORMATION ITEMS
A. Pole Canyon Annexation Status Report

Mr. Hendrickson explained that the annexation is almost complete and that it has been a very complex annexation. He said that there have been several issues that the City has had to work through with the main one being the water system. He said that the City is trying to figure out how to upgrade the system and what it will take. He said that a system has to be in place that can be operated on a City level. He said that the annexation process can be completed once this water system is in place. He explained that the City will own and operate all of the utilities with the exception of gas in the White Hills subdivision. Mr. Hendrickson stated that he expects to see this annexation finalized before the end of the year.

CONSENT AGENDA

9. MINUTES

A. September 7, 2010 – Regular City Council Meeting

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

SCHEDULED ITEMS

10. PUBLIC HEARING – Proposed 2010 Recreation General Obligation Bonds.

Mayor Jackson stated that on May 4, 2010, the City Council of Eagle Mountain adopted a resolution that authorized the calling of an election concerning the issuance of the City's General Obligation Bonds. She said that the public hearing is to allow Public Comment regarding (1) the issuance of not to exceed \$7,000,000 General Obligation Bonds to finance costs of constructing a community recreation facility and related improvements and (2) any potential economic impact that the improvements, facilities or properties financed in whole or in part with the proceeds of the bonds may have on the private sector. She explained that nothing is being voted on tonight and that this public hearing is just part of the process.

Mr. Walker gave a presentation that included a possible floor plan for the Eagle Mountain Recreation Center. He reminded everyone that this will be an aquatics center with the basics and that eventually it could be turned into a full blown recreation center. He said that it would be similar to an aquatics center built in Payson. He explained that the total revenues are projected to be \$387,500 and that the total expenses will be \$386,500.

Laura Lewis with Lewis Young Robertson & Burningham, Inc. gave a presentation on the GO Bond for the Recreation Center. She presented 3 different financing options, a 20, 25 and 30 year. She explained that a home valued at \$200,000 together with a 20 year GO Bond would cost a homeowner approximately \$8.31 a month in a property tax increase to have the aquatics center. With a 25 year GO Bond it would be \$7.47 a month and a 30 year would be \$6.99 a month. She also explained that construction costs are beginning to stabilize and that interest rates are relatively low.

Mr. Walker also presented the most recent aquatics center survey results. He said that 43% of those who took the survey would support the building of an aquatics center and 51% would be willing to pay the proposed property tax increase. He said that 61% of those who took the survey currently use the Lehi Recreation Center. He also explained that the survey was sent to each household and that there was a 20% response rate.

Mayor Jackson opened the public hearing at 8:28 p.m.

Nikki Wickman, 2766 Fort Hill Road, stated that she does not want to see a bond election held at this time because she feels that most people are uneducated regarding the recreation center and she does not want to see an uneducated vote made. She feels that too many people are struggling in this economy and that most cannot afford to pay any more. She stated that the Council needs to work on getting residents excited about what the City already has and needs to make improvements to those areas instead.

Bryan Free, 7654 Red Kite Way, explained that he is on the Parks & Recreation Board and that he would like to see the elected officials (the State legislature) reverse this process so that a public hearing is held first not last. He explained that the board does not look to spend every dime and that they do try and be conservative with their recommendations. He feels that it is a good time to hold an election on this issue. He said that the board's goal is to inform the residents so that they can make a very informed vote.

Shad Tillotson, 4612 S. Independence Way, asked if there were other projects that could be done that would appeal to more people that would cost the same or less than the recreation center. He suggested that the City do something like paintball arenas, competitive shooting ranges, trails for bikes and 4 wheelers. He does not want to see the City get into debt for a recreation center.

Elaine Duke, 2156 Sunrise Drive, stated that she is in support of the aquatics center. She feels that this would address a large portion of the youth's needs. She thanked Laura Lewis for her presentation. She said that even though she has lost her own job she would still like to see this aquatic center built. She feels that people can make cutbacks in other aspects of spending to be able to afford the small increase in taxes.

Jennifer Holdsworth, 4632 N Independence Way, explained that she does not want to see the city incur debt to build the recreation center. She feels that outside companies should build it and those who want to use it can have a membership to it.

Cathie Frix, 1869 Cedar Trails Way, thanked the individuals who made presentations. She said that she is not opposed to the recreation center rather she questions the timing of it. She feels that the City should wait until the economy is better. She also expressed concern over the location of the aquatics center. She is worried that it will become a mud bath because it has no protection from the wind and dust being located in the middle of a field.

Phil Haderly, 7917 Apache Lane, stated that he was the architect on this project and that he has been happy to work with the City on this project for the past two years. He feels that the

recreation center is a great concept and that it is financially sound. He said that subbing this type of project out to a business will not happen because they will not design it like a family recreation center because if they do, they will lose money. He explained that the building would be designed to last 50 years, and built similar to the centers in Payson and Lindon. He said that if this were to pass a design could be completed in 4 to 6 months and that it would take 1 year to build the center:

Cory Barger, 4063 Mohican Drive, said that he would love to see a recreation center but feels that it is not the right time. He felt that the recreation center would not be able to sustain itself if it is only being used 3 months out of the year. He stated that there are numerous people that will not be able to afford the monthly increase.

Gary Kauhkin, 1758 American Way, said that he would like to see a private business build a recreation center instead of having taxpayers pay for it. He said that the City could incentivize a business by giving them the land to build it on and not making them pay taxes for the first while. He feels that by doing this the City won't be forcing people to pay for the recreation center when they can't afford it.

Charlotte Ducos, 9328 N Deerfield Circle, thanked Laura Lewis for her presentation. She asked that the City make sure that the information presented in the meeting be distributed to residents before the bond election is held. She would like to see information given in meetings, newsletters and on the website. She wants people to know what they are voting for so they can make an informed decision.

Marcy Bray, 4568 Maple Drive, asked if the Payson pool was opened year round. She also asked what will happen if the pool is not used. She asked if the rates on the bond were fixed or variable and if more businesses could be involved to improve the City's tax base.

Mayor Jackson closed the public hearing at 9:03 p.m.

Mayor Jackson explained that there is a facility in Ogden called the Solomon Center. She said that the building was built by the City of Ogden and that it is leased by Gold's Gym. She said that it is a joint partnership between the City and a private business. She also explained that the City does not own land to be able to have a gun range or a paintball range. She said that the land that the recreation center is being proposed to be built on is currently owned by the City which is why it is located where it is. She said if the bond is to pass the City would look further into ways of preventing dust and dirt from collecting into the pool. She explained that information on the recreation center will be sent out in a mailer, put in the newsletter, placed on the City website and possibly hold a few Town Hall meetings on the recreation center.

Councilmember Painter said that he has heard a lot of discussion regarding a private business building a recreation center. He said that based on Mr. Walker's presentation there would be no way that businesses would want to build a recreation center because it only breaks even, no profit is made. He stated that activities such a paintballing do not appeal to the general demographic. He also said that Payson's aquatic center is \$10,000 in maintenance costs per year. He asked what surrounded Payson's pool and was concerned that the City's recreation

center maintenance would be more because it is in the middle of an open sagebrush field.

Mr. Walker explained that Payson's aquatic center is surrounded by a skate park and ball fields.

Mayor Jackson stated that there is an open sagebrush area next to the aquatic center as well.

Mr. Hendrickson said that he had managed Payson for 3 to 4 years and that he knows that it has wind like Eagle Mountain.

Mr. Walker stated that this plan was designed to stay more financially sound.

11. CITY COUNCIL BOARD LIAISON REPORTS

No reports were made.

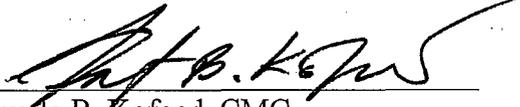
12. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

13. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:11 p.m.

APPROVED BY THE CITY COUNCIL ON OCTOBER 5, 2010.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 5, 2010

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter (arrived at 5:58 p.m.).

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

Mayor Heather Anne Jackson called the meeting to order at 4:15 p.m.

1. DISCUSSION – Emergency Operations Plan Q & A.
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.
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 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, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting adjourned at 6:20 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Adam Ferre, Energy Division Director; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Jason Walker, Management Analyst; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

5. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:14 p.m.

6. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Noise alert: Three Rivers, Inc., has a permit to blast at the Hadco gravel pit on Wednesday, November 6th, 12:00 – 3:00 p.m.
- 5K Cake Walk/Run to benefit Jim Hughes, who has brain cancer. Saturday, October 16th at 8:00 a.m. To register, go to www.active.com.
- October 3rd to 9th is Fire Prevention Week.
- Jr. Jazz registration for 1st through 10th grades will be held from September 27th through October 29th. Late registration is available from October 20th through November 12th for an additional fee.
- Symphony in the Park with the Oquirrh Mountain Symphony, October 16th at 4:00 p.m. at the SilverLake Amphitheater. Information is available at www.emctjr.blogspot.com.
- Haunted House sponsored by Eagle Mountain Community Theater and the Youth City Council, October 21-23 and 29-30 at 3563 Ranches Parkway #7. This is a fundraiser for Eagle Mountain Community Theater, Westlake High School football and the Youth City Council. Information is available at www.emctjr.blogspot.com.
- Vista Heights Middle School dedication, October 6th at 6:00 p.m.

