

Eagle Mountain City Council Minutes 2011

Dates of City Council Meetings:

- January 18, 2011
- January 27, 2011
- February 1, 2011
- February 4, 2011
- February 15, 2011
- March 1, 2011
- March 29, 2011
- April 5, 2011
- April 19, 2011
- May 3, 2011
- May 17, 2011
- June 21, 2011
- July 19, 2011
- August 2, 2011
- August 16, 2011
- September 6, 2011
- September 20, 2011
- October 4, 2011
- October 18, 2011
- November 1, 2011
- November 15, 2011
- December 6, 2011

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 18, 2011

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

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

*** 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: 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; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Chris Trusty, Public Works Director; Ifo Pili, Assistant City Administrator; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Eric McDowell, Sergeant.

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

1. PRESENTATION – Kern River Gas Pipeline Replacement Project.
2. PRESENTATION – Utah County 2040 Metropolitan Transportation Plan – Mountainland Association of Governments.
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

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, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and Ryan Ireland. The motion passed with a unanimous vote.*

The meeting adjourned at 6:01 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; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Chris Trusty, Public Works Director; Ifo Pili, Assistant City Administrator; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Eric McDowell, Sergeant.

6. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:12 p.m.

7. PLEDGE OF ALLEGIANCE

Bryan Free led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- Miss Eagle Mountain, Hartley Lojik, will be holding a winter clothing drive through Friday, January 12, 2011. Coats, scarves, gloves, hats, etc. in all sizes in new or used condition are being accepted. Drop off locations are at City Hall, all Eagle Mountain Schools, Vista Heights Middle School, & Westlake High School. Donations will be given to a local shelter to help those in need this winter.
- The 2nd annual Dancing Up a Storm is being held Saturday, January 22, 2011 at 7:00 p.m. at the Westlake High School. Proceeds will benefit the Westlake High School Ballroom Dance Team. More information on this event can be found on the City website.
- A Town Hall meeting will be held in the City Council Chambers on Wednesday, January 26 at 7:00 p.m. The purpose of this meeting is primarily to give residents of the White Hills subdivision an opportunity to ask any questions that they may have regarding the City's Pole Canyon annexation.
- Youth baseball registration is now open through February 14th. Online registration and information is available on the City website.
- Tickets are now on sale for the Pony Express Days 2011 Concert and Fireworks starring Clint Black at the SilverLake Amphitheater. Tickets are \$15, with children 2 years and under admitted free. Tickets are available for purchase on the city website. Beginning in February tickets will be available at City Hall.

9. PUBLIC COMMENTS

Nikki Wickman, 2766 Fort Hill Road, explained that several roads in Eagle Mountain have been in need of repair for years. She felt that the existing roads need to be redone before any future roads are built. She said that taxpayer money should not be spent on future bridges, freeways or newsletters. Mrs. Wickman also distributed a letter to the Council.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham thanked staff members and the councilmember who participated in Dancing Up a Storm. She felt that some civility between the Council has been lost. She stated that she was okay with the Council disagreeing and asked that personal attacks not be attached to disagreements.

Councilmember Celaya

Councilmember Celaya thanked Councilmember Burnham for her comments.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt acknowledged Councilmember Burnham's comments and apologized to anyone that he may have offended.

Councilmember Ireland

Councilmember Ireland explained that with the warmer weather and the snow melting trucks are tracking mud all over SR 73 when leaving the excavation area near the SR 73 Ranches Parkway intersection. He asked if something could be done about this. He also asked that something be communicated to the residents to let them know how road repair is handled and prioritized.

Mayor Jackson

Mayor Jackson explained that her job is to do what the Council asks her to do. She said that there have been several letters directed toward her stating that she does what she wants to. She stated that this is not accurate. She said that there was a comment in the letter received that the City needs to main public utilities such as phone and computer service. Mayor Jackson explained that the City does not own these facilities because they were sold in 2006, therefore it is no longer the City's problem. She said that the City has never spent money on the Utah Lake bridge project. She also explained that she has worked diligently to get money to expand SR 73. She stated that it goes out to bid this week and is scheduled to commence once the bid has been awarded.

11. APPOINTMENTS

- A. Planning Commission – Tom Maher
- B. Library Board – Lesley Jackman
- C. Cemetery Advisory Board – Elena Jennings
- D. Economic Development Board – Susan Vanderhoef
- E. Parks & Recreation Advisory Board – Bryan Free and Mark Trotter
- F. Public Works Advisory Board – Clint Moser and D. Kent Withers
- G. Senior Citizen Advisory Council – Carroll Johnson
- H. Yellow Ribbon Committee – Marie Frandsen
- I. RESOLUTION – Consideration and adoption of a resolution appointing Steve Olsen as an Alternate to the Utah Associated Municipal Power Systems Board.

MOTION: *Councilmember Burnham moved to approve the following board appointments:*

- *Tom Maher to a 4 year term on the Planning Commission expiring 12/31/2014.*
- *Lesley Jackman to a 3 year term on the Library Board expiring 12/31/2013.*
- *Elena Jennings to a 4 year term on the Cemetery Advisory Board expiring 12/31/2014.*
- *Susan Vanderhoef to a 3 year term on the Economic Development Board expiring 12/31/2013.*
- *Bryan Free and Mark Trotter to a 3 year term on the Parks and Recreation Advisory Board expiring 12/31/2013.*

- *Clint Moser and D. Kent Withers to a 4 year term on the Public Works Advisory Board expiring 12/31/2014.*
- *Carroll Johnson to a 4 year term on the Senior Citizen Advisory Council expiring 12/31/2014.*
- *Marie Frandsen to a 2 year term on the Yellow Ribbon Committee expiring 12/31/2012.*

and to also appoint Steve Olsen as an alternate to the Utah Associated Municipal Power Systems Board. 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.

CONSENT AGENDA

12. MINUTES
 - A. December 7, 2010—Regular City Council Meeting
13. BOND RELEASE
 - A. Scenic Mountain
14. EASEMENT
 - A. UDOT Slope Easement

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

15. A. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Ordinance O-33-2008.

The proposed ordinance amends the Cemetery Advisory Board allowing employees of Eagle Mountain City to be appointed to the board.

Mayor Jackson explained that the proposed ordinance would amend the Cemetery Advisory Board allowing employees of Eagle Mountain City to be appointed to the board. She stated that it is sometimes difficult to fill seats on boards and that by amending this ordinance it would allow Steve Conger, a City employee to participate on the board.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Ordinance O-33-2008, allowing City employees to be appointed to the board. 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.*

- B. MOTION – Consideration and Approval of an Appointment to the Cemetery Advisory Board.

MOTION: *Councilmember Celaya moved to appoint Steve Conger to a 4 year term on the Cemetery Advisory Board which expires December 31, 2014. 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.*

16. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Adopting the Mountainland Association of Governments Pre-Disaster Hazard Mitigation Plan.

Federal regulations require MAG to create a Pre-Disaster Hazard Mitigation Plan which identifies, categorizes and offers possible mitigation suggestions to possible hazards throughout the three-county area covered by MAG. This includes Utah County and Eagle Mountain City. It does not supplant the City's adopted Hazard Mitigation Plan but rather complements and supports that plan. It provides information that may assist in guiding any amendments to the City's plan.

Mayor Jackson stated that this can also help the City be eligible to receive funding that may be necessary if a disaster were to occur, as well as funding to help prevent disasters.

Mr. Hendrickson explained that the City does not need to change their current plan in order to adopt this.

Councilmember Ireland asked if it made sense to modify the pre-disaster and mitigation plans.

Mr. Hendrickson said that if this is adopted it will allow the City to go in and change the mitigation plan if necessary. He stated that he did not see any apparent conflicts in the City's plan and MAG's plan. He explained that as the City grows and plans change the City may need to change the plan in order to accommodate growth.

Councilmember Ireland asked if fire buffers would need to be added in some areas to prevent fires from spreading from subdivision to subdivision.

Mr. Hendrickson stated that if the City needs to change standards and goals to make the plans work together they will. He said that the City has very little seismic activity and that it is one of the safest places to be in the County. He said that flooding is also very minimal compared to other areas. He explained that overall Eagle Mountain is one of the safest places you can be if a hazard was to occur. He felt that the highest threat to the City was wildfires.

Councilmember Celaya said that the City would not be obligated to anything and that the City can do as they see fit.

Mr. Hendrickson said that there can be limitations due to cost therefore MAG realizes that some cities may not be able to follow the timeline.

MOTION: *Councilmember Celaya moved to adopt a resolution of the City Council of Eagle Mountain, Utah, adopting the Mountainland Association of Governments Pre-Disaster Hazard Mitigation Plan. 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.*

17. 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.

The Eagle Mountain City Policies and Procedures Manual is being amended to add information specifying that non-exempt employees must take an unused holiday within 30 days following the scheduled holiday and that exempt employees must take an unused holiday within 90 days following the scheduled holiday; to require that computers shall be turned off daily at the end of the work shift with the exception of those computers used to monitor or run the SCADA system, weather system, the sewer plant or the water systems; and to modify the Fire Department work schedule from a 27-day work cycle to a 28-day work cycle.

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 Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland and John Painter. Those voting nay: Nathan Ochsenhirt. The motion passed with a 4 to 1 vote.*

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

Mayor Jackson stated that the City Council will need to appoint a Councilmember as Mayor Pro Tempore to cover for the Mayor in the event of her absence. She recommended that Councilmember Ireland be appointed as Mayor Pro Tempore.

MOTION: *Councilmember Painter moved to appoint Councilmember Ryan Ireland as Mayor Pro Tempore. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.*

19. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Amending the Contract Documents and Specifications for Eagle Mountain City Installation of Underground Electric and Natural Gas Services.

The proposed amendment to the Tempest Utility Lateral Agreement would increase the average length of the electrical service laterals for single family residences up to 400 Amp service size from 40 feet to 67 feet and increase the unit price per home based on the same price per linear foot.

Mayor Jackson asked if the Council would like to table this item or approve this as is with the stipulation that within 90 days a meeting is held with tempest to renegotiate some items.

Mr. Kinghorn recommended that the Council approve the contract agreement as proposed with a condition that Mr. Ferre bring back a proposal to renegotiate the contract with a basis that provides some type of lump sum per lot that reflects the actual cost of mobilizing from lot to lot. He said that this would reflect the actual cost of work rather than a measurement of footage per lot. He explained that if this is approved Tempest will need to be notified that this is contingent upon a renegotiation. He felt that if the City does not deal with Tempest in good faith on this contract the City would not be doing what they told tempest they would do 7 months ago.

Councilmember Ireland asked if part of the motion could state that the renegotiation of the contract

would need to be brought back before the Council before the first meeting in April.

Councilmember Ochsenhirt asked if the 67 feet would be negotiable afterwards.

Mayor Jackson stated that the contractor has been underpaid for 6 months and that if something can be worked out in a timely fashion she does not see a problem with working the number out after this is approve.

Councilmember Ochsenhirt stated that if the 67 feet is a short term thing he would feel more comfortable with approving this contract.

Councilmember Ireland said that according to the staff report the average cable length is 74. He said that this is still under the average but feels that 67 does not seem to be a reasonable number long term. He would like to see something before the first meeting in April.

Councilmember Celaya would like to see more detailed information on the numbers so that they can better determine what the long term number should be.

Mr. Kinghorn said that there will need to be some fixed cost tied to each installation plus the cost of materials. He recommended that this be approved and request that staff bring back a renegotiated fee with Tempest.

MOTION:

Councilmember Burnham moved to adopt a resolution of the City Council of Eagle Mountain City, Utah amending the contract documents and specifications for Eagle Mountain City installation of underground electric and natural gas services to the amount of 67 feet with the following stipulations, that the contract will sunset May 1, 2011, and fall back to the original contract if the City cannot renegotiate with Tempest and that a renegotiation be brought back to the Council before the first meeting in April 2011. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

20. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said that his son did a really good job at the Dancing Up a Storm competition. He said that Councilmember Painter and Steve Mumford also did a good job.

21. CITY COUNCIL BOARD LIAISON REPORTS

No reports were made.

- A. Economic Development Board, Cemetery Board – Councilmember Burnham
- B. Youth Council, Senior Council and Library Board – Councilmember Ochsenhirt
- C. Public Works Board – Councilmember Ireland
- D. Planning Commission – Councilmember Celaya
- E. Parks and Recreation – Councilmember Painter

22. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

23. ADJOURNMENT

Councilmember Burnham moved to adjourn the meeting at 8:14 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 1, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
TOWN HALL MEETING BY THE CITY COUNCIL
OF EAGLE MOUNTAIN, UTAH

Wednesday, January 27, 2011

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 ***

ELECTED OFFICIALS PRESENT: Mayor Heather Jackson, Donna Burnham, Jon Celaya, Ryan Ireland, and John Painter. Nathan Ochsenhirt was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Adam Ferre, Energy Director; Michele Graves, Librarian; Jessica Alvarez, Utility Billing Supervisor; Holly Web, Utility Billing Clerk; Shopia Onate, Utility Billing Clerk; Angelica Duran, Utility Billing Clerk; Fionnuala Kofoed, City Recorder; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Dave Norman, Assistant Public Works Director; Jeff Weber, Assistant Public Works Director; Steve Mumford, Planning Director; Gordon Burt, Treasurer.

7:00 P.M. – CITY COUNCIL CHAMBERS

1. CALL TO ORDER AND WELCOME

Mayor Jackson called the meeting to order at 7:13 p.m. and welcomed the residents of White Hills and Country Estates to Eagle Mountain City. The Mayor commented that the residents would have an opportunity to vote and run for the upcoming Municipal Election. There was a question about whether residents in the newly annexed area could run for City Council positions in the 2011 municipal elections or if they would be required to meet 1 year residency in Eagle Mountain. This was later clarified; residents living in the newly annexed area could run for the City Council positions. Councilmember Painter thanked the residents for coming to the meeting. He said that being on the Council means working on behalf of the residents and balancing that with what is best for the City. Councilmember Celaya echoed Councilmember Painter's comments. He explained that he was filling a previous Councilmember's term and that his term would expire at the end of 2011. Councilmember Burnham also thanked the resident for attending the meeting. She said that if anyone has questions to please ask them at tonight's meeting. She also welcomed the new residents to volunteer in the Library.