8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*

Lori Burnett, 7092 Cherokee St., spoke about flood damage to her home. She was told that the City hired a third-party engineer/adjuster, but he told her that he had made a GRAMA request for storm drain plans, but didn't receive them. He told her the next step would be to do a full storm drain evaluation, which would cost \$20,000. Ike said city is not allowing that to move forward. She wants to know what the plan is, if the city isn't providing storm drain plans and not allowing an engineering study. She said she had an email from Linda Peterson saying the city expects a report from the engineer hired by the insurance company and the city wants to get a second opinion, as well. She also said she called the utility emergency hotline on July 31, then the Monday and Tuesday afterwards, and didn't get a response until she called the City Administration office.

John Hendrickson, City Administrator, responded that he spoke to Ike last week & asked for the engineering study proposal, so the City can evaluate it. The proposal is less than \$20,000. City

Recorder Fionnuala explained that the storm drain request the Recorder's Office received was for the grading plans for Eagle Top subdivision. The City did not have the plans. The GRAMA request was responded to within the required time period. Sometimes the City doesn't have the documents requested. Older records handled by Epic Engineering were not all turned in to the City. Mr. Hendrickson will talk to Ike Ayre, the insurance adjuster assigned to the flood claims. Mr. Ayre is not an engineer. Ms. Burnett said that Mr. Ayre made a GRAMA request, but Ms. Kofoed said he never made a GRAMA request, and wouldn't have to because he works with the City. On the utility hotline call, Mr. Trusty said the Streets Dept. normally handles storm drain calls, but this was received by the Water Dept. The employee referred the information to the Streets Dept., but didn't return the call to Ms. Burnett. His next shift was not until Tuesday. Correct hotline response procedures have been discussed with all Public Works on-call staff.

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. (*Comments are limited to three minutes each.*)

Councilmember Painter

Councilmember Painter encouraged residents to volunteer for the Haunted House. He said the pancake breakfast fundraiser for the Parker family was an incredible event. Attendance was overwhelming. He apologized for missing this evening's City Council work session.

Councilmember Ochsenhirt

Councilmember Ochsenhirt encouraged staff to constantly retrain in customer service to meet citizens' needs. A call to an emergency hotline should get an immediate call back. He complimented the staff on the good job they do, but they can always improve.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham commended Saratoga Springs for their efforts to set up a library. She was very happy that a library was one of the first services offered by Eagle Mountain.

Councilmember Celaya

No comment.

Mayor Jackson

Mayor Jackson said that City Administration is considering additional customer service training for all staff. They are also reviewing the Emergency Operations Plan.

10. APPOINTMENT

A. Parks and Recreation Board – Michael Clouse

MOTION: *Councilmember Painter moved to appoint Michael Clouse to the Parks and Recreation Advisory Board to complete the term vacated by Amanda Hammond, which expires December 31, 2011. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

11. PRESENTATION – Certificate of Appreciation for Volunteer Services for the Parker Family Fundraiser.

Mayor Jackson presented certificates of appreciation to Jennifer Morrison, Jennifer Keith and Becky Morton for their volunteer work on the pancake breakfast fundraiser for the Parker family.

CONSENT AGENDA

12. MINUTES

A. September 21, 2010 – Regular City Council Meeting

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

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – Consideration and Approval of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Titles 16.10, 16.20, 16.25 and 17.100 of the Eagle Mountain City Development Code Concerning Expiration of Development Approvals.

This item was presented by Planning Director Steve Mumford. This proposed Development Code amendment adds expirations of approvals for preliminary plats, final plats, master site plans, site plans, and master development plans. It also provides for extensions of time for projects that meet certain criteria. All the cities contacted by the Planning Department had plat approval expirations of two years or less. Most allowed extensions, subject to approval by the city. This amendment would *not* be applied retroactively. All plats already approved would not be subject to expiration. The plat expirations recommended by staff are as follows:

Preliminary Plats – Expire 2 years from the date of approval by the Planning Commission if a final plat application has not been approved by the City Council within that time.

Final Plats – Expire 1 year from the date of approval if not recorded at the County.

Master Site Plans – Expire 2 years from the date of approval if a site plan application has not been approved by the Council.

Site Plans – Expire 1 year from the date of City Council approval if a building permit has not been obtained for the project.

Master Development Plans – Expire 2 years from the date of approval by City Council if a Master Development Agreement has not yet been approved. Expiration of MDA would be as included in the specific MDA.

Councilmember Painter asked how applications are received in the office. Mr. Kinghorn said a deadline is assumed to be met if the application is received in the office by the end of business on the deadline date. Mr. Mumford said that mail and other documents are date-stamped when they are received in City offices.

Councilmember Painter asked if it would be better to give a specific approval deadline after applications are turned in, rather than saying a reasonable time. Mr. Kinghorn & Mr. Mumford said that “reasonable” allows more flexibility in working with incomplete applications, rather than

requiring the staff to deny them. Mr. Mumford said a reasonable amount of time for reviewing a complete application would be about two weeks.

Councilmember Painter asked if there should be an audit process to ensure that the Planning Dept. isn't favoring one developer over another. Mr. Mumford said there could be a yearly summary or a report could be made on request. Councilmember Ireland said the Planning Commission would receive appeals from developers claiming unfair treatment.

Councilmembers discussed how the resubmission fee was calculated. Mr. Mumford said one-half the original fee was used to give developers a discount. Mayor Jackson suggested setting the fee as not more than half the original fee, based on time and materials. After the City has some experience with evaluating resubmissions, they can set a more accurate fee.

Mayor Jackson opened the public hearing at 8:12 p.m.

Mike Wren, Eagle Mountain Properties, said if a law restricts property owners' rights, there ought to be a prevailing public interest. "Everyone else is doing it" is not enough of a reason. Developers are trying to bring in enough residents to attract commercial development. Expirations increase the risk to developers that have already risked a lot of money on each project. The policy itself is punitive. The City has millions of dollars in bond debt that relies on additional residents to pay the bonds. If development can't happen, the bond payments can't be made.

Mayor Jackson closed the public hearing at 8:17 p.m.

Mayor Jackson said the Utah County Association of Realtors and the Utah Valley Home Builders Association are strong proponents of private property rights, and they haven't objected to expirations. Further, bond rates are fixed rates and are included in utility fees. Bond payments don't require higher taxes or utility rate increases. Growth only helps reduce rates.

Councilmember Ireland said there is a prevailing public interest in proper planning. Developers have a considerable financial risk, but there are projects that have been approved and never built. Projects need to be built according to standards in place at the time the property is actually developed. Mayor Jackson pointed out that many changes in development standards are made to improve safety.

Councilmember Ireland said that developers could minimize risk by starting with a master development plan and preliminary plat, then getting approval of smaller final plats one at a time.

MOTION: *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Titles 16.10, 16.20, 16.25 and 17.100 of the Eagle Mountain City Development Code concerning expiration of development approvals, to include recommendations from the staff report, to include the recommendation of removing the line, "In order to limit the potential negative consequences of project approvals with no expiration date," and thirdly clarification on the fee for the resubmittal to cover time and material and not to exceed 50% of the original submittal fee. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

Councilmember Ochsenhirt said that he voted to approve the amendment because he believed this

amendment will accomplish more responsible, tighter governed, better plat submittals. Developments will succeed at a better rate because of this change.

PUBLIC HEARING

14. ORDINANCE – Consideration and Approval of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Title 16.35.090 of the Eagle Mountain City Development Code Concerning Privacy Fencing.

This item was presented by Planning Director Steve Mumford. This amendment is to clarify who is responsible for installation of required fencing for safety and privacy for residential subdivisions and when the fencing needs to be installed. The City Council would be able to require specific colors and materials for fences.

Mayor Jackson opened the public hearing at 8:48 p.m.

Mary Lynn Christensen, 4113 N. West Pinion Circle, said fences should be installed in a reasonable amount of time. This creates a reasonable amount of time. Her subdivision required yards to be landscaped or fenced within a year. Residents didn't always get the landscaping done on time, but having the yards fenced was helpful.

Mayor Jackson closed the public hearing at 8:50 p.m.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Title 16.35.090 of the Eagle Mountain City Development Code concerning privacy fencing. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

15. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah; Adopting the Required Program Procedures and Standards for the National Flood Insurance Program.

This item was presented by City Attorney Jerry Kinghorn. This ordinance is a model ordinance enacting procedures and standards for construction required by the National Flood Insurance Program. The ordinance designates the Eagle Mountain City Building Official as the Program Coordinator. No specific flood zone is designated for the basic program.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the required program procedures and standards for the National Flood Insurance Program. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

Councilmember Ireland explained his no vote by saying that no one will ever need this insurance, and he doesn't like the federal oversight of City planning.

16. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah, Authorizing and Approving the National Flood Insurance Program.

This item was presented by City Attorney Jerry Kinghorn. This resolution is required by the

National Flood Insurance Program to authorize City participation in the Flood Insurance Program. The program is the basic program that does not require flood insurance. The program insurance is optional.

MOTION: *Councilmember Burnham moved to adopt a Resolution of Eagle Mountain City, Utah, authorizing and approving the National Flood Insurance Program. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

17. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and Enerlyte to Participate in a Confidential Energy Use Testing Program.

This item was presented by Planning Director Steve Mumford. Enerlyte is a comparative energy use company focused on educating and engaging residential consumers to be more energy efficient, bringing benefits of conservation to consumers in a user friendly format, and motivating consumers to change behavior. The company will analyze customer electricity information, compare that to other customers within the City with very similar characteristics (demographic data, household data, etc.), and provide that information on the utility bill in a user friendly format, along with customized conservation tips and clearly defined financial incentives for conservation.

Councilmember Burnham asked how the City would pay for the program. Mr. Hendrickson said that the pilot program would be funded by the electrical funds reserve.

MOTION: *Councilmember Burnham moved to approve an agreement between Eagle Mountain City and Enerlyte to participate in a confidential energy use testing program. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ochsenhirt asked Seth Phillips of Enerlyte for a set fee structure after the pilot program. Mr. Phillips said a price guarantee could be added to the contract.

Councilmember Burnham amended her motion and moved to approve an agreement between Eagle Mountain City and Enerlyte for a confidential energy usage testing program, allowing for no more than a two cent per year increase per user account for the next three years. Councilmember Ochsenhirt seconded the motion.

Councilmember Celaya questioned whether this program fell within the role of City government. He also said all this information is available already.

Councilmember Ireland would not object to this program if it were an opt-in program. He doesn't like any program that requires participation by everyone. He also said that water usage is a bigger concern than electricity usage.

Councilmember Ochsenhirt called the question.

Those voting aye: Donna Burnham, Nathan Ochsenhirt and John Painter. Those voting no: Jon Celaya and Ryan Ireland. The motion passed with a 3:2 vote.

18. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Granting a Utility Easement to Rocky Mountain Power.

This item was presented by City Attorney Jerry Kinghorn. The proposed ordinance grants a limited utility easement to Rocky Mountain Power to install, operate and maintain power poles and other related facilities within portions of Eagle Mountain City.

MOTION: *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, granting a utility easement to Rocky Mountain Power, subject to final staff approval. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

19. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and the Utah Division of Parks and Recreation Federal Recreational Trails Program Funding.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City was allocated funds from the Federal Recreational Trails Program for a section of trail that will connect from Ira Hodges to Major Street in the Overland Trails subdivision. The City will receive \$42,000 towards the project. By accepting this grant, Eagle Mountain City will be obligated to match the grant amount. This will be done in kind, through the value of the property of the trail corridor, and staff time for design and project management. It is anticipated that the project will be constructed in the spring of 2011.

MOTION: *Councilmember Ochsenhirt moved to approve an agreement between Eagle Mountain City and the Utah Division of Parks and Recreation Federal Recreational Trails Program funding. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

20. MOTION – Consideration and Approval of a Land and Water Conservation Fund Matching Grant Proposal.

This item was presented by City Recorder Fionnuala Kofoed. The Land and Water Conservation Fund (LWCF) Matching Grant is funded through the Utah State Division of Parks and Recreation. The LWCF is a Federal matching grant program established to assist in the acquisition and development of outdoor recreation lands and facilities. The grant requires a 50% match and the application must be submitted by official action of the governing body. The City intends to pursue funds for a splash pad for Nolan Park.

Councilmember Ireland asked if the City could request a smaller grant, so it can pay a smaller match. Mayor Jackson said that this vote just allows the City to apply for the grant, not a dollar amount.

MOTION: *Councilmember Burnham moved to approve a Land and Water Conservation Fund matching grant proposal. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

21. 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.

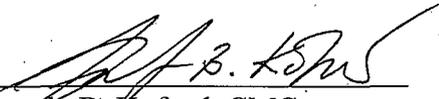
No reports.

22. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items

23. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:59 p.m.

APPROVED BY THE CITY COUNCIL ON NOVEMBER 16, 2010.



Fionnuala B. Kofoed, CMC
City Recorder

**TOWN HALL MEETING BY THE CITY COUNCIL
OF EAGLE MOUNTAIN, UTAH**

October 20, 2010

7:00 p.m.

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

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

7:00 P.M. – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Jason Walker, Management Analyst; Linda Peterson, Public Information Director; Melanie Lahman, Deputy Recorder; Eric McDowell, Sergeant.

1. Call to Order and Welcome – Honorable Mayor Jackson

Mayor Heather Anne Jackson called the meeting to order at 7:00 p.m.

2. Open Discussion – Questions and Answers on the Bond Election for a \$7 Million General Obligation Bond for an Aquatic Center.

Presentation on Aquatic Center and Bond – Cody Deeter, Lewis Young Robertson & Burningham, and Jason Walker, Management Analyst

Public Comments

Jason Omer, 1796 American Way, asked if residents would be able to purchase the bonds.

Jim Shumway, 2056 Eagle Trails Way, asked if the City had considered obtaining grants, or financial cooperation with the school district or the military.

Mary Kaufman, 4696 Jordan Way, asked why the City isn't trying to build an indoor facility.

David Blackburn, 8653 Chase Circle, had suggestions for the design of the facility and wanted to know what the plans were for future phases for the facility. He wanted to know what the user fees would be.

Rod Hess, 4577 Osprey Way, did not want City funds supporting operational costs.

Bill Arndt, 2125 Cassidy Way, asked how future phases would be funded.

Aveli Muhlestein, 4117 O'Fallon's Way, asked if the land for the aquatic center is City-owned. She asked how long the City would have to spend the bond money and when the repayment period would begin.

Dennis Price, 2191 Jordan Way, asked what the user fees would be.

Nikki Wickman, 2766 Fort Hill Road, said she and her neighbors felt that going into debt was never a good option if it wasn't necessary.

Carlos Nunez, 3921 South Pass Road, said governments should not buy things they can't afford.

Bryan Free, 7654 Red Kite Way, asked if residents' costs would go down if businesses were to locate in the City and increase the tax base.

Nancy Jex, 7388 Ute Street, asked if user fees would cover wear and tear on the facility.

Scott Durkin, 3582 Easter Drive, commended the Council for moving the election from June to November. He asked if there were other infrastructure that should be bonded for before a recreation facility.

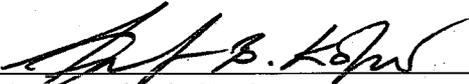
Dan Lilly, 3702 Black Hawk, thanked the Mayor and Council for their service to the City. He was opposed to the aquatic center because he didn't want to pay additional taxes. He asked what facilities or activities will be available for adult use, aside from what is available to children.

Nick Gentile, 3755 Tumwater, thanked the Mayor and Council for their public service. He asked what they saw as the role of government. He asked what facilities they thought would be outside the role of government.

3. Adjournment

Mayor Jackson adjourned the meeting at 8:37 p.m.

APPROVED BY THE CITY COUNCIL ON NOVEMBER 16, 2010.



Fionnuala B. Kofod, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

October 20, 2010

Policy Session at 6:45 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 ***

6:45 P.M. SPECIAL SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Jonathan Celaya, Nathan Ochsenhirt and John Painter (arrived at 6:52 p.m.). Councilmember Ireland was excused.

CITY STAFF PRESENT: Ifo Pili, Assistant City Administrator; Adam Ferre, Energy Division Director; Melanie Lahman, Deputy Recorder; Jason Walker, Management Analyst; Linda Peterson, Public Information Director; Eric McDowell, Sergeant.

1. CALL TO ORDER

Mayor Heather Jackson called the meeting to order at 6:47 p.m.

SCHEDULED ITEM

2. MOTION – Consideration and Approval of an Agreement with SWCA for an Environmental Assessment Along the New Eagle Mountain City Redundant 138 kV Power Line.

This item was presented by Adam Ferre, Energy Division Manager. The City is going to be installing a new 138 kV redundant power line from its south substation to Saratoga Springs, an estimated five-mile distance. The Bureau of Land Management requires an environmental assessment on this project. This agreement would engage SWCA to do the environmental assessment.

Mayor Jackson explained that there are two potential alignments for the power line, but both use adjoining areas of BLM property. Therefore, this assessment can be done immediately, with a slightly higher cost than if only one piece of land was assessed. Doing the assessment now will allow the power line project to be completed sooner than if the environmental assessment agreement was not completed until the final alignment is selected.

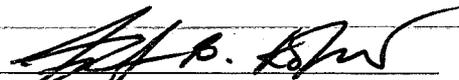
The City Attorney has reviewed the agreement, but is on vacation this week and has not given final approval. Therefore, the agreement may be approved conditioned on Mr. Kinghorn's approval.