2. PRESENTATION – Pole Canyon Annexation

Planning Director Steve Mumford gave a presentation on the recent Pole Canyon Annexation and addressed the following issues that would impact residents from the White Hills and Country Estates subdivisions:

- White Hills Park (Phase 1) was required to be completed on or before the 1 year anniversary of the MDA. This date would be calculated from the date of annexation and was expected to be completed by January 2012.
- The fire station property was required to be surveyed and conveyed to the City at the City's Request. It is anticipated that this property would be completed at the same time as the park in Phase 1.
- WHSSD transfer (Sewer System) was required when the lagoon was at 85% capacity. The lagoon was at capacity and the transfer would probably happen within the next 90 days.
- Sewer District funds would be transferred to the City and applied to the cost of the treatment capacity.
- The lagoon property would be sold to OWR and then be fully decommissioned at the developer's expense.
- WHWC transition (Water Company), all improvements and repairs outlined in the Master Development Agreement are required to be completed before any building permits would be issued by the City. All assets would be conveyed to the City after improvements were completed.
- Permanent rodeo grounds would be completed with a rodeo-equipped arena, holding pens, bleachers for 500, separate riding ring or warm-up pen, parking, lighting, restrooms, and concession areas.
- All improvements are required to be completed by June 1, 2015.

3. OPEN DISCUSSION, QUESTION / ANSWERS

City Administrator John Hendrickson explained the City's snow removal policy. City ordinance required cars to be removed from the public streets to allow for snow plowing. Parking restrictions during snow storms were from 4:00 am to 4:00 pm. Commercial and recreational vehicles were restricted from parking for more than 2 hours in a 24 hour period. City streets would be plowed after a 2" snow accumulation. Jeff Weber noted that that the street crew had just visited the White Hill subdivisions and done the best they could to remove some of the snow that had accumulated prior to the annexation.

Bruno Hunziker, resident asked for the completion date for the secondary well. He was concerned that the existing water rates were high and the water pressure was really low.

Dave Norman responded that there were several updates that needed to be made but there was no deadline, however, the target date was a year. There were numerous leaks in the system that needed to be fixed. The low water pressure was a result of the leaks in the system.

Mayor Jackson pointed out that the annexation had taken longer than anticipated and that the deadlines to complete the improvement outlined in the Master Development Agreement needed to be revised. They were shooting for the summer but as soon as the funding was in place they could move forward.

Mr. Hendrickson added that the system needed to be brought up to standard and that there would be no development until that happened. No building permits would be issued by the City.

Mr. Hunziker also asked about code enforcement and whether the new residents would be governed by current City codes. Mr. Hendrickson stated that some items may be grandfathered in. The City was still evaluating things and would work with the resident unless it was a safety issue and something had to be dealt with immediately.

Lee Brown, resident, asked whether the mailing addresses would change. City staff would follow up on this with the post office and then let the residents know. Mr. Brown had an indoor arena and a feed lot with anywhere from 100-250 live stock on his property. He wanted to know if he would be grandfathered in and could continue his operation.

Mr. Hendrickson responded that he should be okay but things could change in the future.

Amy Larsen, resident, wanted to know if the City had plans to pave a road from the Town Center to White Hills.

Mayor Jackson said that the City wouldn't be paving the road but as development came the City would acquire the right-of-way. Pole Canyon Boulevard would eventually be built. The construction of the road was tied to traffic volume and would be required when the volume on SR 73 increases by 655 trips at peak use. Connectivity was also a concern for the City because of safety issues. Pole Canyon Boulevard was also identified in phase 3 of the Mountainland Association of Governments Transportation Plan.

David Myers, resident, stated that the City's storm drain fee was excessive. They had possibly 6 storm drains in the subdivision and didn't believe that they should have to pay the \$3/month fee. He was also concerned that their sewer rate was doubling to \$30/month.

Mayor Jackson said that all residences were assessed the storm drain fee. It was a flat fee that covered the cost for personnel to maintain the storm drains and White Hills and Country Estates wouldn't be an exception.

Mr. Hendrickson added that some properties had ditches with no storm drains and the City maintained them. Most cities storm drain fees were in excess of \$3.00. Eagle Mountain City wouldn't be building a slush fund collecting the storm drain fee. The City worked hard to keep the service fees low and had the second lowest taxes in the County.

The new residents questioned why the City wasn't taking over the water and sewer system right away. The residents felt that they were being nicked and dimed with all the fees and wanted the City to review the rates and see what they could do to lower them. Mayor Jackson explained that the City would review the rates when they took over the systems. The current sewer rate in The Ranches was \$38/month and the Town Center was \$43/month. Water rates were .80 cents/1000 gallons with a \$20 base rate.

Trina Massa, resident, asked if the City had plans for a cemetery.

Assistant City Administrator Ifo Pili said that the Cemetery Board was looking at a couple of locations in the City to build a cemetery, one by the SilverLake development and one near Autumn Ridge. There was nothing concrete at this time but a private company had expressed interest in partnering with the City on the project.

Steven Boyce, resident, expressed his concerns about not having adequate representation with the upcoming election and asked if the City had any plans to create districts.

Mayor Jackson stated that the Council worked hard to maintain representation as positions became available on the City Council and other City boards. There were no current plans for districting but Mayor Jackson encouraged the residents to run for election. Having representation for the new residents was important for the Mayor and Council as was evident in the two recent appointments of White Hill's residents to City boards.

Councilmember Burnham pointed out that Lehi was in the process of developing precincts. It was a big process and not something that Eagle Mountain could just decide to do on its own. Interested individuals could track Lehi's process and progress through the media to see what was involved in creating the districts.

Councilmember Ireland advised Mr. Boyce to get involved in the community and that the opportunity was there for residents of the newly annexed land to run for City Council. It was a matter of residents getting involved and volunteering in the community; there were plenty of opportunities to serve.

Alice Clark, resident, inquired about leash laws.

Deputy Gareth with Animal Control stated that the County leash laws were the same as the City's and that they would be enforcing them. Residents would be cited if their dogs were found running at large and dogs would be taken to the shelter if their owner wasn't home.

Myron Ring, resident, asked why residents needed to provide a social security and driver's license number on the garbage application.

Jessica Alvarez, Utility Clerk Supervisor, responded that they needed that information for collection purposes. They also requested a second persons information if they planned to call and discuss the details of the account with the City. A driver's license number was sufficient if a resident refused to provide a social security number.

Charlotte Turner, resident, stated that some residents had paid their sewer fees in advance with the current sewer provider and wanted to know if that would be applied to their account when they transferred to the City's system.

Mayor Jackson said that staff would look into it and they would work it out.

Mrs. Turner also stated that kids in her subdivision were waiting for the school bus on the street because the pavements had too much snow on them. She would be happy for them to wait for the bus on her driveway but the School District wouldn't allow them to.

Mayor Jackson said that snow plowing at bus routes was a priority and it would be taken care of.

Kate Hardman, resident, wanted to know if there was a buffer between her property and the new park and whether the traffic would go directly to the park.

Mr. Hendrickson responded that the traffic would go on Wilson until a second access was constructed. The Parks and Recreation Board would discuss the details of the park at a later date. Mark Trotter, a White Hills resident, was the newest member of the board and could keep residents out there informed on the progress of the park.

Mayor Jackson added that the edge of the park would be to Mrs. Hardman's property line. No other parks had been slated in that area but the City would keep residents informed as development happened.

Additional questions regarding the sewer treatment arose and whether rates would go down. Mr. Norman mentioned out that the system was not in the best of shape, it was a "ticking time bomb" with infiltration problems, etc. The State could impose fines and force upgrades because of its current condition. Again, no development would take place until they tied into the City's system. Mr. Smith who runs the system confirmed that the lagoons were at 85% capacity.

Bryan Stewart, resident, asked about school boundaries and whether they would be affected by the change.

Mayor Jackson stated that she didn't think there would be any changes in the school boundaries. The Mayor was aware that the School District was planning to have a bond election this year but didn't know any of the details of the bond. The District's number

one priority was to build a middle school in Eagle Mountain and it was anticipated that it would be located in Mid-Valley.

Josh Oswald, resident, asked whether the City had plans for any health care facilities.

Mayor Jackson said that she would be meeting with IHC and would continue to encourage them to locate a health care facility here in Eagle Mountain.

Blair Gahley, resident, asked why Eagle Mountain wanted to annex White Hills and Country Estates.

Mayor Jackson explained that City didn't want the subdivisions included in the annexation. The County would only approve the annexation if the subdivisions were included. At this point the Mayor wanted to make the best out of the situation. It was important to have an open dialogue with the residents and work together to resolve any concern related to the annexation.

Councilmember Ireland noted that the City's long range interest was in the industrial portion of the annexation, not the residential. The only way the annexation would work is if it all came in together. It had taken a year to get all the necessary documents in place to insure that all parties were protected in the transition.

Mr. Pili stated that a fortune 50 company was interested in locating in the industrial park as it was a prime location off SR 73. This area had the potential to create high paying jobs and increase the quality of life in the valley.

Mr. Hendrickson addressed the recent flooding in White Hills and acknowledged that since the annexation had been finalized, the City would assume the responsibility to manage those types of situations if they arose.

Luke Pennell, resident, stated that he didn't want a home owner association and wanted the residents to be able to govern themselves. He said that he was really frustrated when he first moved in trying to get a hold of the utility companies. He hoped that he wouldn't have the same experience with Eagle Mountain.

Mayor Jackson said that that the City had packets for the new residents that included all the information that they needed. The City didn't establish home owners associations or enforce CC&Rs. The City was governed by City ordinances, not by covenants.

Kerry Smith, resident, said that he runs the sewer system which was originally designed to for a 1000 residence. Currently, 113 homes were paying to operate the system and with the needed upgrades residents could have been assessed \$10,000 per household if the developer hadn't stepped in.

Mr. Hendrickson explained that the approximate \$90,000 in the sewer reserve fund would be transferred to the City to help pay for the connection. The City would then be

responsible for maintaining the system. Residents shouldn't worry about the City mismanaging the transferred fund. The City was audited on an annual basis and did an excellent job managing its funds. Residents would save in the long run because of the annexation.

Mr. Pennell said that communication was important to the residents and that they wanted to know when the City was coming out to do inspections so they could be involved in the process. He also asked if the City would clean the streets if they had more problems with mud caused by the water tank overflowing.

Mr. Hendrickson stated that the City would take care of it if necessary and bill the individuals responsible if they failed to act.

Mr. Pennell asked if there was a suspension date on the water system. He also wanted to know about the quality of their drinking water.

Mr. Hendrickson said that they didn't have a suspension date but the developer was working with the State for a loan for the needed upgrades. Water was tested on a monthly basis and the City would take on that responsibility when it owned the system.

Mayor Jackson noted that she was on the Drinking Water Board and that the water was tested monthly. Once the City took on the system they would take on the maintenance too.

Dave Norman advised the residents that the developer would be bearing the cost for approximately \$1,000,000.00 to upgrade the water system. If the developer hadn't stepped in the residents would have been responsible if the well failed. Two weeks after they took it over, the well failed. Even though the water rates had increased, the residents were not bearing the full financial burden of the well.

Mr. Pennell expressed his concerns about always being the last place to get plowed during a snow storm. He wanted to make sure that the streets were plowed properly and that residents wouldn't have their driveways plowed in. He also stated that he wanted to install a chain linked fence and wanted to know if he was grandfathered in. He didn't want to be told what he could and couldn't do with his property.

Mr. Hendrickson stated that the City's goal was to always improve their services and Eagle Mountain was always quick to get the streets plowed. Regarding fencing, those residents that were approved and built through the County would be grandfathered in. Residents that built now and in the future would have to follow City Code.

Dan Jackman, resident, was concerned about the CC&Rs that were recorded with the subdivisions and whether they would change.

Mayor Jackson responded that it wasn't the City's intention to make changes to the development. If residents had animal rights and a property owner was exercising those

rights, they would be grandfathered in. Again, the City enforced City Code not covenants.

Councilmember Ireland added that if residents had questions about what was permitted in the City, the City Code was online and updated as new ordinance were approved.

Councilmember Celaya noted that a City ordinance would always supersede if there was a conflict between City Code and CC&Rs. The CC&Rs were legal documents between residents.

Steve Mumford addressed buffering stating that properties adjacent to the west and south of White Hills would all have a lot size of 10,000 sq. ft. on both sides of the street. There would be at least two rows of lots that would be 10,000 sq. ft. before the developer built anything smaller. Buffering in Country Estates would be governed by City Code.

Randy Rowe, resident, asked if the flood canal would continue to be maintained by the City. He also inquired about building permit fees.

Mr. Hendrickson said that it was his understanding that the City would maintain the flood canal.

Building Official Kent Partridge stated that building permit fees varied depending on the type of permit. Flat driveways didn't require a permit and attached patios were based on the size. The permit fees were based on a valuation of the improvement and generally covered the cost of the inspection.

Dwayne Weber, resident, said that he had been to all the meetings and was told that his water meter would be moved. His meter still hadn't been moved.

Mayor Jackson stated that it would be taken care of.

Charlotte Turner, resident, said that she couldn't use the sidewalks in her neighborhood as the trees and shrubs were overgrown.

Mr. Partridge told replied saying that the ADA requirement for clearance on sidewalks 7ft and this would be enforced by the City.

Chris Lund, resident, asked if residents would have to pay an impact fee to connect to the City's sewer system.

Mayor Jackson responded that it had been worked out that there would be no fees charged for the connection.