MOTION: *Councilmember Celaya moved to approve an agreement with SWCA for an environmental assessment along the new Eagle Mountain City redundant 138 kV power line, upon the approval of the City Attorney. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

3. ADJOURNMENT

Councilmember Ochsenhirt moved to close this meeting at 6:56 p.m. and move into a Town Hall meeting, immediately following this one.

APPROVED BY THE CITY COUNCIL ON NOVEMBER 16, 2010.



Fionnuala B. Kofoed
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 16, 2010

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

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

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Jenalee Harper, Deputy Recorder; Eric McDowell, Sheriff; Gordon Burt, Finance Director; Dave Norman, City Engineer.

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

1. DISCUSSION – Business Incubator
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION

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. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting adjourned at 6:09 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Jenalee Harper, Deputy Recorder; Eric McDowell, Sheriff; Gordon Burt, Finance Director; Adam Ferre, Energy Division Director.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:07 p.m.

6. PLEDGE OF ALLEGIANCE

Scout Troop 1030 led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Late registration for Jr. Jazz Basketball for grades 1 through 10 has been extended through November 22nd. Residents can register online via the City website or in person at City Hall during business hours.
- The City's third annual Turkey Trot will be held Thanksgiving morning at 9:00 a.m. Admission is free, registration before the start is required. Online registration is available now through November 24th on the City website.
- The annual tree lighting ceremony will be held December 3rd from 6:00 p.m. to 8:00 p.m. at City Hall. Residents can take their own photos with Santa and enjoy musical performances. Admission is free.
- Santa will be visiting Eagle Mountain neighborhoods on the fire truck on December 4th starting at 8:30 a.m. Listen for sirens in your area and safely make your way over to the fire truck. Santa will be handing out candy.

8. PUBLIC COMMENTS

No public comment.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ireland

Councilmember Ireland thanked those who came to the meeting and thanked the people for voting.

Councilmember Burnham

Councilmember Burnham also thanked everyone for coming to the meeting and for voting. She stated that two Mayors in the City have now been re-elected because the Youth Mayor last year was elected again this year.

Councilmember Celaya

Councilmember Celaya thanked the boy scouts for participating in the meeting. He expressed appreciation for the individuals that came to the meeting and for those that voted.

Councilmember Painter

Councilmember Painter asked if someone could follow up on the lack of a turn lane from Redwood Road onto Pony Express Parkway. He also asked if a turn lane could be installed when heading westbound on Pony Express Parkway and turning left into the SilverLake subdivision.

Mr. Trusty stated that the road would have to be widened there in order to make room for a turn lane. He said that Saratoga Springs owns the property on the North side of the road therefore the City cannot make any improvements on their property.

Mr. Hendrickson said that the City has discussed possibly approaching Saratoga Springs to see if some type of interim solution could be arranged.

Councilmember Painter stated that the benches and trash cans along Ranches Parkway looked nice. He was glad to see the residents vote on the aquatic center bond and felt that the results gave a very clear message. He also congratulated the winners of the Youth Council elections. He asked if there is an option on any of the current bonds to get a lower interest rate.

Councilmember Ochsenhirt

Councilmember Ochsenhirt concurred with the previous Councilmembers statements. He also thanked the Mayor for working out the speed limit on Pony Express Parkway. He encouraged the residents to be responsible in their driving habits especially with winter coming. He stated that everyone needs to slow down.

Mayor Jackson stated that she recently attended a transportation commission meeting and explained that they have agreed to provide funding for the widening of SR 73 from Saratoga Springs up to Ranches Parkway. She thanked the UDOT representatives for trying to save money to be able to allocate funds for the SR 73 project.

10. APPOINTMENTS

A. Library Board – Daniel Farmer and Jade Harvey

MOTION: *Councilmember Ireland moved to appoint Jade Harvey to a 1 year term on the Library Board ending December 31, 2011. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

MOTION: *Councilmember Ireland moved to appoint Daniel Farmer to a 3 year term on the Library Board ending December 31, 2013. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

Fionnuala Kofoed, City Recorder, administered the oath of office to these individuals.

B. Youth City Council – Bri Weber; Kamber Hopkins; Kelsey Backus; Brianna Loveridge; Jessica Riet; and Camilla Moody. (Youth City Council positions are 1-year terms.)

MOTION: *Councilmember Painter moved to appoint the following individuals to a 1 year term on the Youth City Council: Bri Weber, Mayor; Kamber Hopkins, Kelsey Backus, Brianna Loveridge, Jessica Riet and Camilla Moody. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

Fionnuala Kofoed, City Recorder, administered the oath of office to these individuals.

11. PROCLAMATION – “A Proclamation Declaring November 18th, 2010 as Feed America Day”

Mayor Jackson explained that this proclamation was originally approved by the Utah County Council of Governments. Mayor Jackson proceeded to read the proclamation.

MOTION: *Councilmember Burnham moved to approve a proclamation declaring November 18th, 2010 as Feed America Day. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

CONSENT AGENDA

12. MINUTES

- A. October 5, 2010 – Regular City Council Meeting
- B. October 20, 2010 – Special City Council Meeting
- C. October 20, 2010 – Town Hall Meeting

13. FINAL PAYMENT

- A. The Woods Subdivision Completion Project – Staker Parson

14. BOND RELEASE – Out of Warranty

- A. Antelope Meadows Phase 1, Final Bond Release
- B. The Village at Simpson Springs Phase 1, Final Bond Release

MOTION: *Councilmember Ireland moved to approve the consent agenda with the minutes as modified by staff. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

15. AGREEMENT – Consideration and Approval of a Concert Agreement between Eagle Mountain City and William Morris Endeavor Entertainment, LLC for the Pony Express Days Concert.

The proposed contract is for music entertainment for the 2011 Pony Express Days celebration.

Mayor Jackson stated that the entertainment would be Clint Black, a country singer.

Councilmember Ochsenhirt asked if the concert would be better advertised this year since Clint Black is a bigger name.

Angie Ferre stated that the concert would be advertised well and that if approved tickets would go on sale tomorrow. She said that concerts are always unpredictable but she feels that this can be a success. She explained that funds from some of the events will go towards starting a sports program for special needs children.

Councilmember Painter asked if this would require a budget amendment.

Mr. Hendrickson explained that it will come out of the Pony Express Days account and that it may take a budget amendment depending on expenses and revenue.

MOTION: *Councilmember Ochsenhirt moved to approve a concert agreement between Eagle Mountain City and William Morris Endeavor Entertainment, LLC for the Pony Express Days Concert in the amount of \$55,000, authorize the Mayor to sign the contract and that tickets for the concert will be \$15.00 per person with age 2 and under free. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

16. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Enacting Section 9.13.11 of the Eagle Mountain City Code Relating to Abuse of Intoxicating Chemical Substances.

Utah County and most of the cities in Utah County and Salt Lake County have adopted, or are adopting, ordinances prohibiting the use, possession or sale of a recently developed harmful intoxicating substance known as "Spice" which is not currently regulated by federal or state law. This proposed ordinance is the same as the Utah County ordinance on the same subject and if adopted by the Council, will empower the Utah County Sheriff's Office and the Utah County Attorney to prosecute conduct in the City which is prohibited by this ordinance in the Justice Court for Utah County.

Mayor Jackson explained that many cities have been enacting similar ordinances. She stated that she had attended a Utah League of Cities and Towns meeting at which a gentleman explained that a bill will eventually be brought forward that would ban spice statewide. She said that this would preempt any ordinances that the City has.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, enacting Section 9.13.11 of the Eagle Mountain City Code relating to abuse of intoxicating chemical substances. Councilmember Celaya seconded the motion.*

Councilmember Ireland felt that it was unnecessary to approve an ordinance that would only be in place for a short amount of time. He said that there are a lot of harmful things out in the world and a lot of harmful things that people choose to do to themselves. He felt that it was strange to pick out one type of substance and create an ordinance on it when there are not any other ordinances on other substances. He stated section 4 states "or other chemical substances capable causing a condition of intoxication" and feels that this outlaws anything that can intoxicate anyone. He recommended that the City not worry about this ordinance and to let the State handle it.

Jerry Kinghorn explained that there are other laws and codes for other substances but because spice is fairly new, it is not covered which is why the City is proposing this ordinance. He said that the Sheriff requested that the City enact something consistent with Utah County's code.

Sergeant Eric McDowell stated that with spice being such a new thing and the State being slow to react on it, cities have taken it upon themselves to adopt ordinances banning spice.

Councilmember Ireland stated that if people can already be pulled over for impairment, what use would this ordinance be.

Sergeant Eric McDowell explained that right now if a group of 15 year olds were smoking spice, there is nothing he or the City can do about it. He stated that if this ordinance is passed, it will make it so that the Sheriff's department can do something about that type of situation.

Mr. Kinghorn stated that it could take some time before the State actually passes anything.