Jay Hardman, resident, expressed his concerns about the water system. The lines had no air vent and weren't being blown off. He lived at the end of the line and the meter was spinning. Mr. Hardman also mentioned that he was in the process of building a fence and

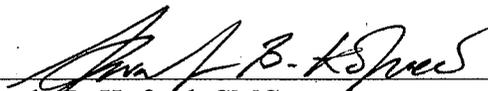
wondered if he would run into any issues with the City because of the materials he was using. It was a wrought iron fence with concrete pillars.

Mr. Hendrickson advised Mr. Hardman that it was not a privacy fence and that he didn't foresee a problem.

4. ADJOURNMENT

The meeting adjourned at 9:49 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 15, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 1, 2011

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 ***

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; Melanie Lahman, Deputy Recorder; Adam Ferre, Energy Division Director; Chris Trusty, Public Works Director; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Eric McDowell, Sergeant.

1. CALL TO ORDER

Mayor Heather Anne Jackson opened the meeting at 7:02 p.m.

2. PLEDGE OF ALLEGIANCE

Monte Kingston led the Pledge of Allegiance.

3. INFORMATION ITEMS/UPCOMING EVENTS

- Youth baseball registration is open now through February 14.
- An orientation meeting for the 2011 Miss Eagle Mountain pageant will be held on Thursday, February 10 at 7 p.m. in the City Council Chambers.
- The Eagle Mountain City Youth Council is sponsoring a Valentine's Day Dance for adults on Friday, February 11 at 7 p.m. in the City Council Chambers.
- The Princess Academy for ages 3-10 will be held on Saturday, February 12 from 10 a.m. to 12:30 p.m. in 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.

4. PUBLIC COMMENTS

Nikki Wickman, 2766 Fort Hill Road, stated that her husband called Rep. Chaffetz's office and was told that he didn't recommend that the City hire a lobbyist, as Mayor Jackson said he did. Mayor Jackson, Councilmember Chaffetz and Councilmember Ochsenhirt all replied that Rep. Chaffetz told them that if the City could afford it, it needs a lobbyist to get the land exchange for the Cedar Valley Freeway done.

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

Councilmember Ireland
No comment.

Councilmember Burnham
No comment.

Councilmember Celaya
No comment.

Councilmember Painter
No comment.

Councilmember Ochsenhirt
No comment.

Mayor Jackson
No comment.

6. APPOINTMENTS

A. Parks & Recreation Advisory Board – Adonna Geddes

MOTION: *Councilmember Celaya moved to appoint Adonna Geddes to the Parks and Recreation Advisory Board to complete the term vacated by Kyle Burdette, ending on December 31, 2012. 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.*

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

B. Youth Council Advisory Board – Alicia Hill and Robert Hill

MOTION: *Councilmember Ochsenhirt moved to appoint Alicia Hill and Robert Hill to the Youth City Council Advisory Board for one-year terms ending on December 31, 2011. 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.*

Mr. & Mrs. Hill were unable to attend the meeting and will receive the oath of office at another time.

7. PRESENTATION – Community Covenant to Support Servicemen and Their Families, Presented by the Utah National Guard.

CONSENT AGENDA

8. MINUTES

A. January 18, 2011—Regular City Council Meeting

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

SCHEDULED ITEMS

9. AGREEMENT – Consideration and Approval of an Amendment to the Golf Course Donation Agreement.

This item was presented by City Administrator John Hendrickson. In July, 2009, Eagle Mountain Links, LLC (Ames Construction) donated The Ranches Golf Course to Eagle Mountain City. There were certain stipulations and agreements that accompanied that donation, including the requirement that Ames relocate and improve Tee Box #12 and the related cart path, which is located closest to Stonebridge Lane and Ranches Parkway. The reconstruction was to be completed by late July, 2011. Because of the economic downturn, the property adjacent to Tee Box #12 has not been developed as quickly as was anticipated. The developer has requested that the deadline be extended until July, 2013.

Mr. Kinghorn said that he would like the bond posted before the Mayor signs this agreement.

MOTION: *Councilmember Donna Burnham moved to approve an amendment to the golf course donation agreement until July, 2013 and authorizing the Mayor to execute the agreement. The bond will need to be posted before the Mayor signs 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.*

10. 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. Presentation – Splash Pad Design

Public Works Director Chris Trusty said the planned completion date for the splash pad is May 15. The splash pad will be 50' by 50' in size, located in Nolan Park near the rest rooms and will be designed in a western motif. The water will go into the irrigation system after use.

B. Discussion – Fairfield Landfill

Mr. Hendrickson reported that Fairfield has given permission for a waste company to open a Class 1 landfill, which would only allow it to accept municipal waste from Fairfield. The company has requested a Class 5 permit, which would allow it to accept commercial waste from any source. Mr. Hendrickson is concerned about the increase in garbage truck traffic through Eagle Mountain. At this point the City hasn't taken a position on whether or not to oppose the application.

Mayor Jackson said the landfill might disturb the arsenic in the soil and affect the groundwater. Councilmember Burnham said that her husband works near the Lindon landfill and, even with special filters in the building, they can still smell the landfill, so she's concerned about odors from the proposed new landfill affecting Eagle Mountain.

C. Discussion – Film Permit Ordinance

Public Information Director Linda Peterson described the State's incentives for film crews working in Utah. Pictures of Eagle Mountain are in the Film Commission's location library, but Eagle Mountain has no permit ordinance. Two episodes of television shows have already been filmed in the City. A film permit ordinance would protect the residents by regulating filming activities in the City and establishing fees to cover the City's costs for law enforcement, waste disposal and other services.

D. Discussion – Social Media Policy

Ms. Peterson researched social media use by government entities. Eagle Mountain has a Twitter account, a YouTube channel, a Flickr account and a blog about emergency preparedness. The Library and Neighborhood Watch have Facebook pages. There are concerns about potential legal issues with having an Eagle Mountain City Facebook page. Issues include First Amendment concerns, records retention and disclosure, privacy and open meeting laws. Various entities within the state have social media pages with different levels of openness.

Questions were raised about whether State law addresses social media, how much time staff time would be required, and what potential legal liability could be created for the City. Councilmember Burnham referred to websites created by private individuals about the City, which quickly turn very ugly. Councilmember Ireland suggested that Ms. Peterson look at connect.utah.gov. Councilmember Ochsenhirt objected to Facebook entirely.

Ms. Kofoed said the Utah Municipal Clerks' Association will have training in April on social media policies and procedures. A speaker will be coming from Seattle, which is very active in social media.

Mr. Hendrickson reported that the City was studying whether to run a redundant 138 kV power line. The study is about 85% completed. The preliminary cost estimate indicated that building another 138 kV line won't raise utility rates. He also asked Councilmembers to let staff know whether they plan to attend the Utah League of Cities & Towns conference in April, so registration and lodging can be arranged.

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

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Mayor Jackson

No comment.

12. 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.

- A. Economic Development Board, Cemetery Board – Councilmember Burnham
- B. Youth Council, Senior Council and Library Board – Councilmember Ochsenhirt
- C. Public Works Board – Councilmember Ireland
- D. Planning Commission – Councilmember Celaya
- E. Parks and Recreation – Councilmember Painter

No reports were made.

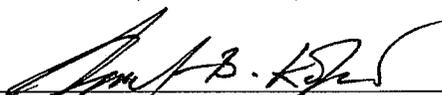
13. COMMUNICATION ITEMS

- A. Upcoming Agenda Items

14. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 8:59 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 15, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

February 4, 2010

4:00 p.m.

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

4:00 PM – BUDGET RETREAT WORK SESSION – CONFERENCE ROOM

Discussion Items Only – no action was taken on the budget.

ELECTED OFFICIALS PRESENT: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Ifo Pili, Assistant City Administrator; Adam Ferre, Energy Director; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Gordon Burt, Finance Director; Linda Peterson, Public Information Director.

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

1. Listing of Each Council Member's Goals and Priorities
2. Listing of Mayor's Goals and Priorities
3. Discussion of Goals and Priorities
4. Tentative List of Goals and Priorities
 1. ATV/OHV Trails, Horse Trails, etc.
 2. Reduce City Expenditures
 - a. And make residents aware of reductions
 - b. Increase reserves – revenues over expenditures
 3. Road Maintenance/Road Maintenance
 - a. Continued focus on transportation (2100 N. Freeway)
 - b. Left turn lane into SilverLake
 - c. Left turn lane into Plum Creek
 4. Parks & Trails
 - a. Trees – replace, plant new, street trees
 - b. Trail to Library from Eagle Park
 - c. Complete Projects
 - d. Cemetery
 - e. Lighting for Mid-Valley park
 - f. Asphalt triangle at Bobby Wren Blvd
 5. Economic Development

- a. Redundant 138kV Power
 - b. Survey existing businesses
 - c. Discussion of Tax Increment Financing w/ County & School District
 - d. Business Incubator
 - e. Revolving loan fund
 - f. Cell Tower analysis
 - g. Branding – consistency
 - h. Increase Lehi Chamber contribution to \$5,000
 - i. Additional Natural Gas Tap
6. Youth Council – increased budget, scholarships
7. Public Safety
- a. SRO/bolster youth crime prevention / Communities that Care
 - b. AFG Grant – ladder truck
 - c. EKG monitor 12-lead
 - d. Defibrillator machine in seniors van
 - e. Oxygen in seniors van
8. Personnel
- a. COLA (cost of living adjustment)
9. Budget Information, more discussion & info earlier
- a. Report financials on the rodeo
10. Tickville wash clean up
11. Sustainability
- a. Smart metering
12. Operations Efficiency
- a. GIS improvement
 - b. Audit of operations
 - c. Fleet plan
 - i. Fire vehicles fund
 - d. Records Management
 - e. Elections – electronic
 - f. General Plan rewrite
 - g. Illustrated master plan
 - h. Water System Analysis
 - i. Website review service & software upgrades (Photoshop, Illustrator, Indesign)
13. Facilities Development
- a. New Energy Building/Remodel of PW Building
 - b. New seniors location/building
 - c. Maintenance of City buildings

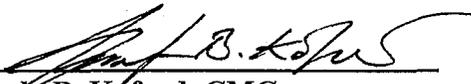
Other Items:

- 1. Roll back the tax increase

5. ADJOURNMENT

The meeting was adjourned at 7:44 p.m.

APPROVED BY THE CITY COUNCIL ON FEBRUARY 15, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 15, 2011

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

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

*** 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: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt (arrived 4:22 p.m.) and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Shawn Metcalf, Intern; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

Mayor Heather Anne Jackson called the meeting to order at 4:15 p.m.

1. DISCUSSION - Incubator Office Lease, Storage Site Lease and Sale Agreement, and other related documents.
2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
 - A. Fairfield Landfill

This item was moved to the end of Policy Session.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and Ryan Ireland. The motion passed with a unanimous vote.*

The meeting adjourned at 6:26 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; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Shawn Metcalf, Intern; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Alan Petersen led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express statue
- There will be a soldier's welcome home procession for Adam Nelson on Friday.
- The City offices and the library will be closed on February 21 for Presidents' Day. The library will also be closed on February 19 for a software upgrade.
- Tickets are now on sale for the Pony Express Days concert starring Clint Black.
- Registrations and tickets for most Pony Express Days events are available online.

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.)*

Todd Feller, 1845 Church Way, wanted to know what the master plan is for the area behind his house. Since a new street was built behind his house, there's a curb blocking access to his boat, and standing water collects during rain. His back fence has sunk twice. Mayor Jackson asked him to talk with Public Works Director Chris Trusty.

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

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt was glad to be here.

Councilmember Ireland

No comment.

Mayor Jackson

No comment.

CONSENT AGENDA

10. MINUTES

- A. January 27, 2011—Town Hall Meeting
- B. February 1, 2011—Regular City Council Meeting
- C. February 4, 2011—Special City Council Work Session Meeting

11. FINAL PAYMENT

- A. Wastewater Treatment Facility – Nelson Brothers Construction Company
- B. Tank #5 Construction – Build, Inc.

MOTION: *Councilmember Painter moved to approve the consent agenda with the January 27, 2011, minutes as updated. 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

PUBLIC HEARING

12. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the Development Code to Create a Commercial Storage Zone.

This item was presented by Planning Director Steve Mumford. The proposed ordinance creates a new zoning district, Chapter 17.38, for a zone intended for commercial storage uses, either outdoor storage or storage buildings. The Planning Commission unanimously recommended approval of this item.

Mayor Jackson opened the public hearing at 7:22 p.m.

Spencer Johnson, 8500 Western Gailes Dr., asked about the location and acreage of the parcel. Mayor Jackson said the first step of the process is to establish the new zoning. In a later step, a specific parcel will be rezoned.

Todd Feller, 1845 Church Way, wanted to know if the commercial area is available for anyone to build in. He has investors who might be interested in building a storage facility. The Mayor reiterated that this item simply establishes the commercial storage zone.

Mayor Jackson closed the public hearing at 7:26 p.m.

Councilmembers asked whether such specific zoning is going to make the Development Code unwieldy and if other cities have dealt with similar issues. City Attorney Jerry Kinghorn said it's a common process in other cities and has been used with varying degrees of success.

Mr. Kinghorn stated that this item creates the zoning; it doesn't specify a parcel. Without the zoning, the City can't allow this use. How and where it's applied is a different question. Outdoor storage can be unsightly, so location is important.

Councilmember Painter asked if this zoning could be applied to wrecked equipment, in violation of the nuisance ordinance. Mr. Kinghorn said the storage operator would be responsible to keep the property in compliance with the City Code.

MOTION: *Councilmember Celaya moved to adopt an ordinance of the City Council of Eagle Mountain, Utah, amending the Development Code to create a Commercial Storage Zone, as presented. 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.*

PUBLIC HEARING

13. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the General Plan Land Use and Transportation Corridors Map Concerning Commercial Storage.

This item was presented by Planning Director Steve Mumford. This City-sponsored amendment to the Future Land Use and Transportation Corridors Map changes a portion of property #58-034-0436 from Mixed Use Residential to Mixed Use Commercial. The Planning Commission unanimously recommended approval of this item.

Mayor Jackson opened the public hearing at 7:47 p.m. No comments were made, so she closed the public hearing.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain, Utah, amending the General Plan Land Use and Transportation Corridors Map concerning commercial storage, as discussed. 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.*

PUBLIC HEARING

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

This item was presented by Planning Director Steve Mumford. This is a City-sponsored proposal to rezone a portion of property #58-034-0436 from Community Open Space to Commercial Storage. The Planning Commission unanimously recommended approval of this item.

Mayor Jackson opened the public hearing at 7:51 p.m.

Todd Feller, 1845 Church Way, wanted to know if there were any plans for commercial uses in City Center. He was concerned that The Ranches might split off into its own city and take the tax

base with it. Mayor Jackson responded that several large areas are zoned for commercial uses in City Center, including areas in the new Pole Canyon annexation.

Spencer Johnson, 8500 Western Gables Drive, asked what the acreage is of the area currently used for golf course storage. Mayor Jackson responded that the current area is about two acres. It will be increased to about 6 acres, adding land under the powerline corridor for an access point.

Mayor Jackson closed the public hearing at 7:57 p.m.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, rezoning property from Community Open Space to Commercial Storage, as discussed. 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.*

PUBLIC HEARING

15. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Title 17 of the Eagle Mountain City Development Code Concerning the Residential Zone, and Amending Definitions.

This item was presented by Planning Director Steve Mumford. These staff-proposed amendments to Chapter 17.25 Residential Zone include setbacks, building height, housing diversity, conditional uses, and more. These staff-proposed amendments to Chapter 17.10 Definitions, add definitions for "patio homes," "cluster homes," and "garden courts," as well as adding uncovered decks as an exception to the setbacks, similar to porches and verandas. The Planning Commission unanimously recommended approval of this item.

The proposed changes are as follows (from the staff report dated February 15, 2011):

1. The addition of cluster homes, patio homes, garden courts, and other detached housing as conditional uses in the Residential Zone. These would be allowed specifically in Tier III and Tier IV developments.
2. Driveway setbacks are specified as a 5-foot minimum from a residential alley, and the 22-foot driveway setback is clarified and stated again in several sections.
3. Allows storm drain detention areas to be counted towards improved open space requirements if improved for recreational uses (such as soccer fields or similar uses).
4. Changes the setbacks for Base Density and Tier I lots, specifically reducing the setbacks for lots that are one-half to three-quarters of an acre from a 50-foot front and rear setback to 30 feet, and the side yard setback from 25 feet to 15 feet.
5. Allows up to a 10% variation in setbacks to be approved by both the Planning Director and the Building Official if the variation is deemed appropriate due to an issue with slope, unique lot configuration, or other unique circumstance.
6. Adds building height language and exhibit to Tier 1 and Tier II, as stated in the Base Density building height section. This was approved two or three years ago, but was never incorporated into the Tier 1 and Tier II zones, as was originally intended.
7. Changes the lot frontage for Tier II lots to 50 feet minimum rather than 55 feet. The trend around the country is to move towards smaller lots with homes that contain improved architectural features and materials.
8. Adds a "housing diversity" section, which limits the monotony of Tier III and Tier IV developments, requiring a mix of building types.
9. Reduces the setback between multi-family housing structures from 30 feet to 20 feet.

Thirty feet seems excessive when single-family homes are sometimes only 10 to 15 feet apart. Increased setbacks can be required for these types of buildings by the City Council during the application review.

Under "Definitions," the proposed code amendment would include "uncovered decks" as an exclusion from the setbacks, similar to porches, window wells, verandas, and other similar structures. For informational purposes, a roofed deck is still considered part of the home and would have to meet all primary structure setbacks.

"Cluster home" means a detached home that is generally located on a small lot or clustered near other detached homes with common open space between the homes. A cluster homes development will generally include a park, courtyard, or additional improved open space within the development. These are sometimes referred to as patio homes.

"Patio home" means a detached home that is generally located on a small lot or clustered near other detached homes with common open space between the homes. Patio homes may also be attached to one or more other patio homes, each with a small private patio or yard area. A patio home development will generally include a park, courtyard, or additional improved open space within the development. These are sometimes referred to as cluster homes.

"Garden court" means a detached housing development consisting of a courtyard or park surrounded on two or three sides by homes. These homes are generally facing/fronting the courtyard, are located on small lots or areas of common open space, and are accessed from a residential alley behind the homes.

Mayor Jackson pointed out that Lehi and Saratoga Springs are growing much faster than Eagle Mountain, which may have to do with their use of housing diversity such as planned unit developments and mixed use housing.

Mayor Jackson opened the public hearing at 8:24 p.m.

Adam Allen, 1959 Church Way, commented on items 1 and 8. He felt that smaller homes might depreciate the value of nearby larger homes.

Mayor Jackson closed the public hearing at 8:26 p.m.

Mayor Jackson, in the interest of time, asked the Councilmembers which points they felt comfortable voting for, and suggested that they talk to Mr. Mumford after the meeting about any they would like to see changed. Discussion ensued on which items most Councilmembers approved of. Based on their responses, Councilmember Celaya made the following motion:

MOTION: *Councilmember Celaya moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Title 17 of the Development Code concerning the Residential Zone and amending Definitions to include only items from the staff report dated February 15, 2011, numbered 1, 3, 5, 6, and 9 and proposals for definitions, to include clarifying language as proposed by staff and shown in the attachment to the report dated February 15, 2011. Councilmember Burnham seconded the motion.*

After further discussion, Councilmember Celaya amended the motion to exclude item 3.

Councilmember Burnham accepted the amendment.

AMENDED MOTION: *Councilmember Celaya moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Title 17 of the Development Code concerning the Residential Zone and amending Definitions to include only items from the staff report dated February 15, 2011, numbered 1, 5, 6, and 9 and proposals for definitions, to include clarifying language as proposed by staff. Councilmember Burnham seconded the motion.*

Those voting aye: Donna Burnham, Jonathan Celaya and Ryan Ireland. Those voting no: Nathan Ochsenhirt and John Painter. The motion passed with a 3:2 vote.

Councilmember Painter felt that small, mixed-use neighborhoods don't fit the open-space lifestyle that the city has promoted. He didn't think people were going to come all the way out here to live in a small, village-type community that they can find in places like Salt Lake. He said that he believes buyers in Eagle Mountain prefer neighborhoods with families who are in a similar life style and career stage. He felt that the proposed changes promote the exact opposite.

16. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Enacting Section 505.280 H. Concerning Film Permit Applications and Amending and Re-enacting Certain Sections of Chapter 5.05 of the Eagle Mountain City Code to Conform to New Section 5.05.280 H.

This item was presented by City Attorney Jerry Kinghorn. The proposed film permit ordinance creates a process for film production companies to receive permission from the City for film production activities doing business in the City on a single event basis. The ordinance is an exception to business licenses for permanent businesses in the City.

This item was removed from the agenda.

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

This item was presented by Shawn Metcalf. The 2nd Annual Pony Express Rodeo, a Professional Rodeo Cowboy Association (PRCA) certified rodeo, scheduled on May 27-30, is expected to draw at least 4,000 people per day over the 3-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 Burnham moved to approve an agreement between T & B Equipment Company and Eagle Mountain City for Rental of Bleachers for the Pony Express Days Rodeo, up to \$86,297.50, clarifying the ADA seating requirements and authorizing the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion.*

Councilmember Painter asked what the premier seating was. Mr. Hendrickson said it was located in the center section of the bleachers.

Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan

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

18. BID AWARD – Consideration and Approval of a Bid Award to United Fence Company for Fencing at the Mid-Valley Regional Park.

This item was presented by Public Works Director Chris Trusty. As part of the improvements for the Mid Valley Regional Park baseball complex, the City has solicited bids for fencing at the baseball quad complex. The fencing is to include the backstops, and a 10 foot high fence in front of the dugouts. The dugouts include an opening toward the field and a gate exits toward the exterior of the ball field. United Fence Company's bid had errors, so staff's recommendation is now to award the bid to Northwest Fence and Supply.

MOTION: *Councilmember Ochsenhirt moved to approve a bid award to Northwest Fence and Supply for fencing at the Mid-Valley Regional Park up to an amount of \$84,693 and authorize the Mayor to sign the contract. 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.*

CITY ADMINISTRATOR INFORMATION ITEMS (postponed from Work Session)

Mayor Jackson asked Mr. Hendrickson to discuss the items that were postponed from the Consent Agenda. Mr. Hendrickson asked Finance Director Gordon Burt to report on proposed changes to fees charged to Rocky Mountain Power and Questar.

Mr. Burt explained that state law allows cities to impose a tax on franchise utility providers. Only a few City residents get utilities from Rocky Mountain Power and Questar. The City charges its residents using Rocky Mountain Power and Questar a 3% municipal energy tax. The proposal is to increase that to 6%. The City already charges residents using City utilities a 6% fee. This proposal will be placed on a future agenda for action.

Mr. Hendrickson reported on the Intermountain Regional Landfill-Fairfield. It's a 330-acre site designed to be a 50-year-plus facility. It's only permitted to take non-hazardous municipal waste and may only accept waste from cities that contract for waste disposal. The owners are interested in contracting with additional cities. They are also interested in acquiring a permit to accept non-municipal waste. Mr. Hendrickson is concerned about the impact of increased truck traffic on the City.

19. 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 Ireland
Councilmember Ireland thanked Mr. Burt for providing Telecom sales figures in the Council packets.

Councilmember Burnham
No comment.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter reported that the Parks & Recreation Board met last week. They discussed goals for this year and set up a subcommittee to work on OHV trails.

Mayor Jackson

No comment.

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.

- A. Economic Development Board, Cemetery Board – Councilmember Burnham
- B. Youth Council, Senior Council and Library Board – Councilmember Ochsenhirt
- C. Public Works Board – Councilmember Ireland
- D. Planning Commission – Councilmember Celaya
- E. Parks and Recreation – Councilmember Painter

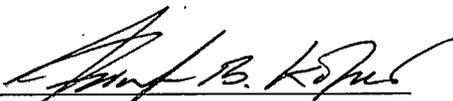
21. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

22. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:46 p.m.

APPROVED BY THE CITY COUNCIL ON MARCH 1, 2011.


Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 1, 2011

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

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

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

1. SITE VISIT – The Mayor and City Council did a site visit to the Direct Communications Building located at 3726 E. Campus Drive, in the Eagle Mountain Business Campus, to view the office space the Incubator Program will occupy. The Work Session resumed directly following their return to City Hall.

ELECTED OFFICIALS PRESENT: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt (arrived at 5:09 p.m.) and John Painter.

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

Mayor Heather Anne Jackson called the meeting to order at 5:06 p.m.

2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS

No items.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-20(1) of the Utah Code, Annotated. 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 6:06 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; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Adam Ferre, Energy Division Director; Chris Trusty, Public Works Director; Steve Mumford, Planning Director; Rand Andrus, Fire Chief; Linda Peterson, Public Information Director; Gordon Burt, Finance Director; Kent Partridge, Building Official; Eric McDowell, Sheriff.

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Adam Ferre led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

Mayor Jackson explained that Item #12 was removed from the agenda and that it would not be discussed during the meeting.

- The Eagle Mountain Fire Department is offering a free merit badge clinic on March 12th and March 19th from 9:00 a.m. to 12:00 p.m. at fire station #2 in the Ranches. Attending both days will enable scouts to complete the requirements for the fire safety, emergency preparedness, and first aid merit badges. Registration information is available on the city website.
- The 2011 citizen satisfaction survey is now available on the main page of the city website under "news". All completed surveys will be entered into a drawing, and three winners will be selected to receive a \$50, \$75, or \$100 credit on their utility bill. The survey is being conducted by students in the BYU MPA program and will be available through March 18th. City employees and immediate family members are not eligible for the credit.
- Tickets are now on sale for the Pony Express Days 2011 Clint Black concert and fireworks at the SilverLake amphitheater. Tickets are \$15 pre-sale or \$20 at the door, with children 2 and under free. Tickets are available online on the city website or at city hall.
- Registrations and tickets for most Pony Express Days events are available online this year. The Pony Express Days section of the City website has more details on this year's events.

8. PUBLIC COMMENTS

Nikki Wickman, 2766 Fort Hill Road, explained that she did not want to see the energy tax rate raised. She asked if the City was raising the rate to be able to cover the costs of Mr. Olsen's legal expenses. She stated that she would feel better about the tax rate if Mayor Jackson fired her lobbyist and did away with her advertising campaign.

Mayor Jackson explained that the energy tax rate had been in discussion long before the City was made aware of the possibility of having to reimburse Mr. Olsen for his legal expenses. She said that the energy tax rate had nothing to do with Mr. Olsen. She also explained that the lobbyist and advertising campaign were not “hers”. She reminded Mrs. Wickman that the City Council made the decision as an elected body to have a lobbyist and an advertising campaign.

9. CITY COUNCIL/MAYOR’S ITEMS

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter thanked the scouts for coming to the meeting to earn their merit badge. He said that he enjoys seeing new people participate in City Council meetings.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

10. PRESENTATIONS/AWARDS

A. CMC Jenalee Harper

Mrs. Kofoed presented Mrs. Harper with her Certified Municipal Clerk Certificate.

B. Energy Department Safety Award

Mr. Ferre explained that this award was presented to the electrical department for having no accidents and being safe on the job. He said that this award was given to the City by the Intermountain Power Superintendants Association.

CONSENT AGENDA

11. MINUTES

A. February 15, 2011—Regular City Council Meeting

MOTION: *Councilmember Celaya moved to approve the Consent Agenda with Minutes as amended. 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

PUBLIC HEARING

12. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending the Municipality Energy Tax Rate on Rocky Mountain Power and Questar.

**** This item was removed from the agenda without action****

13. MOTION – Consideration and Approval of a Letter of Support or Opposition for the Siting of a Class 5 Landfill in Fairfield.