Councilmember Ochsenhirt called the question.

Those voting aye: Donna Burnham, Jonathan Celaya, Nathan Ochsenhirt and John Painter. Those voting nay: Ryan Ireland. The motion passed with a 4 to 1 vote.

17. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and BP Energy Company for the Base Contract for Purchase and Sale of Natural Gas.

For many years the City used the services of Wasatch Energy which was a local firm engaged in brokering the purchase and delivery of natural gas to large wholesale gas users. Wasatch Energy was purchased by British Petroleum (now "BP Energy") about four years ago. The City has taken delivery of gas using certain pipeline capacity allocated to Intermountain Municipal Gas Agency, an interlocal municipal entity (IMGA). The IMGA pipeline capacity allocation will expire in 2011. The City believes it is in the public interest to contract directly with BP Energy using the industry standard gas purchase contract terms which will be the basis for future gas purchases when the pipeline capacity allocated to IMGA and used by the City expires.

Councilmember Painter asked if the company can immediately be used as a broker service as soon as it's approved.

Jerry Kinghorn stated that as soon as the documents can be signed they can be used in this manner.

MOTION: *Councilmember Painter moved to approve an agreement between Eagle Mountain City and BP Energy Company for the base contract for purchase and sale of natural gas and authorize the Mayor to sign the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

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. Either party may terminate the agreement upon a 60-day written notice.

Mayor Jackson stated that this would have an annual fiscal impact of \$72,000 with \$48,000 being the remaining amount for this fiscal year. She explained that it is being proposed that \$24,000 be taken from the water and sewer funds to help cover this.

Councilmember Painter stated that he was grateful for the opportunity to meet with Mr. Freemyer. He explained that the City has paid him approximately \$400,000 of the past few years but has received over 3 million in fund because of him. He stated that he is trying to understand what role Mr. Freemyer actually played in getting those funds and if the City still could have received that money without him. He asked if the 3.2 million in funds was single handedly achieved by Mr. Freemyer with no other help.

Mayor Jackson stated that it was all his doing, with the exception of the Pony Express project which was an additional 4 million on top of the 3.2 million. She explained that she had asked Mr. Jason Chaffetz if a lobbyist was needed if there was no ear marking program. She said his response was, absolutely you need a lobbyist and you better get the best that money can buy because you still will have a need, and they can help tremendously with the needs that you have in your city. She said that part of the plan they had talked about would involve her going to Washington DC more often to help with the process. She stated that there are many things she feels capable of doing, but that this is not one of them. She explained to the Council that she grew up in DC until she was 21 and still to this day cannot find her way around which doesn't include portions of the job that a lobbyist does. She also said that in the beginning she was nervous about removing this item from the budget in the first place but allowed herself to be talked into it. She stated that while visiting DC this past summer she realized how inadequate she would be for this type of job. She explained that Mr. Freemyer came out here once his contract had expired to meet with the City to try and plead his case for the contract. She felt strongly that the City would benefit from a lobbyist.

Mr. Hendrickson stated that a budget amended would be needed if this was approved. He said that transportation is still a key issue in the City. He explained that the Cedar Valley Road is going to involve a lot of work that only a lobbyist can do. He said that this would be one of Mr. Freemyer's tasks. He stated that Mr. Freemyer would also work with the City to get grants that would address some of the water and sewer issues. He feels that it will be much more difficult to accomplish these projects without a lobbyist.

Councilmember Burnham stated that the contract date was November 1st and that she was uncomfortable with paying an extra half a month when the City hasn't received services. She also felt that it was unrealistic to think that the City would be getting services during the latter half of the month with the holiday. She asked if the contract could be started December 1st and also asked if the grant committee could be more involved.

Mayor Jackson explained that the grant committee gets a fair amount of grants but generally they are smaller grants. She said that the grants Mr. Freemyer would be going after for the City are fairly large.

Mrs. Kofoed said that the grants committee will try and go after any grants that they can find.

Mr. Hendrickson said that with the lobbyist it may be easier to pursue and receive large grants because most of the time those people have worked with Mr. Freemyer before.

Mayor Jackson said that with many of these grants a congressional letter is needed and that Mr. Freemyer can be very helpful in getting those for the City. She said that Mr. Freemyer has been working all month on projects for the City in anticipation of receiving this contract.

MOTION: *Councilmember Painter moved to approve a consulting and lobbying agreement between Eagle Mountain City and Allen Freemyer in the amount of \$72,000 for a one year contract that reflects the changes in the contract. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ochsenhirt agreed with Councilmember Burnham in that the contract date should be moved to December 1st because November is almost over.

Mayor Jackson asked if Councilmember Ochsenhirt was uncomfortable in paying Mr. Freemyer for work that he has already been doing, even though he was not under contract. She stated that congress went back into session yesterday.

Councilmember Ireland stated that while the City has received \$3.2 million in assistance via Mr. Freemyer, it has cost the City about \$400,000.00. He feels that the majority of this has come from earmarking appropriations via Senator Bennett's office. He said that this is a concern because Senator Bennett will no longer be there and Senators Lee and Hatch have stated that they will not participate in the earmarking process. He explained that the process in which that \$3.2 million has come to the City will no longer be the same. He felt that all aspects need to be considered and that the City is well on its way to great relationships with Camp Williams and MAG, and that it might be better if it were presented from a Camp Williams perspective and to support their lobbying instead.

Mayor Jackson said that Camp Williams is federal land but state operated. She said that having Camp Williams go forward for the land transfer will involve a whole lot more of the National Guard and the State. She said that it would take them several more years just to start that process. She also explained that MAG does have a lobbyist but that he covers several areas and several projects for funding only. She said that will take work in DC to get this project completed. He said that Congressman Bishop is also a critical component in helping the City get through this process to get funding. She said that the best way to work with him is by using Mr. Freemyer as the City's lobbyist.

Councilmember Ireland stated that local support is more important in this project than Mr. Freemyer's services.

Mr. Hendrickson stated that the National Guard isn't going to move on the project unless the City has a lobbyist.

Councilmember Painter stated that a lot of this discussion is for long term items. He asked what metrics were in place for this year if the City were to go forward with this contract.

Mayor Jackson stated that a \$250,000 and a possible \$500,000 to \$1,000,000 items are sitting on the table in appropriations and the City could lose those without Mr. Freemyer's services.

Councilmember Burnham stated that last year's contract with Mr. Freemyer is the same amount except for it has been dropped slightly because of earmarking. She said that there are some projects he has worked on last year for the City but she feels that he is overcharging the City for his services.

Mayor Jackson stated that most other lobbyists work for \$120,000 to \$200,000.

Councilmember Burnham felt that Mr. Freemyer came back here because times are tough and many other cities are looking at dropping their lobbyists as well. She feels that Eagle Mountain needs to worry about what they can afford.

Mayor Jackson said that if the Council does not agree to this contract the City will lose Allen Freemyer and his institutional knowledge. She stated that the City will not be able to hire him again because he only takes on two cities at a time in the State of Utah. She explained that she had asked Mr. Freemyer which cities have lobbyists and that he said that many cities within the

state have lobbyists. She said that the Council needs to think for present and long term and keep in mind that the City will eventually have to compete with large cities for funding. She said that she and Mr. Hendrickson did not want to negatively impact the general fund which is why they looked at pulling the funds from Sewer and Water to pay Mr. Freemyer because he is trying to get money for projects specifically involving those departments.

Mr. Hendrickson said that the City would be paying considerably less for Mr. Freemyer's services compared to other cities. He said that most pay around \$8,000 a month for lobbyist services.

Councilmember Burnham asked why the City would need a lobbyist if most of the work for the sewer and water projects had been done.

Mayor Jackson stated that the items being discussed are still in appropriations and that work still needs to be done to finish the process.

Councilmember Burnham asked if the appropriations were part of the earmark process.

Mayor Jackson replied that they are a part of the earmark process.

Councilmember Painter asked that everyone keep in mind that the City reserves the right to cancel the contract at any time, given a 60 day notice. He said that the environment changes and if the City sees that Mr. Freemyer's services are no longer helpful they can back out of the contract.

Mayor Jackson stated that the Federal Highway feels very confident that the transportation bill will be dealt with next year.

Councilmember Ireland stated that it seems wrong for the water and sewer funds to pay for the transportation initiative.

Mayor Jackson said that the water and sewer funds have received a lot of money in the past and that by paying for the lobbyist out of these funds it can help other funds recuperate. She said that water and sewer have never paid their portion.

Councilmember Ochsenhirt called the question.

Those voting aye: Nathan Ochsenhirt and John Painter. Those voting nay: Donna Burnham, Jonathan Celaya and Ryan Ireland. The motion failed with a 2 to 3 vote.

Councilmember Painter asked if there was anything that could help clarify the issue.

Mayor Jackson felt that it was ridiculous to not have a lobbyist specifically after Congressman Chaffetz said the City needed one.