The Intermountain Regional Landfill is located 2 ½ miles south of Fairfield. The 330-acre site is a Class 1 facility approved to take non-hazardous municipal waste from cities that contract for waste disposal. The owners are interested in contracting with additional cities. They also want to acquire a Class 5 permit which will allow them to accept non-municipal waste. The property is designed to be a 65-year facility with a 200,000 ton capacity.

Mayor Jackson explained that the recommendation from staff is to write a letter of opposition on the basis that a traffic impact study be completed before the class 5 permit is issued.

Mr. Hendrickson explained that class 5 would allow contracts to be made with anyone. He explained that if the contract was just with the cities of northern Utah County approximately 20 semi-trucks per day would be traveling to the plant. He said that there are no studies to show the impact of a class 5 permit.

Mayor Jackson explained that a traffic study needs to be completed so that information is on the record so that in the future UDOT can determine if S.R. 73 needs to be widened.

Councilmember Celaya said that it is the City's responsibility to protect the residents of the City and that he is okay with a letter of opposition because a traffic study needs to be done to determine the impact that this could have on the residents.

MOTION: *Councilmember Celaya moved to approve a letter of opposition for the siting of a class 5 landfill in Fairfield, requesting that a traffic study be conducted. 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.*

14. CITY COUNCIL/MAYOR'S BUSINESS

Mr. Hendrickson

Mr. Hendrickson explained that a few years ago the City had looked at the possibility of forming a fire district. He said that Saratoga Springs was not interested in moving forward with it therefore the City did not pursue it any further. He explained that other city managers in the northern Utah County area have expressed some interest in forming a metro fire agency. He stated that the reasons for this agency would be to help maintain local control and to have automatic aid with other agencies. He said that more resources would be available and that this could possibly help with purchasing equipment on an economy scale which could save money. He said that equipment could also be shared. He said that this should be something that the City should seriously considering participating in.

Rand Andrus explained that this concept has been used in Salt Lake County and that it has been very successful. He said that there are about 10 departments that are part of the metro plan. He said that this type of plan provides automatic aid, which means the City would not have to ask for aid, it would automatically be dispatched. He said that the City would also do the same for other departments participating in the Metro Plan.

Mr. Hendrickson said that the bids for the widening of S.R. 73 have been accepted today. He said that the completion date would be sometime in August or September.

Mayor Jackson explained that the residents would be made aware of the process through the newsletter as the City receives more information regarding the widening of the road.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland asked Captain Conger to come forward and share more information on his merit badge classes.

Captain Conger explained that the Fire Department is offering merit badge classes for scouts to earn the emergency preparedness, fire safety and first aid merit badges. He said that these classes will be offered quarterly. He said that interested individuals can email him at sconger@emcity.org.

Councilmember Ireland asked if the City would be removing their Spice Ordinance now that the state has passed a law on the issue.

Mr. Kinghorn explained that the City will probably need to go back and repeal the ordinance once the law is actually in place. He said that the City will also want to talk with the Sheriff's Office to see how the state law will be enforced.

Councilmember Burnham

Councilmember Burnham thanked everyone for coming to the meeting and participating.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter explained that he has always felt that the City had a really strong staff. He said that Mrs. Harper was a good example of the type of employees the City has working for them. He said that the Recorder's Office has always provided timely and accurate information to him any time he has requested it. He said that he appreciated staffs efforts.

Mayor Jackson asked if other cities had all of their clerks/recorders certified.

Mrs. Kofoed explained that it is uncommon to have all individuals in the department certified. She said that Clearfield City recently had their last deputy get certified.

15. CITY COUNCIL BOARD LIAISON REPORTS

No reports were made.

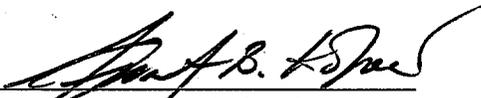
16. COMMUNICATION ITEMS

A. Upcoming Agenda Items

17. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 7:50 p.m.

APPROVED BY THE CITY COUNCIL ON APRIL 5, 2011.



Fionnuala B. Kofoed, CMC
City Recorder



MINUTES
EAGLE MOUNTAIN CITY PLANNING COMMISSION MEETING
March 29, 2011 at 6:00 p.m.
Joint Work Session with the City Council at 7:00 p.m.
Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

6:00 P.M. - Eagle Mountain City Planning Commission Policy Session

COMMISSION MEMBERS PRESENT: Preston Dean, Bonnie ElHalta, John Linton, Tom Maher. Karleen Bechtel was excused.

CITY STAFF PRESENT: Steve Mumford, Mike Hadley, Melanie Lahman, Chris Trusty, Ifo Pili, Sgt. John Mulder

1. Pledge of Allegiance

Tom Maher led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None.

3. Approval of Minutes

A. March 8, 2011 Planning Commission Meeting Minutes

MOTION: *John Linton moved to approve the March 8, 2011, meeting minutes. Bonnie ElHalta seconded the motion. Those voting aye: Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

4. Development Items

A. General Plan Amendment – Talon Cove Estates; Action Item, Public Hearing
The proposal is to change the Future Land Use designation from Mixed Use Residential to Industrial for the Talon Cove properties, totaling approximately 160 acres, located north of SR73 in the northeast corner of the city (property #580330296, #580330217, and #580330295).

Talon Cove's master development agreement was approved in 2007. The applicant is requesting that the general plan for the area be changed from residential and commercial to industrial. Economic Development Director Ifo Pili explained that Symbiotec, a prosthetic manufacturer; Snugs, a promotional products group; a wakeboard company and a wakeboarding park are all interested in locating there. Scot Hazard, the applicant, said that the promotional products company needs to be up and running by March, 2012. The wakeboard manufacturer already has orders to fill and is anxious to start.

Mr. Hazard described the location of the gravel pit relative to the proposed industrial park. The conditional use permit would need to be revised to allow more material to be

removed from the site to create enough level land for the companies that already want property in the Talon Cove location.

Mr. Maher opened the public hearing at 6:21 p.m. As no comments were made, he closed the hearing.

MOTION: *John Linton moved to recommend to the City Council approval of the amendment to the General Plan, changing the future land use for the Talon Cove property to industrial for the reasons set forth in the staff report. Bonnie ElHalta seconded the motion. Those voting aye: Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

The reasons given in the staff report are as follows: “The applicant is proposing to amend the Future Land Use and Transportation Corridors Map (an exhibit of the City’s General Plan) for these properties, totaling about 160 acres, from Mixed Use Residential to Industrial. Concept plans have been discussed with the owner of the existing Staker Parson gravel pit property to the east, and other property in this area for a business/light industrial park when the properties are annexed into the City. This property also lends itself to that use, with easy access to SR 73 and future access to the Mountain View Corridor via the future freeway to the north. The property is also fairly close to the new NSA facility (Utah Data Center), hoping to capture some other high-tech companies that generally follow a facility of this type. The property is buffered from SR 73 by commercially zoned land, and is nearly ½ mile away from any existing residences.”

- B. Rezone – Talon Cove Estates; Action Item, Public Hearing
The proposal is to rezone the approximately 160-acre Talon Cove properties from Residential (according to the Talon Cove Master Development Plan) to Industrial, located north of SR 73 in the northeast corner of the city (property #580330296, #580330217, and #580330295).
 - A. Compliance with Future Land Use Plan.
 - B. Reasonably compatible with adjacent land uses.
 - C. Buffering of incompatible uses.

Mr. Maher opened the public hearing at 6:27 p.m. As no comments were made, he closed the hearing.

MOTION: *John Linton moved to recommend to the City Council approval of the amendment to the General Plan, changing the future land use for the Talon Cove property to industrial for the reasons set forth in the staff report. Bonnie ElHalta seconded the motion. Those voting aye: Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.*

- C. Conditional Use Permit – Talon Cove Estates; Action Item, Public Hearing

A proposal to temporarily expand the hours of operation of the approved on-site excavation (gravel pit), allow retail sales of the materials, and add a temporary concrete batch plant to the site.

The applicant has made the following requests concerning the onsite excavation operations:

1. Extended hours of operation. The current 12-hr production schedule is inadequate to provide for the necessary projects, including the SR73 expansion project. A temporary 24-hr production allowance for 90 days is requested, and following the SR73 expansion the production time will be reduced again.
2. Retail sales from the excavation. They currently cannot sell to excavators other than the mining operator (HADCO) nor to the public. Retail sales should allow quicker removal of the material, as well as sales tax revenue to the City.
3. Signage. A request for the right to place a sign for the mining operation on SR73 and their access road.
4. Concrete Batch Plant. Central Utah Water is requesting to place a concrete batch plant on the site, which will assist them in the construction and installation of the water line infrastructure in Saratoga Springs, which will eventually provide water to Eagle Mountain City.

Mr. Maher opened the public hearing at 6:42 p.m. As no comments were made, he closed the hearing.

MOTION:

John Linton moved to recommend to the City Council approval of the conditional use permit to allow for the expansion of hours of operation of the approved, on-site excavation gravel pit, allow retail sales of materials and add a concrete batch plan on-site, according to the conditions of approval included in the staff report, for the reasons set forth in that staff report, and to add an item 11 be inserted, that the batch plant may be permitted to operate for a period of one year from the date of approval. Bonnie ElHalta seconded the motion. Those voting aye: Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. The motion passed with a unanimous vote.

Recommended Conditions of Approval (as listed in the staff report:

1. 2 Year Review. This Conditional Use Permit requires the applicant to renew their approval from the Planning Commission every two years. The Planning Commission reserves the right to add necessary conditions or choose to not renew the Conditional Use Permit – which, if not renewed, effectively denies the Conditional Use Permit.
2. Road Maintenance. The applicant commits to reconstruct and, if necessary, repair damages to access lanes onto SR73 throughout the time the gravel pit is in operation.
3. Fire Control. Any fuel tanks stored on-site shall have proper containment measures taken and must be approved by the Fire Chief.
4. Dust and Debris Control. That the applicant provides daily watering to mitigate excessive dust, this includes daily cleaning of the access area onto SR73.
5. Lighting. That all light is directional and light pollution is minimized. No lights may shine directly into residences. If necessary, berming or screening shall be required to shield lighting.

6. Fire Hydrant. That any water used for watering be metered by the City. If in the summer months, the City shuts off water to a hydrant, the applicant is responsible for finding other water sources to maintain daily watering of site.
7. Blasting Permits. That any blasting receives a blasting permit from the Fire Chief.
8. Business License. That the appropriate Business License is acquired from the City and renewed yearly.
9. Grading & Erosion Control Measures. All UDOT requirements must be followed. All drainage must be kept on site.
10. Access to SR73. Access to SR73 must be improved as required by UDOT. A paved surface must be installed on the access road from SR73 to the weight station / scales.
11. 1 Year Batch Plant. The concrete batch plant is approved for one (1) year from the date of approval.
12. Operation Hours. This may be a 24-hour operation for a maximum of 90 days; after the 90 days, the hours will be from 7am to 7pm.
13. Excavation Point. The lowest point of excavation will be an elevation of 5,210 feet. All excavation shall occur according to the approved grading and excavation permit.

5. Adjournment

The meeting was adjourned at 6:48 p.m.

The next meeting will be held on April 26.

7:00 P.M. - Eagle Mountain City Joint Planning Commission & City Council Work Session

ELECTED OFFICIALS PRESENT: Mayor Heather Jackson, Donna Burnham, John Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

COMMISSION MEMBERS PRESENT: Preston Dean, Bonnie ElHalta, John Linton and Tom Maher. Karleen Bechtel was excused.

CITY STAFF PRESENT: Steve Mumford, Mike Hadley, Melanie Lahman, Chris Trusty

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

1. Presentation and discussion concerning planning philosophies, including but not limited to the design of neighborhoods, building types, lot sizes, and open space.

This meeting was held to help the Planning Commission and the City Council coordinate their understanding of what kind of housing developments are desirable for approval in the City. Planning Director Steve Mumford made a presentation on neighborhood design during the last fifty years. In the last few years, neighborhoods with similar sizes and styles of houses have been popular. Recently, due in part to the more difficult economy, more buyers are looking for smaller houses and yards, with small retail and office areas within walking distance. Around the nation, neighborhoods with limited housing types are also losing value and becoming run down as they age. Diverse neighborhoods are considered less likely to decline.

Council members noted that housing expectations vary depending on where in the state people live. Some felt that people come to Eagle Mountain for larger lots and neighbors that share their lifestyles and stages. Smaller, diverse neighborhoods are already available in other cities. By contrast, there was also discussion about people who need to downsize or upsize as they go through life stages and would like to remain in their own neighborhoods.

Several developments in nearby towns were discussed. Some have been built with homes of varying values with similar exteriors, so that they mix well on the same street. Mr. Mumford said that Shanna Thatcher of Free & Associates told him that multi-family housing on the same street as single-family homes have not been found to decrease appraised value of the single-family homes. She gave Mt. Airey and Spring Valley Townhomes as examples. Daybreak in Salt Lake County is another example.

Mayor Jackson asked the Planning Commission to discuss Hidden Valley, which was originally going to be a large-lot subdivision. The plans were later altered to create a more diverse community. Mr. Maher said the neighborhood, parks and roadway designs were very creative and there was a diversity of price points which would appeal to buyers.

It was pointed out that diverse neighborhoods aren't suitable for every area of the city. Some homogeneous developments add to the overall diversity of the City and serve the needs of residents who want to live near neighbors who share their life stages, or like a lot of land or want to own animals.

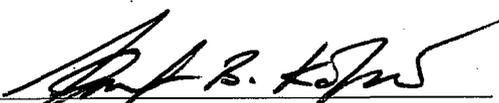
It was pointed out that smaller neighborhoods need to have lots large enough to accommodate normal uses like more than one car per family and roads wide enough to allow adequate traffic flow with cars parked along the street. Too much crowding can create public safety hazards.

Mr. Mumford was directed to look further into the types of developments that were discussed at this meeting and propose some Development Code amendments. Themes to be considered should be quality products, public safety, private property rights and who will maintain open space and public facilities. Then another joint meeting should be held for discussion before Development Code amendments go to the City Council for a vote.

2. Adjournment

Councilmember Ochsenhirt moved to adjourn the meeting at 8:37 p.m.

APPROVED BY THE CITY COUNCIL ON APRIL 19, 2011.


Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 5, 2011

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jonathan Celaya, Nathan Ochsenhirt and John Painter. Ryan Ireland arrived at 4:07 p.m.

CITY STAFF PRESENT: Adam Ferre, Energy Division Director; Eric McDowell, Lieutenant; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Michele Graves, Librarian; John Hendrickson, City Administrator; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Jenalee Harper, Deputy Recorder; Chris Trusty, Public Works Director; Ifo Pili, Assistant City Administrator.

Mayor Jackson called the meeting to order at 4:04 p.m.

1. PRESENTATION – New Library Online Learning Resource/Michele Graves.
2. PRESENTATION – icount.com/Jason Bingham.
3. REPORT AND DISCUSSION – Land Disposal, Pioneer Addition Residents' Request.
4. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
5. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
6. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember 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 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 6:30 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: Adam Ferre, Energy Division Director; Eric McDowell, Lieutenant; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Michele Graves, Librarian; John Hendrickson, City Administrator; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Gordon Burt, Finance Director; Linda Peterson, Public Information Director; Jenalee Harper, Deputy Recorder; Chris Trusty, Public Works Director; Ifo Pili, Assistant City Administrator.

7. CALL TO ORDER

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

8. PLEDGE OF ALLEGIANCE

Sergeant First Class Lewis led the Pledge of Allegiance.

9. INFORMATION ITEMS/UPCOMING EVENTS

- The 2nd annual All Fools Day Faire will be held Saturday, April 9th, from 10:00 a.m. to 2:00 p.m. at Nolan Park. Admission is free however game tickets are required.
- The 2011 Miss Eagle Mountain Scholarship Pageant will be held at Vista Heights Middle School, Saturday, April 9th starting at 7:00 p.m. Tickets are \$5.00.
- The Spring Street Fair will be held on Saturday, April 16th from 12:00 to 4:00 p.m. The fair will be located on Peregrine Road (behind Chevron) from Ranches Parkway to Nolan Park.
- Tickets are now on sale for the Pony Express Days 2011 Concert and Fireworks starring Clint Black at the SilverLake Amphitheater, Saturday, June 4, 2011. Tickets are \$15.00 pre-sale or \$20.00 at the door, with children 2 and under free. Tickets are available on the City website or in person at City Hall.
- Registrations and tickets for most Pony Express Days events are available online this year. The Pony Express Days section of the City website has details on this year's events.
- Tickets for the second annual Pony Express Days PRCA Rodeo are on sale now on the City website at www.eaglemountaincity.com or at City Hall. The rodeo will be held May 27th, 28th and 30th. Tickets start at \$5 for kids 12 and under and \$10 for adults.
- Applications are now being accepted for the Miss Pony Express Days Rodeo Pageant on April 30th. More information is available on the City website.

10. PUBLIC COMMENTS

No public comment was made.

11. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham welcomed the scout troop and her son to the meeting. Councilmember Burnham suggested that the City do a scholarship for the youth in the community. She said that there are several youth that are always doing service but don't have an opportunity to win a scholarship because they can't participate in the Miss Eagle Mountain Pageant. She explained that her son was a good example of a youth in the community who is always doing service and showing up on time for various projects. She would like to see something put in place so other youth can have an opportunity for a scholarship.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter also welcomed the scouts to the meeting. He explained that after work session he had thought about things that are important for the community such as transportation, roads, economic development, safety, etc. He stated that he was excited that these items will be addressed tonight and that it is not often that you see all of these topics discussed in one meeting.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked Adam Ferre and his employees for helping him out. He also thanked the entire Eagle Mountain City staff for their hard work and expressed gratitude for being able to work within the City limits and work closely with staff for the past few months. He stated that most of the time he has called the City, a live person has answered the phone and that he really appreciates that.

Councilmember Ireland

No comment.

12. APPOINTMENT

- A. Library Board – Debora Boyd (3-year term expiring December 2013)

MOTION: *Councilmember Burnham moved to appoint Debora Boyd to a 3 year term on the Library Board expiring December 31, 2013. 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 administered the oath of office to Ms. Boyd.

CONSENT AGENDA

13. MINUTES

- A. March 1, 2011—Regular City Council Meeting

14. FINAL PLAT

- A. Sage Valley Plat B, Phase 2, 1 Lot Subdivision

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

Public Hearing

15. ORDINANCE – Consideration and Approval of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the General Plan.

Steve Mumford explained that the proposed General Plan amendment is to change the Future Land Use designation from Mixed Use Residential to Industrial for the Talon Cove properties, totaling approximately 160 acres, located north of SR73 in the northeast corner of the City (property #580330296, #580330217, and #580330295).

Mayor Jackson opened the public hearing at 7:31 p.m. Hearing no comments, she closed the hearing.

MOTION: *Councilmember Ireland moved to approve an ordinance of the City Council of Eagle Mountain, Utah, amending the general plan and changing the future land use designation from mixed use residential to industrial for the Talon Cove properties totaling approximately 160 acres. 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.*

Public Hearing

16. ORDINANCE – Consideration and Approval of an Ordinance of the City Council of Eagle Mountain, Utah, Rezoning Property from Residential to Industrial.

Mr. Mumford explained that the proposal is to rezone the approximately 160-acre Talon Cove properties from Residential (according to the Talon Cove Master Development Plan) to Industrial, located north of SR73 in the northeast corner of the City (property #580330296, #580330217, and #580330295). He said that surrounding properties are agricultural and that as development comes in staff would be sure to look at appropriate buffering surrounding the industrial zone.

Mayor Jackson opened the public hearing at 7:33 p.m. Hearing no comments, she closed the hearing.

Councilmember Ochsenhirt asked if the previous master plan for Talon's Cove would be replaced with this new plan. He also asked if all residential areas had been removed from the plan.

Mr. Mumford explained that the new plan would have no residential and that surrounding areas would be buffered appropriately when future growth occurs.

MOTION: *Councilmember Ireland moved to approve an ordinance of the City Council of Eagle Mountain, Utah, rezoning property from residential to industrial for the Talon Cove properties, totaling approximately 160 acres. 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.*

17. MOTION – Consideration and Approval of Gas Pipeline Easements for Kern River.

Kern River Gas Transmission Company currently has two 36” high-pressure gas lines that run through Eagle Mountain City. The gas lines run from the gas fields in Wyoming to a terminus in Southern California. Kern River has determined that as development in Eagle Mountain has come closer to their pipeline, a new pipeline through City Center needs to be installed with a pipeline that can more safely withstand the higher pressures needed to increase the gas volume. The City owns certain lands where the additional easement will be needed to accomplish the pipeline replacement and therefore Kern River has negotiated an easement with the City for that area.

Mr. Hendrickson said that this particular section is going through the City Center area, between Bobby Wren Boulevard and Eagle Mountain Boulevard.

MOTION: *Councilmember Ireland moved to approve gas pipeline easements for Kern River. 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 an Assignment and Bill of Sale to Purchase a Kern River Gas Pipeline.

The City approached Kern River a couple of years ago about the prospect of purchasing an abandoned 36”, 1200 PSI gas line that begins about 50 yards south of Highway 73 and runs to the center of Hidden Valley. This will provide the City with the right-of-way and pipe sleeve for a 30” water line from the new Central Utah Water Project’s water reservoir just north of Highway 73 to the area where several Eagle Mountain City water tanks are located.

Mayor Jackson stated that the City has agreed to purchase the pipeline for \$10.00 per linear foot, which includes the easement and the pipe. She said that it is approximately 3 miles long.

Mr. Hendrickson said that total cost is \$162,370.00, with the easement portion costing \$17,613.00.

Mayor Jackson stated that this makes it a total net cost of \$144,757.00 to the City.

Councilmember Ireland asked if the station was higher or lower than the pipe.

Mr. Hendrickson said that it is lower so everything will need to be pumped in order to get it to where it needs to go.

MOTION: *Councilmember Burnham moved to approve an assignment and bill of sale to purchase a Kern River Gas Pipeline in the amount of \$144,757.00 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.*

19. AGREEMENT – Consideration and Approval of a Ground Lease and Purchase Option Agreement between Eagle Mountain City as Landlord and Star West Eagle Mountain Properties, LLC as Tenant for the Eagle Mountain City Incubator Program.

Mr. Kinghorn explained that this agreement provides a lease-purchase option to Star West Eagle

Mountain Properties (DirectCom) to acquire the six (6) acre storage site from the City in exchange for the 8-year Business Incubator Development Program office and services lease. He said that the term of the lease had been revised down to 7 years. Mr. Kinghorn stated that staff proposes that the Council approve this ground lease with the option to purchase in it and a provision for appraisal of the property if the option to purchase is exercised.

Mr. Hendrickson stated that the site could not be purchased within 3 years of the City's purchase.

Mr. Kinghorn said that the City received approval from the donors to sell the property before then if needed.

Councilmember Ireland asked what the rate would be if the lease is 7 years.

Mr. Kinghorn said the number would need to be recalculated but that by decreasing the term it would increase the annual and monthly rental fee. He said that the documents would be revised accordingly.

Councilmember Painter said that he liked the proposal and felt that it would be a good thing for everyone involved.

Councilmember Celaya asked if the City would be paying the same amount but in a shorter period of time.

Mr. Kinghorn explained that the 8 years based on the numbers used would have supported about \$550,000.

Mayor Jackson reminded the Council that the lease space has been fully furnished by the company the City is leasing from and that the company is paying for utilities, internet, janitorial and receptionist services.

Mr. Kinghorn stated that the numbers calculate out to be \$21.85 for 3,269 square feet.

MOTION: *Councilmember Painter moved to approve a ground lease and purchase option agreement between Eagle Mountain City as landlord and Star West Eagle Mountain Properties, LLC as tenant for the Eagle Mountain City Incubator program subject to approval by staff and legal counsel. 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.*

20. AGREEMENT – Consideration and Approval of a Business Incubator Development Program Office and Service Lease.

Mr. Kinghorn explained that in the Office and Services Lease Agreement, the City will lease space for its Business Incubator Development Program from Star West Eagle Mountain Properties. He said that the City will lease a total of 3269 sq. ft. of floor area in POD CDNG of the building. The services furnished include: reception service, centralized copying, internet access services, janitorial service, interior cubicles, and all utilities. Mr. Kinghorn stated that a few minor revisions will be made to the lease requested. He explained that there was a provision for termination that would need to be made consistent with the other agreements. He said that there were also exhibits that the City had not yet been furnished with. He suggested that if the Council approves this item

that they approve it subject to approval of staff and legal counsel.

MOTION: *Councilmember Painter moved to approve a Business Incubator Development program office and service lease agreement subject to approval of staff and legal counsel. 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.*

21. AGREEMENT – Consideration and Approval of an Amendment to the Ranches Golf Course Operation Management and Lease Agreement with Vanguard Golf Management Group, L.C.

This agreement would delete the six-acre storage site which is the subject of the ground lease and purchase option agreement from the golf course management agreement with Vanguard Golf.

MOTION: *Councilmember Celaya moved to approve an amendment to the Ranches Golf Course operation management and lease agreement with Vanguard Golf Management Group, L.C. 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.*

22. AGREEMENT – Consideration and Approval of Participant Agreement Forms for the Eagle Mountain City Business Incubator Program.

Mr. Kinghorn stated that two form participation agreements are being proposed. He explained that one participation agreement is for office space, which will include an exhibit tailored for each participant showing the exclusive space allocated to the participant at the sliding scale lease rate. He said that the second participant agreement is for off-site business incubator development services consisting primarily of a complimentary membership in the Lehi Chamber of Commerce and other mentoring services.

Councilmember Ireland asked how much the City's cost would be to have someone participate in the Lehi Chamber of Commerce and other mentoring services.

Mr. Pili said that to participate in the Lehi Chamber of Commerce it will cost the City \$5,000 this upcoming fiscal year. He said that the mentoring from the Chamber is included in the City's membership. The mentoring from Salt Lake Community College was free and that there would be no additional cost to the City to provide those services. He noted that Lehi and Saratoga Springs also pay that fee to participate in the program as well.

Mayor Jackson said that each city gets different benefits depending on what their needs are.

Mr. Pili explained that he had worked with Donna Milakovic, President of the Lehi Chamber of Commerce, to come up with ways the chamber could help the City with the Incubator program. He explained that the City's annual membership is \$5,000 and that the benefits the Chamber is offering in regards to the business incubator program would be at no additional charge. He said that the Chamber will allow up to 10 businesses to participate in the Chamber.

Councilmember Burnham asked if the off-site participants of the Business Incubator program would be required to be approved by the Council first before being allowed to participate in the program.

Mayor Jackson felt that they should be approved by the Council first.

Councilmember Ireland asked why the Council would need to approve this and felt that it would be more appropriate for the Economic Development Board to approve it.

Mr. Kinghorn explained that when the resolution was first passed there were no off-site participants and the Council wanted to have final say over what business participated in the program. He said that because the off-site participants came along later, the City has to follow the rules originally established in the ordinance.

Mayor Jackson asked if the Council could add to the motion to allow off-site participants to be approved by the Economic Development Board.

Mr. Kinghorn said that it is not on the agenda and that an amended resolution should be brought back before the Council.

MOTION: *Councilmember Painter moved to approve a participant agreement forms for the Eagle Mountain City business incubator program subject to staff and legal counsel approval. 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. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain, Utah, Approving an Interlocal Agreement between Eagle Mountain City, Lehi City, Lone Peak Public Safety District, and the City of Saratoga Springs to form the Utah County Metro Fire Agency.

Mayor Jackson explained that cities in northern Utah County created this proposed interlocal agreement to assist in promoting the health, safety and welfare of their respective communities. The goal is to share collective capabilities such as obtaining better pricing for purchasing of equipment, improved training and assisting each community during emergencies.