Councilmember Ochsenhirt said that the City would be losing hundreds of thousands of dollars a year without a lobbyist.

Councilmember Ireland felt that without the same senator and an earmarking process the City many not get the funds anyway.

Mayor Jackson said that by not having a lobbyist the City is throwing away the transportation bill and that they will not get funding allocated for the road or the study.

Councilmember Ireland stated that he sees things differently than the Mayor.

Mayor Jackson stated that she works everyday on transportation needs and that she currently is the expert in the City on how to get those projects done.

Councilmember Ochsenhirt feels that without a lobbyist, how will the City's transportation needs be presented to the gentlemen back east who make the decisions. He said that the water project is going to cost a lot of money and without a lobbyist going after funds the City may have to result in putting a bond out for the citizens to vote on. He stated that if the citizens turn that down then the City would be stuck with no water.

Councilmember Painter asked what the City could do to make having a lobbyist more attractive to the Council.

Councilmember Burnham said that she feels a value in his service but that his price tag is wrong.

Mayor Jackson asked if Councilmember Burnham had a price in mind.

Councilmember Ochsenhirt stated that Mr. Freemyer has done good things for the City and that he is doing it for significantly less than he charges other cities. He said that the City seems to be reaching the point with Mr. Freemyer in which he will not lower the costs of his services any more than he already has. He feels that Mr. Freemyer is vested in the City's interests because he has stuck around thus far.

Councilmember Ireland asked Councilmembers Painter and Ochsenhirt what about having a lobbyist was appealing to them and why they voted for it.

Councilmember Painter said that after reviewing the item and seeing that the City has sufficient reserves and money in the bank he feels that not having a lobbyist would be a real loss for the City in the long run. He said that the City can also pull out of the contract at any time for any reason.

Mayor Jackson said that funding is available in the water and sewer funds but does not necessarily have to come from there. She said that if revenues come in higher than the City anticipates, Mr. Freemyer can be paid from another fund.

Councilmember Ireland said that this was removed from the budget for a reason. He asked if there was \$72,000 elsewhere in the general fund that could be used.

Mayor Jackson stated that it was \$48,000 for this budget year, not \$72,000.

Councilmember Ochsenhirt said that if the City can find funds elsewhere that would be great but this seems to be the most reasonable option because both the water and sewer funds have both benefited from money that the lobbyist was able to get the City. He said it would be helpful to see lists of successful projects and unsuccessful projects so that the City knows if they need to end services with Mr. Freemyer as the year goes along.

Councilmember Celaya stated that after meeting with Mr. Freemyer and not having worked in the past with him, he is not yet convinced that all of the City's initiatives will fall flat without Mr. Freemyer's services. He said that there may be other avenues that can be explored. He felt that renewing Mr. Freemyer's contract based on past performance is no longer valid, due recent changes with the election.

Mayor Jackson said that Saratoga Springs once had a lobbyist who was terrible and never did anything for the City, so the City let him go. She said that Lehi's lobbyist was great and has helped Lehi move forward on several projects.

Mr. Hendrickson said that Mr. Freemyer has gotten results for the City and that he is a great lobbyist.

Mayor Jackson said that MAG's job is to be the planning agency that helps the whole area plan what needs to happen and attempts to plan when it needs to happen. She said that as an entity if you want to move forward faster you need to be represented. She stated that there is only so much that the City can do and feels that the transportation project will fail without a lobbyist.

Councilmember Painter asked if this item could be tabled and charged staff to find other options within the current budget where the \$48,000 could come from besides the reserve.

Councilmember Burnham stated that the previous motion failed and that a new motion would have to be made. She stated that a lot of time had been spent discussing why the previous vote was wrong and that typically when there is not a motion on the floor there is no more discussion. She said that she would be willing to look at all kinds of options to pay Mr. Freemyer such as paying him a percentage of what he is able to get for the City. She said that Mr. Freemyer would need to be consulted before the Council even entertains different options.

Mr. Hendrickson said that he has spoken to Mr. Freemyer about paying a percentage of what he gets for the City but that the City can't do that because it is illegal.

Mayor Jackson asked if it was worth Mr. Hendrickson's time to go back and look at different payment options.

Councilmember Burnham said that she felt it would be worth his time.

Mayor Jackson asked Councilmember Burnham if there was a dollar amount she would be willing to pay Mr. Freemyer.

Councilmember Burnham stated that she would be willing to pay him up to \$4,000.

19. BID AWARD – Consideration and Award of Bid for a Water Reuse and Land Application Feasibility Report.

The objective of this project is to complete a feasibility study for reuse of grey water for irrigation purposes. The study results will aid the City in determining the best design alternative and analyze the optimal time to proceed with project design and construction. In addition, the engineering firm will complete a preliminary design for the reuse waterline from the treatment plant to Mid-Valley Park and to Pony Express Park.

MOTION: *Councilmember Painter moved to award a contract to Bowen Collins for a water reuse and land application feasibility report and preliminary design in the amount of \$68,344.20. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

20. BID AWARD – Consideration and Award of Bid for the Installation of Sod in the Mid-Valley Park.

The proposed Bid Award is for the installation of sod in the Mid-Valley baseball complex and soccer facility that was approved by the City Council in the FY 2010-2011 budget.

MOTION: *Councilmember Burnham moved to award a bid for the installation of sod in the Mid-Valley Park to Chanshare Inc. in the amount of \$77,760.00 and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

21. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and LYRB for Professional Services for the Financial Portion of Long Range Water and Sewer Rate Studies.

Eagle Mountain City needs to identify water rate requirements depending on the growth and development of the city. This has never been done. The City has bonded for not only several improvements that will serve the City a population of about 50,000 residents, but it has also purchased sufficient water shares from the Central Utah Water Conservancy District to supply enough water, along with its wells, for a population of about 200,000 people. It is necessary to identify those costs, and together with the operating and replacement costs, will make up the long-range cost analysis.

Councilmember Painter stated that a lot of discussion took place as to what was in the appendix table. He asked if this was an all or nothing contract.

Mr. Hendrickson said that a bill would be submitted along with an itemized list of work that had been done, not to exceed the total proposed amount.

Councilmember Burnham asked if this could be approved without the options and if so can the Council decide at a later time to include the options.

Mr. Hendrickson said that it can be looked at administratively and then it would be presented back to the Council for a decision. He said that discussion took place regarding the detailed analysis of repair and replacement and that this item should have been moved into the required cost amount. He stated that the public meetings could be made into an option and the Council can decide at a later time to do those.

Councilmember Ireland asked if it was possible to only do phase 1 of the proposal.

Mr. Hendrickson stated that it could be done if that is what the Council would like to do.

MOTION: *Councilmember Ireland moved to approve phase 1 of the proposed agreement between Eagle Mountain City and LYRB for professional services for the financial portion of long range water and sewer rate studies.*

Mayor Jackson stated that with this approval the rate structure would not be looked at.

Councilmember Ireland said that the optimal financing plan should cover how the debt is to be paid off.

Mr. Hendrickson asked Councilmember Ireland if he was suggesting that the study be complete up to the point of where recommended user rates are given.

Councilmember Ireland stated that this is what he had meant and that he does not want to see the project taken to the next step where demands by customer classes are analyzed.

Mr. Hendrickson suggested that the contract be re-written in the suggested order if this is something that the majority of the Council agrees on. He said some things from phase 2 should be included into phase 1.

Mayor Jackson felt that one of the most critical portions of the project would be left out if it were done this way. She asked why Councilmember Ireland wanted to leave out the rate structure.

Councilmember Ireland stated that the rates should be covered under item 6 of phase 1 which is why he is suggesting that only Phase 1 be completed.

Mr. Hendrickson said that staff would like to see the whole project completed but if Council decides to only go with phase 1, it would need to be rewritten.

Councilmember Ochsenhirt said that he did not understand why some of the items cost so much money. He felt that half of this project could be approved and the City could still get the information they needed out of the studies.

Councilmember Ireland said he would like to see the user study done so that he can see where the City is at with paying off debt.

Councilmember Burnham said that this item was given to the Council the day before the meeting which has been a problem for her because she was dealing with a family tragedy and was also unable to access the website to get the information on this item. She suggested that the item be tabled because she would like more time to review it.

Councilmember Celaya asked if there would be any value in getting competitive bids to possibly get a lower cost.

Mr. Hendrickson said that staff can definitely go back and get bids but that it may or may not take extra time.

Mr. Trusty said that there would not be enough time to go back and get other bids and have this item ready for the December 7th Council meeting.

Councilmember Celaya asked if these types of services were competitive in pricing.

Mr. Trusty stated that it is a very competitive business and feels that other bids would be significantly higher than the price that Lewis Young is offering.

Mr. Hendrickson said that this project was originally sent out to engineering firms who upon receiving the project all turned to Lewis Young.

Councilmember Ireland's motion failed due to lack of a second.

MOTION: ***Councilmember Burnham moved to table this item to the December 7th City Council meeting with more details on what happens in Phase 1 and 2 so the Council can better determine what happens with the money being spent.***

Councilmember Ireland asked if the motion could be modified to add that the Council be allowed to decide which items from which phases they want done.