Councilmember Ireland asked if the fiscal impact could be explained.

Mr. Andrus explained that there is no money being put into the program. He said that the only impact would be if the City decided to purchase equipment through this program in the future.

Councilmember Celaya asked if the City would have a position on the board of directors.

Mr. Hendrickson said that it would be the City Administrator.

MOTION: *Councilmember Celaya moved to adopt a resolution of the City Council of Eagle Mountain, Utah, approving an interlocal agreement between Eagle Mountain city, Lehi City, Lone Peak Public Safety District, and the City of Saratoga Springs to form the Utah County Metro Fire Agency subject to approval of staff and legal counsel. 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.*

24. MOTION – Consideration and Award of Contract to Matrix Design Group, Inc., for a Joint Land Use Study.

Mayor Jackson explained that Eagle Mountain City received a grant from the Department of Economic Adjustment for a Joint Land Use Study (JLUS) involving Camp Williams and land use authorities bordering and near Camp Williams. Eagle Mountain City, along with the City of Saratoga Springs, Lehi City, Bluffdale City, Herriman City, Utah County, Riverton, Salt Lake County, Camp Williams and the Utah National Guard, as stakeholders, entered 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. Eagle Mountain City will contract with Matrix Inc., as the consultant for the Joint Land Use Study.

Councilmember Burnham asked what would happen if addendums are made and costs go up.

Mrs. Kofoed explained that the scope of work has already been provided and they will do the study for what was submitted in the proposal.

Mayor Jackson said this company has done several of these studies and that they understand they are being paid through a grant.

Mrs. Kofoed said they this company was chosen because they had the best proposal and the most experience.

Councilmember Painter asked if the lobbyist will be participating in this project.

Mrs. Kofoed said the scope of work with the land use study is different than what the lobbyist is doing. She said that if issues came up the City could consult with him on it.

MOTION: *Councilmember Ochsenhirt moved to award a contract to Matrix Design Group, Inc., for a joint land use study in the amount of \$217,110 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.*

25. BID AWARD – Consideration and Award of Bid to Kilgore Paving for the City Center Walking Trails Completion Project.

This project will complete sections of walking trails in the City Center. A portion of trail will be constructed along Sweetwater Road from the Eagle Point subdivision to Overland Trails and from Ira Hodges Scenic Parkway to Majors Street. Also included in the project is the completion of a section of trail along Shadow Drive in Eagle Point and connectivity of the trail through the park in Eagle Park. The completion of these trails will facilitate children walking to the new elementary school in Overland Trails.

Councilmember Ireland asked if the total budget was being used.

Mr. Trusty explained that there was \$80,000 in the budget and that most of it will be reduced to next year's budget.

Councilmember Ochsenhirt asked if Mr. Trusty was comfortable with having Kilgore Paving doing another City project.

Mr. Trusty stated that Kilgore was aware that they need to do a good job on this project.

MOTION: *Councilmember Painter moved to award a bid to Kilgore Paving for the City center walking trails completion project in the amount of \$78,348.24 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.*

26. BID AWARD – Consideration and Award of Bid to Geneva Rock Products, Inc., for the Ranches Parkway Pulverize and Overlay Project.

Mr. Trusty explained that this project is part of the City's ongoing road maintenance program and that a section of Ranches Parkway between Pony Express Parkway and Golden Eagle Road will be pulverized and overlaid. He said that a portion of this road, immediately south of Pony Express is to be removed and replaced and in conjunction with this project, the project includes the replacement of the sidewalks on the corners of the intersection of Ranches Parkway and Pony Express Parkway. Also included in this project is a section on Porter's Crossing in the southbound lane south of Smith Ranch Road to be pulverized and overlaid, and a left turn lane on Pony Express Parkway onto SilverLake Parkway.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Geneva Rock Products, Inc., for the Ranches Parkway pulverize and overlay project including additive alternate #1 and #2 in the amount of \$425,188.30 and authorize the Mayor to sign the contract. 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.*

27. MOTION – Consideration and Approval of a Motion to Accept the Recommendation of the Economic Development Board to Admit the Following Companies as Participants/Tenants in the Eagle Mountain City Business Incubator Development (BID) Program: SymBiotechs, Impact Elevated, Hoffman Consulting and Hiveit, LLC.

**This item was discussed after item 22, and before item 23.*

Mr. Pili explained that the Economic Development Board has accepted applications from companies interested in participating in the Business Incubator Development program. The companies chosen to participate in the program will be offered the opportunity to lease office space for up to three years at discounted rates and receive services, networking and training. Mr. Pili said that two of the four businesses were present at the meeting. He explained that there had been some confusion as to the time and date of the meeting and apologized for the other two businesses not being present, he did not want that to be a bad reflection on the businesses. He said that the businesses chosen fit the criteria. He stated that 3 of the 4 businesses are Eagle Mountain based businesses.

James Hoffman with the Hoffman Consulting Group explained that his business is a commercial loan brokerage company. He said that the company has been in business since January 2010 and had 3 loans approved last year. He stated that so far this year they have had 2 loans. He explained

that it takes 4 to 6 months to close a loan.

Councilmember Ireland asked how Mr. Hoffman thought the business incubator program would help his business move forward.

Mr. Hoffman said that commercial loan brokers do not have a lot of credibility because people have abused the system. He stated that this will help him establish credibility as well as provide him the opportunity to link into a network.

Councilmember Ochsenhirt asked Mr. Hoffman what his long term and short term business growth plans are.

Mr. Hoffman explained that he has two employees besides himself. He said that before he hires any additional employees he wants to make sure that he can provide a sound income for them first. He said that a secretary and processors could be needed in the future. He stated that he wants to build a foundation to his business before he tries to grow too fast.

Mike Spencer with Hiveit LLC explained that they are an advertising company as well as an online shopping center for consumers where they can go and shop all of their favorite local businesses from one location. He said that they can also provide performance based advertising so businesses can lower their acquisition costs for customers.

Councilmember Ochsenhirt asked Mr. Spencer what his long term and short term business growth plans are.

Mr. Hoffman explained that there are currently 3 employees. He said that they are committed to hiring more people as long as they have the means. He explained their goal is to become a multi-national company.

Councilmember Ireland asked how the business incubator program would help Mr. Hoffman's business.

Mr. Hoffman stated that the business is currently being run out of his home and does not have the capability of having clients come to the home. He said that the program gives them a space to run the business and also gives the business an opportunity to grow.

Diane Bradshaw stated that she is the Chairman of the Lehi Chamber of Commerce. She said that the Chamber provides a network and connections. She explained that this is such a new program and that the Chamber is learning right along with the City. Mrs. Bradshaw is also the administrator for Direct Communications and that the building housing the incubator businesses is their building. She asked what information the City still needed for the agreement.

Mr. Kinghorn explained that he would send her a list of exhibits still needed.

Mrs. Bradshaw said that she would also include a form that the businesses will be required to fill out before using the building. She explained that she is also on the Economic Development Board and said that the board is very excited with the businesses chosen. She said that they all have a great potential for growth.

Mr. Pili said that this isn't a typical incubator program and that it's a cross between a research

park, small business center, and incubator program all in one 3,000 square foot facility. He said that it is accomplishing a lot with very little. He said that it does cost time but does not have any other direct costs.

Councilmember Burnham said that there is a risk by taking all of these companies but even if only one of them is a success the risk pays off.

Councilmember Painter asked if the City plans on getting involved with the University of Utah's entrepreneurial center.

Mr. Pili said that they have been to all programs available and have met with the University of Utah as well. He said that the City has learned a lot from these programs.

Councilmember Ochsenhirt stated that in the second year deal it says the lease will be 50% of market value. He asked if that's 50% of the City's lease rate.

Mr. Kinghorn stated that this would be a question for the Economic Development Board because each contract will be specialized for each participant.

MOTION: *Councilmember Burnham moved to accept the recommendation of the Economic Development Board to admit the following companies as participants/tenants in the Eagle Mountain City Business Incubator Development program: SymBiotechs, Impact Elevated, Hoffman Consulting and Hiveit, LLC. 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.*

28. CITY COUNCIL/MAYOR'S BUSINESS

Mr. Hendrickson

Mr. Trusty said that there were control burns taking place in the Tickville Wash. He said that this will take place over the next few weeks.

Fire Chief Andrus said that the burn was advertised in the city newsletter and on the website.

Mr. Hendrickson said that the City is looking at long range work for Tickville Wash to make sure it is secure and maintained appropriately. He said that they hope to have a draft budget to the Council soon. He stated that the Council can call staff at any time with budget questions.

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

29. CITY COUNCIL BOARD LIAISON REPORTS

No reports were made.

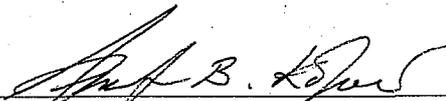
30. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

31. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 8:59 p.m.

APPROVED BY THE CITY COUNCIL ON APRIL 19, 2011.


Fionnuala B. Kofoed, City Recorder



MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 19, 2011

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter (arrived at 4:14 p.m.).

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Steve Mumford, Planning Director; Jenalee Harper, Deputy Recorder; Melanie Lahman, Deputy Recorder; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Adam Ferre, Energy Division Director; Steve Olsen, Electrical Engineer; Eric McDowell, Lieutenant.

Mayor Heather Jackson called the meeting to order at 4:06 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. Report on Tempest installation of underground electric and natural gas services, by Adam Ferre
3. 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, and personnel, 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 adjourned at 4 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; Steve Mumford, Planning Director; Jenalee Harper, Deputy Recorder; Melanie Lahman, Deputy Recorder; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Adam Ferre, Energy Division Director; Steve Olsen, Electrical Engineer; Eric McDowell, Lieutenant.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Rand Andrus led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- The City's annual Easter Egg Hunt will be held Saturday, April 23rd at 10:30 a.m. sharp at Nolan Park in the Ranches. More information is available on the City website.
- This Miss Pony Express Days Rodeo Pageant will be held Saturday, April 30th at 12:00 p.m. More information is available on the City website.

7. PUBLIC COMMENTS

Jackie Borget, 3434 Appaloosa Way, asked that a bike lane be put in going West on Pony Express Parkway, where the Saratoga Springs bike lane ends. She said that it forces people to have to cross the road to get to a dirt path that has been made at that point and feels that it is unsafe.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter explained that he had recently attended a Utah League of Cities and Towns Conference in St. George. He said that last year he enjoyed the conference and learned a lot. He felt that he also learned a lot from the conference this year too. He explained that at the conference there was a heavy emphasis on social media. He said that they also spoke a lot about neighborhood planning and urbanization. He said that it was very helpful to see that other cities are also going through the same things.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

Mayor Jackson stated that she had attended the same conference as Councilmember Painter. She said that while there she attended a class called "Get to the point" and that seven speakers spoke for 6 minutes each. She said that it was a great class because she got to hear what projects other cities are working on in various fields/subjects. She also explained that the City is in the process of creating an app that will allow people to submit photos of things that need to be fixed within the City. She said that app will also show local restaurants, businesses, etc.

9. INTRODUCTION OF NEW MISS EAGLE MOUNTAIN AND LITTLE MISS EAGLE MOUNTAIN ROYALTY.

Anna Burnham, Miss Eagle Mountain
McKilee Brunger, 1st attendant
Brynne Wright, 2nd attendant
Dewie Collard, Little Miss Eagle Mountain

Mayor Jackson introduced the 2011 Miss Eagle Mountain Pageant Royalty.

Anna Burnham gave a brief overview of her platform "Challenge Day" and encouraged the Council to visit the website.

10. PROCLAMATION – "Clean Out the Medicine Cabinet Day," April 30, 2011.

MOTION: *Councilmember Celaya moved to approve a proclamation declaring April 30, 2011, "Clean Out the Medicine Cabinet Day." 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.*

CONSENT AGENDA

11. MINUTES

- A. March 29, 2011 – Special Planning Commission and City Council Joint Work Session
- B. April 5, 2011 – Regular City Council Meeting

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

12. AGREEMENT – Consideration and Approval of a Power Extension Construction Service Agreement between Eagle Mountain City, Utah, and TM Crushing, LLC.

The proposed agreement will allow the City to proceed to build a temporary power service to the gravel crushing operation on the north side of SR 73 that was approved with the recent rezoning and issuance of the related conditional use approval. The constructed line will be a private service line which will be maintained by the City at the cost of the customer.

Councilmember Ochsenhirt asked Mr. Ferre if he had any issues with the proposal and also if all costs would be the burden of the applicant. He also asked if all future modifications would be taken care of by the applicant.

Mr. Ferre explained that he did not have any issues with this proposal and that Councilmember Ochsenhirt was correct in that the City will not be paying any costs now or towards future modifications.

Councilmember Painter stated that because of the longevity of the project the City didn't want anyone else to be able to tie into this service. He said that it seemed inclusive.

Mr. Ferre stated that it is proposed that this be given a 2 year temporary status and then at the end of the 2 year mark the City will review this again and if it looks like the operation is expanding the City can renegotiate at that time.

Councilmember Painter asked if 6 months from now a developer could come in and tie into the power because it's there.

Mr. Ferre explained that they would not let a permanent business tie in because it's a temporary structure and is not current with City standards. He said that anyone wanting permanent or temporary power in this area would have to come before the Council for approval first.

MOTION: *Councilmember Ireland moved to approve a power extension construction service agreement between Eagle Mountain City, Utah, and TM Crushing, LLC. 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.*

13. BID AWARD – Consideration and Amendment of Award of Bid to Kilgore Paving.

The original bid that was awarded to Kilgore Paving on April 5th for the City Center Trails Completion Project inadvertently included paving the parking lot for the sewer plant building. The trails project has been removed and will be processed as a separate bid. The proposed award of bid to Kilgore includes paving the parking lot for the sewer plant building and constructing a 100' x 100' salt pad to meet current regulations for salt storage.