Mr. Hendrickson stated that there were specific reasons why this item was broken out into two phases.

Councilmember Burnham stated that she would like Lewis Young to break the project into two legitimate phases because currently there were costs in phase 2 that were actually incurred in the first phase.

Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

22. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Painter thanked staff for getting copies of the budget to the council. He requested that a list of budget changes be given to him so that he can make changes in his copy of the budget to reflect current balances.

Mayor Jackson suggested that budget changes be included under communication items throughout the year so that the Council can have updates on a more regular basis.

Councilmember Ireland asked if the State passes a spice law, will the City have to re-visit the spice ordinance again.

Mayor Jackson stated that there will be no need to.

Mr. Kinghorn recommended that if a State law is passed that the Council come back and repeal the ordinance because there will be no use for it.

Councilmember Ireland stated that in the audit report he could not see the Direct Communications sale fund amount and that he would like to see that tracked.

Mayor Jackson said that the auditor suggested to not show that because the funds have collapsed into the capital projects fund.

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

24. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:34 p.m.

APPROVED BY THE CITY COUNCIL ON DECEMBER 7, 2010.



Fiannuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

December 7, 2010

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, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Melanie Lahman, Deputy Recorder; John Mulder, Deputy Sheriff; Gordon Burt, Finance Director; Dave Norman, Assistant Public Works Director; Ifo Pili, Assistant City Administrator.

Mayor Heather Jackson called the meeting to order at 4:15 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.
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 Painter 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, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:32 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Melanie Lahman, Deputy Recorder; John Mulder, Deputy Sheriff; Gordon Burt, Finance Director; Dave Norman, Assistant Public Works Director; Ifo Pili, Assistant City Administrator.

4. CALL TO ORDER.

Mayor Heather Jackson called the meeting to order at 7:02 p.m.

5. PLEDGE OF ALLEGIANCE

Adrian Kano led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The Senior Citizens' Advisory Council will hold a Christmas Dinner & Holiday Music Program on December 27 at the City Council Chambers.
- Tickets are on sale now for the Pony Express Days 2011 concert and fireworks, starring Clint Black at the SilverLake Amphitheater. Tickets are available online on the City website. Starting in January, tickets will be available at City Hall.

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.)*

Nikki Wickman, 2766 Fort Hill Road, spoke on the proposed agreement for a lobbyist. She didn't believe the City needs the freeway the lobbyist is expected to work for. She felt that the money which would be paid to the lobbyist is needed to maintain and improve existing local roads.

Brice Bitter, 1326 Falcon Lane, was proud that the lobbyist agreement was not approved at the last meeting and was disappointed that the agreement was being considered again. He didn't believe the City should use taxes to pay a lobbyist to persuade our representatives to get back our tax money from the federal government. He said the numbers don't support the idea that the federal government will fund a highway here twenty years from now.

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 Burnham

Councilmember Burnham joked that she should get a trophy, because she was the first and only elected official to cross the finish line at the Turkey Trot. She said the Christmas Tree Lighting was a lot of fun, as was Santa's ride through town on the fire truck. Activities like these help the City feel like a community.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter said he appreciated the City's community activities. He reminded everyone that today is the 69th anniversary of the bombing of Pearl Harbor. It's important to show appreciation for veterans and active military personnel.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said Councilmember Burnham should get an award for the Turkey Trot. He said he appreciated the way his comments from the last meeting on speeding were printed in the newspaper. He got positive responses on them. He reiterated that people need to slow down and drive safely. He asked residents to help their neighbors shovel snow from their sidewalks and driveways, if needed.

Councilmember Ireland

Councilmember Ireland expressed appreciation for the privilege of living in Eagle Mountain.

Mayor Jackson

Mayor Jackson applauded Councilmember Burnham and the City's firefighters for participating in the Turkey Trot. She announced that December 14 is the last day of "The Biggest Loser" television show. An Eagle Mountain resident, Burgundy Keel, has been participating. Mayor Jackson said her grandfather was one of the few survivors of Pearl Harbor. She reported that a member of the Utah National Guard died in Afghanistan last week. Flags in the City are flying at half-staff in his honor.

CONSENT AGENDA

9. MINUTES

A. November 16, 2010 City Council Meeting

10. FINAL PAYMENT

A. Centex Completion Project – Skip Dunn and Sons Excavating

11. FINAL PLAT

A. Eagle Mountain Professional Suites Plat A (Direct Communications)

12. FY 2010 AUDIT – Acceptance of the FY 2010 Financial Audit (Ron Stewart)

13. 2011 City Council Meeting Schedule

14. 2010 Bond Election Canvass Report

MOTION: *Councilmember Burnham moved to approve the consent agenda with the minutes as corrected by staff. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

15. MOTION – Consideration of a Motion to Reconsider a Consulting and Lobbying Agreement.

This item was presented by City Attorney Jerry Kinghorn. The proposed Consulting and Lobbying Agreement was considered at a prior meeting of the City Council on November 16, 2010 and was not approved. A Councilmember on the prevailing side of the Council decision must make a motion with an appropriate second, to reconsider the matter before the Council may hear the presentation and discuss the proposed Agreement.

MOTION: *Councilmember Celaya moved to reconsider an agreement with Allen Freemyer for lobbyist services. Councilmember Painter seconded the motion. Those voting aye: Jonathan Celaya, Nathan Ochsenhirt and John Painter. Those voting no: Donna Burnham and Ryan Ireland. The motion passed with a 3:2 vote.*

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

This item was presented by Mayor Jackson. Mr. Freemyer has been the City's lobbyist since November, 2007. This contract will continue that relationship by extending the agreement for one year. Mayor Jackson stated that Congressman Chaffetz advised her that the City needs to have a lobbyist in Washington. The agreement with Mr. Freemyer primarily has to do with the continuation of 2100 North and construction of the Cedar Valley Freeway. The process requires a land swap with Camp Williams, which will require an act of Congress.

Councilmember Painter said that hiring a lobbyist who understands the funding acquisition process in Washington is useful for the City. He would like to see adequate infrastructure constructed so that the City can manage growth and economic development. He wanted to pursue road funds with a plan. He felt it was important for the Council to discuss the issue further before coming to a decision tonight.

Councilmember Ochsenhirt said the Council was elected to work together to serve the City. He said residents ask him almost daily when the City will get a grocery store, more jobs and better roads. Most of these items will have to be provided through outside sources. The City needs to provide infrastructure and transportation first. Road funding from the federal government has to start several years in advance of the actual appropriation. He said that the City needs someone in Washington who is qualified to acquire that funding. The money the lobbyist will be seeking doesn't come from earmarks, but from gas taxes. He didn't like spending so much money to pay a lobbyist, but felt it's necessary in order to have the roads the City needs ten years from now.

MOTION: *Councilmember Painter moved to approve a consulting and lobbying agreement between Eagle Mountain City and Allen Freemyer as outlined in the staff packet. Councilmember Ochsenhirt seconded the motion.*

Councilmember Painter asked if the Council wanted to include grant work in the agreement. Mr. Hendrickson explained that if the Council chooses to include \$1,000 per month for grant work, Mr. Freemyer agreed to identify grant opportunities and get letters of support from elected officials for grant applications written by City staff. He said that if the Council wanted the grant work included, the fee could be paid by utility funds, since most grant funds the City receives are for utility projects.

Mayor Jackson said that in last night's meeting, Mr. Freemyer said that he would be happy to work on the road funding alone or add the grants work, as well. She said there was discussion last night about how the contract would be funded and asked if there were any further questions. Councilmember Ochsenhirt said he had the impression that Mr. Freemyer would be willing to work on grants on an as-needed basis. Councilmember Celaya said he would prefer that. Mr. Freemyer's hourly rate is \$375.

Councilmember Burnham asked why we would go through a lobbyist, rather than request a letter directly from an elected official's staff. Mayor Jackson said he could get a more persuasive letter

written.

Councilmember Painter amended the motion to specify that City will pay Mr. Freemyer \$5,000 per month, with additional payments at an hourly rate as needed for grant assistance, to be funded as outlined in the staff report. Councilmember Ochsenhirt seconded the amended motion.

Councilmember Celaya outlined his method of evaluating proposals: if it's needed, if it's affordable, if the terms of the contract are acceptable, and if the results are measurable. He felt that this agreement is necessary so that the City can pursue funding to have a study completed. In the next six-year funding cycle, the City will pursue funding to have the road built.

Councilmember Painter amended the motion to specify thirty days' notice for termination. Councilmember Ochsenhirt seconded the amended motion.

Mayor Jackson reviewed the motion: \$5,000 per month for transportation needs, with an additional \$375 per hour as needed for grant work. Councilmember Burnham asked what time frame would be used to determine whether the contract should be renewed. Mr. Hendrickson pointed out that the contract would be considered during the City's budget sessions next spring. Councilmember Burnham was concerned that Mr. Freemyer didn't have a proven record in this legislative area. Mayor Jackson responded that Mr. Freemyer suggested last night that the City call any elected official's office at any time and ask if Mr. Freemyer had been actively working with that office. Councilmember Celaya said that Mr. Freemyer will be providing him with the contact information for all the elected officials' chiefs of staff that the City will work with, which he will share with the rest of the Council. Councilmember Burnham said she didn't believe that Congress will listen to any city, no matter who their lobbyist is, but rather to states, so the City needs to have the State's support. Mayor Jackson said she would continue to work with MAG and UDOT, as she has been doing.

Councilmember Ireland said that he agrees that transportation is a continuing need. This motion is being discussed as though it's a one-year contract, but the acquiring road funds will take several years, so the contract will cost much more than the amount that is being discussed in this meeting. Federal transportation money is distributed by a formula, and it will go to UDOT, whether Mr. Freemyer lobbies for Eagle Mountain or not. He's spoken to Mr. Freemyer and to state representatives, and came to the conclusion that the road will be built because it's a continuation of 2100 North, which has moved forward without Mr. Freemyer's involvement. 2100 North will be continued due to MAG and UDOT. The one thing UDOT can't do is the Camp Williams land swap. The City should work with the regional and state representatives, rather than go straight to the federal government. City residents need to elect state representatives who will represent our interests, as Rep. Sumsion has. He is frustrated that the Council can, halfway through a budget year, pull money out of "thin air," which indicates that the tax increase imposed by the Council this year was unnecessary.

Councilmember Ochsenhirt said that the land exchange and the road bill will be completed in a year or two. There would then be little need for a lobbyist for several years, until the time came for the road to be built. He said that while completing 2100 North makes sense, that doesn't mean it will happen, just as widening SR 73 makes sense, but it hasn't happened. He said those who yell the loudest and hit the hardest get what they want. Rep. Chaffetz, Sen. Hatch and Sen. Matheson have all said that the City needs to continue working with Mr. Freemyer.

Mayor Jackson said the City is not skipping levels of government by lobbying the federal government. It has to work at every level at the same time. Councilmember Ireland told the Mayor that two officials have told him that the City doesn't need a lobbyist to meet its transportation needs. Mr. Freemyer told him that the City would continue to need his services in the long term. Councilmember Burnham disagreed with Councilmember Ochsenhirt's statement that not using a lobbyist constitutes not working for transportation needs. She and the Mayor both attend transportation meetings. Councilmember Ochsenhirt responded that what he said was that without representation at the federal level, the City's work is only for state and county funds.

Those voting aye: Jonathan Celaya, Nathan Ochsenhirt and John Painter. Those voting no: Donna Burnham and Ryan Ireland. The motion passed with a 3:2 vote.

17. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Approving the Eagle Mountain Business Incubator Development Program and Related Guidelines.

This item was presented by Economic Development Director Ifo Pili. The proposed Resolution approves the Business Incubator Development Program and establishes the guidelines for the program. The program will provide incentives to economic development and encourage new businesses to develop within Eagle Mountain City.

MOTION: ***Councilmember Burnham moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, approving the Eagle Mountain Business Incubator Development Program and related guidelines, with the square footage being verified by the staff and with the word change of “may” instead of “will” offer a rebate. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland and John Painter. Nathan Ochsenhirt recused himself. The motion passed with four aye votes.***

Councilmember Ochsenhirt said that he had been concerned about companies taking advantage of the City's help and then moving of the City once they're successful, but now felt that the selection process by staff will prevent there being much of a problem.

Councilmember Ireland was concerned about the potential of having to put money into the program in the future. He felt that the goals can be accomplished without involving taxpayer money. Mayor Jackson said the program may evolve into a 501(c)3 and be taken out of City government.

18. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and Lewis Young Robertson & Burningham for Professional Services for the Financial Portion of Long Range Water and Sewer Rate Studies.

Eagle Mountain City needs to identify water rate requirements, depending on the growth and development of the City. This has never been done. The City has bonded not only for several improvements that will serve the City at a population of about 50,000 residents, but it has also purchased sufficient water shares from the Central Utah Water Conservancy District to supply enough water, along with its wells, for a population of about 200,000 people. It is necessary to identify those costs, which together with the operating and replacement costs will make up the long-range cost analysis.

Cody Deeter of Lewis Young Robertson & Burningham (LYRB) was asked to explain why the ram cap part of the proposal was the most expensive part of the study. Code said it's the heart of the model. It drives all the potential scenarios, which takes the majority of the time. This is a revised proposal, and Cody said LYRB can revert to the original proposal if the Council would prefer that.

City Attorney Jerry Kinghorn recommended that, if the Council wants to approve LYRB's original proposal, the motion should be to cap the contract at the price of the original proposal.

Councilmember Ireland asked what information Public Works Director Chris Trusty will need to set base rates correctly, without overcharging or undercharging residents. Mr. Trusty responded that for that portion, he will need Phase 1 and Phase 2.

Councilmember Ochsenhirt asked why this proposal costs more than the original. Mr. Hendrickson said that the ram cap, which used to be listed under optional tasks, turned out to be essential to the proposal. Mr. Kinghorn suggested that the agreement be approved as a not-to-exceed fee without public hearings, with an option to add fees for public hearings if necessary.

MOTION: *Councilmember Burnham moved to approve an agreement between Eagle Mountain City and Lewis Young Robertson and Burningham for professional services for the financial portion of long range water and sewer rate studies, to include Phases 1 and 2, not to exceed \$46,323.00, with the option to add the other phase if the City determines that it is needed at a later time, and the option for the public hearings. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

19. AGREEMENT – Consideration and Approval of an Agreement for Professional Services for Engineering for a Water and Sewer Rate Study.

The proposed study would evaluate the City's water system and provide estimates of operation and maintenance costs for future system upgrades, such as pump and lift stations, and assist in allocating operational and capital expenses to system-wide average day, peak day, and peak hour water demands.

MOTION: *Councilmember Ireland moved to approve a professional services agreement with Bowen Collins for professional services for engineering for a water and sewer rate study in the amount of \$17,160 and authorize the Mayor to sign a professional services agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

20. BID AWARD – Consideration and Award of Bid to Splash Zone, LLC for the Design and Construction of a Splash Pad in Nolan Park.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City issued a Request for Proposals for the design of a splash pad to be constructed in Nolan Park. The City Council appropriated \$180,000 in funds to be used for this splash pad as part of the FY 2011 budget. Splash Zone, LLC was the only company to provide a proposal to the City. The proposal includes design and construction of an approximately 2500 sq. ft. splash pad.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Splash Zone, LLC for the design and construction of a splash pad in Nolan Park in the amount of \$179,500 and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

21. AGREEMENT – Consideration and Approval of a Settlement Agreement between Eagle Mountain City, John Walden, Robyn Walden, Monte Vista Ranch, Eagle Mountain Properties and Legends Land and Ranch.

The settlement documents resolving the pending claims of Mr. and Mrs. Walden and related entities have been executed and returned to the City for approval and execution. Mr. Kinghorn explained that this is a mediated settlement that was structured through the Office of the Private Property Ombudsman.

MOTION: *Councilmember Ochsenhirt moved to approve a settlement agreement between Eagle Mountain City, John Walden, Robyn Walden, Monte Vista Ranch, Eagle Mountain Properties and Legends Land and Ranch. Councilmember Painter seconded the motion.*

Councilmember Ireland asked what the title costs to the City would be. Mr. Kinghorn responded that they will be in the range of \$2,500 to \$3,000. Councilmember Ireland asked what budget the money would come from. Mr. Hendrickson said it would come from capital projects, parks & trails and enterprise funds.

Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

22. MOTION – Consideration and Approval of a Motion to Sell Surplus Vehicles and Return the Proceeds to the Fleet Fund.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City has several vehicles which have reached the end of their useful service life and would be better used to be sold at auction. TNT Auctions has the state contract for auctioning vehicles.

Councilmember Celaya asked if it was possible for the City to allow employees to purchase surplus vehicles. Mr. Hendrickson said state law doesn't allow that.

MOTION: *Councilmember Burnham moved to approve the sale of surplus vehicles and return the proceeds to the fleet fund, as outlined in the staff report. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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.

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter asked about the refunding of the SID 2000-1 bonds in 2006. Mayor Jackson explained that the term means that the bonds were refinanced. Mr. Hendrickson and Mr. Kinghorn explained some details of bond funding.

Councilmember Ochsenhirt

No comment.

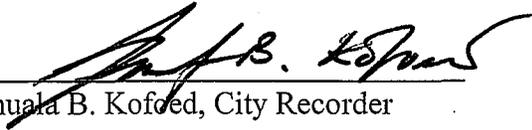
Councilmember Ireland

No comment.

24. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:28 p.m.

APPROVED BY THE CITY COUNCIL ON JANUARY 18, 2011.



Fionnuala B. Kofoed, City Recorder