MOTION: *Councilmember Celaya moved that the City Council amend the bid award for the city walking trails project to include only the sewer plant parking lot and salt pad, to Kilgore Paving in the amount of \$52,075.02. 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.*

14. BID AWARD – Consideration and Award of Bid to Geneva Rock Products, Inc., for the City Center Walking Trails Completion Project.

This project will complete sections of walking trails in the City Center. A portion of trail will be constructed along Sweetwater Road from the Eagle Point subdivision to Overland Trails and from Ira Hodges Scenic Parkway to Majors Street. Also included in the project is the completion of a section of trail along Shadow Drive in Eagle Point and connectivity of the trail through the park in Eagle Park. The completion of these trails will facilitate children walking to the new elementary school in Overland Trails.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Geneva Rock Products, Inc., for the City Center Walking Trails Completion Project in the amount of \$41,827.50 and authorize the Mayor to sign the contract for this project. 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.

15. MOTION – Consideration and Approval of the Utah County 2011 Municipal Recreation Grant Project.

The Utah County Commission has determined the funding for the 2011 Municipal Recreation Grant Program. Funding is based on the 2009 population estimated from the U.S. Census Bureau. Eagle Mountain has been allocated \$13,083.35 which will be used to improve an ADA playground in the Smith Ranch Park. All funds are available on a reimbursement basis.

Councilmember Painter asked how many ADA approved parks the City has.

Mayor Jackson explained that this would be the first for the City.

Councilmember Ireland asked who the ADA playground equipment is geared towards.

Mayor Jackson said that the equipment isn't necessarily for wheelchair bound individuals but is geared more towards, autistic and down syndrome people. She said that a fence may be installed around the park and that it will have a rubberized surface underneath the equipment. She explained that she did not have specifics on the type of equipment because Linda Peterson has been heading up the project and was out of town. She said that she would get that information to the Council when Mrs. Peterson returned.

MOTION: *Councilmember Painter moved to approve the Utah County 2011 Municipal Recreation Grant Project. 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.*

16. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

17. CITY COUNCIL BOARD LIAISON REPORTS

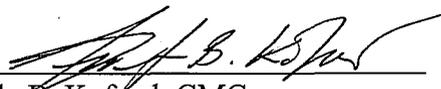
No reports were made.

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

19. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 7:35 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 3, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 3, 2011

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter (arrived at 4:17 p.m.).

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Gordon Burt, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Director; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Steve Olsen, Electrical Engineer; Rand Andrus, Fire Chief; Adam Ferre, Energy Division Director; John Mulder, Lieutenant.

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

1. PRESENTATION – North Pointe Solid Waste, by Roger Harper.
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.

This item was moved to the end of Policy Session.

4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:32 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; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Director; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Adam Ferre, Energy Division Director; John Mulder, Lieutenant.

5. CALL TO ORDER

Mayor Heather Jackson called the meeting to order at 7:12 p.m.

6. PLEDGE OF ALLEGIANCE

Phil Cooper led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Clint Black Concert – Tickets are on sale now for the Pony Express Days 2011 Concert and Fireworks starring Clint Black, Saturday, June 4.
- Pony Express Days 2011, May 26-June 4 – Registrations and tickets for most Pony Express Days events are available online this year.
- PRCA Rodeo – Tickets for the second annual Pony Express Days PRCA Rodeo are on sale now on the city website at eaglemountaincity.com or at City Hall.
- Demolition Derby – This year's Pony Express Days will feature our first Demolition Derby on June 1.
- Contestants Wanted For Special Needs Games -- The first-ever Special Needs Games at Eagle Mountain will be held on May 30 at Mountain Trails Elementary. Children with special needs, ages 5 to 16, are invited to participate.

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

Maddy Triggs, 1452 Osprey Way, commented on the City cutting the funding for the arts. She said kids in Eagle Mountain don't have much to do. It would be nice if they had a way to show their talents.

Mark Rivenbark, 6956 Comanche Street, read a statement about the Eagle Mountain Community Theatre. He was disappointed that the funding for the group was cut. The theater helped young people last year, especially those who were not interested or able to participate in the City's sports programs. He said other cities have formal arts councils, which are part of city government and get grants for their programs.

Brooke Morgan, Allie Morgan, Gina Morgan and Cassi Dodge also filled out public comment forms in support of the arts, but didn't wish to speak.

James Bodrero, 1344 Shallow Water Road, stated that he hadn't been treated fairly when he applied to be a vendor at Pony Express Days, and that Angie and Finn had behaved unprofessionally.

Mayor Jackson responded that Angie Ferre puts on one of the best events in the state and is called by other cities for advice. She has been asked to speak at the PRCA convention.

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

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland attended the Republican county convention. He appreciated the opportunity to be involved and encouraged people to be involved in the precinct level. He was disappointed in the way some of our elected officials were treated at the convention. When people are speaking, they need to be shown respect, even if we disagree with what they say.

Councilmember Burnham

Councilmember Burnham thanked those attending the meeting. She congratulated Maddy Triggs for making a public comment. She said the budget is tight, so she can't promise anything.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter appreciated Councilmember Burnham's comments. He withdrew the request for a correction to the minutes that he made during work session. In response to Mr. Bodrero, he has never heard of Finn or Angie being unprofessional. He thinks they're very professional and appreciates their service.

Mayor Jackson

Mayor Jackson agreed with all the comments. She was also at the Republican convention and was not happy with the disrespectful communications there. She said that construction has begun on the SR 73 widening project. The State Transportation Commission will be in northern Utah County next week, so Mayor Jackson will have an opportunity to visit with them. She was very happy to see a full house in this meeting and hear the Pledge of Allegiance.

10. COMMUNITY COVENANT – Supporting Those Who Serve.

MOTION: *Councilmember Painter moved to approve the Community Covenant–Supporting Those Who Serve. 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.*

CONSENT AGENDA

11. MINUTES

A. April 19, 2011 – Regular City Council Meeting

12. CHANGE ORDER

- A. Geneva Rock Products Inc. – Eagle Mountain Pulverize and Overlay Project, Change Order #1

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

Public Hearing

13. Proposed Capital Facilities Plan for Impact Fees (Impact Fees Facilities Plan) – *This is not an action item.*

This item was presented by Public Works Director Chris Trusty. This Capital Facilities Plan analyzes Eagle Mountain's future growth patterns and its projected infrastructure needs as it grows. Services addressed include culinary water, secondary water, sewer, transportation, storm drain, public safety, parks and recreation, electrical and gas. Furthermore, it will provide a master plan for sewer, secondary water and storm drains. These master plans lay the foundation for the Capital Facilities Plan, including prioritized schedules for construction and cost estimates in planning-year dollars required for new growth.

Mayor Jackson opened the public hearing at 7:48 p.m.

The City has received comments and questions from Monte Vista Ranch and Monte Kingston on construction, population and financing.

McKay Edwards, SITLA, said SITLA is working with Mr. Trusty and Brent Ventura from Horrocks to resolve questions they have on the sizing of the Sweetwater Road trunk line after it reaches the SITLA land to the north. He believes the plan shown regarding the south service area will be evolving in that area. It may need to be two parallel lines.

Mayor Jackson closed the public hearing at 7:51 p.m.

Public Hearing

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Rezoning the Lower Hidden Valley Master Development Area.

This item was presented by Planning Director Steve Mumford. The proposed ordinance rezones the Lower Hidden Canyon Area from Agricultural to Residential, according to the approved master development plan. The developers will be required to follow all City codes in place at the time the projects are approved.

Mayor Jackson opened the public hearing at 8:01 p.m.

Elise Erler, SITLA, said SITLA is a landowner that is party to the larger master plan. She encouraged the Council to support this plan.

Vincent Liddiard, 8644 N. Chase Circle, thanked the City staff and Council members for their work. He asked that as much open space as possible be preserved. He was concerned that the cultural, archaeological and natural aspects of the area be preserved.

Scott Kirkland, Sage Communities, stated that his company has had to pay SID assessments for land that is now considered nonbuildable. The City provided a density bonus for flatter land in exchange for the loss of buildable space. Mr. Kirkland said his company will not build housing near the petroglyphs.

Mayor Jackson closed the public hearing at 8:06 p.m.

Councilmember Ochsenhirt asked that the unbuildable acreage be removed from the density calculations, rather than having density increased. Mr. Mumford said the density comes from the table in the land use plan.

Councilmember Painter asked about the differences in slope regulations between the Hidden Valley and Porter's Crossing staff reports. Mr. Mumford said the difference was that no buildings can be constructed on a slope greater than 25% and no park space can be counted towards the improved open space requirement that is on a slope greater than 15%.

MOTION: *Councilmember Celaya moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning the Lower Hidden Valley Master Development Area, as outlined in the revised staff report. 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.*

15. MOTION – Consideration and Adoption of the Master Development Agreement for Lower Hidden Valley.

This item was presented by Planning Director Steve Mumford. The Lower Hidden Valley development includes 244.6 acres of the approved Hidden Valley Master Development Plan.

MOTION: *Councilmember Burnham moved to adopt a master development agreement for Lower Hidden Valley, as amended. 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.*

Public Hearing

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the General Plan for Porter's Crossing Town Center.

This item was presented by Planning Director Steve Mumford. The proposed amendment to the General Plan changes the Future Land Use designation from Mixed-Use Residential to Mixed-Use Commercial for approximately 65 acres, located north of Pony Express Parkway and east of the Plum Creek development.

There was discussion about density. Mayor Jackson asked Mr. Mumford to calculate the corrected density numbers and send the corrections to Councilmembers in an email.

Mayor Jackson opened the public hearing at 8:23 p.m. As there were no comments, she closed the hearing.

MOTION: *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the General Plan for Porter's Crossing Town Center. 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.*

Public Hearing

17. MOTION – Consideration and Approval of the Land Use Element of the Master Development Plan for Porter's Crossing Town Center.

This item was presented by Planning Director Steve Mumford. The proposal is for a 145-acre Master Development Plan including a mix of commercial, office, single-family residential, and multi-family residential uses.

Mayor Jackson opened the public hearing at 8:25 p.m. As there were no comments, she closed the hearing.

MOTION: *Councilmember Burnham moved to approve the Land Use Element of the master development plan for Porter's Crossing Town Center. 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. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain, Utah, Rezoning the 20.148 Acre Porter's Crossing Town Center Commercial Area.

This item was presented by Planning Director Steve Mumford. The proposed ordinance rezones the 20.148 acre Porter's Crossing Town Center Commercial Area from Agricultural to Commercial.

Mayor Jackson invited the applicant to speak. Bill Gaskill spoke.

MOTION: *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain, Utah, rezoning the 20.148 acre Porter's Crossing Town Center commercial area. 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.*

19. MOTION – Consideration and Approval of a Master Site Plan for the Commercial Area for Porter's Crossing Town Center.

This item was presented by Planning Director Steve Mumford. The Master Site Plan for Porter's Crossing is a 20.148-acre commercial retail development containing a grocery store anchor and an attached retail store, along with future retail shops and pads.

Discussion ensued on how many lanes would be needed on Pony Express Parkway, where turn lanes should be placed and whether medians should be included.

Mayor Jackson invited the applicant, Bill Gaskill, to speak about how the project would fit into The Ranches HOA. He said the entire project will have a master homeowner's association and each area will have an agreement similar to CC&Rs.

Mr. Gaskill said that his engineer has done some diagrams on the entrance to Porter's Crossing and Smith Ranch Road. He suggested that the medians be removed because they will get in the way of large trucks. He also discussed parking – the City allows four per thousand, the developer is asking for five, and restaurants will ask for ten.

Councilmember Celaya asked who would maintain the area along the Parkway. Mr. Hendrickson said it could be either the landowner, the City or the HOA. It hasn't been decided yet.

MOTION: *Councilmember Ireland moved to approve a master site plan for the Porter's Crossing Town Center commercial area; with the decision of whether to plant trees or shrubs along Smith Ranch Road and Porter's Crossing to be mutually agreed between City staff and the applicant at approval of site plans for individual lots, and City staff to decide whether and where to place medians. 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.*

20. MOTION – Consideration and Approval of a Final Plat for Porter's Crossing Commercial Area.

This item was presented by Planning Director Steve Mumford. The proposed Final Plat includes nine commercial lots on 20.148 acres.

MOTION: *Councilmember Ireland moved to approve a final plat for the Porter's Crossing commercial area. 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. MOTION – Consideration and Approval of a Site Plan for Lot 5 of Porter's Crossing Commercial Area.

This item was presented by Planning Director Steve Mumford. The proposed Site Plan is for approximately 10 acres of the commercial retail development, including only Lot 5 (the grocery store) and Retail A.

MOTION: *Councilmember Ochsenhirt moved to approve a site plan for Lot 5 of Porter's Crossing commercial area. 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.*

22. MOTION – Consideration and Authorization for the Mayor to Execute a Letter Agreement with Central Utah Water Conservancy District for Purchase of CWP Water.

This item was presented by City Administrator John Hendrickson. In 2009, the City purchased 2,500 acre feet of water from the Central Utah Water Conservancy District's Central Water Project (CWP). The City's first payment was due on July 1, 2010; however, the schedule has been revised to

move the take-down schedule back one year and move the 2010 amount back to 2018-19.

MOTION: *Councilmember Celaya moved to approve a letter agreement with Central Utah Water Conservancy District for purchase of CWP water as outlined in the staff report. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenschirt and John Painter. The motion passed with a unanimous vote.*

23. MOTION – Consideration and Approval of a Sole Source Purchase of Prefabricated PRV Station from Engineered Fluid Inc.

This item was presented by Assistant Public Works Director Dave Norman. As part of the recent update to the City's Capital Improvement and Facilities Plan, a few projects were identified as "Improvements Required to Eliminate Existing Deficiencies." Two of the projects include PRV vault installation. One is on the 16-inch line in Eagle Mountain Boulevard west of Lake Mountain Road, and the second in on the 12-inch line on Pony Express Parkway just south of Unity Pass. These PRV's will reduce the pressure in much of the SSA by approximately 60 to 70 psi. Some of the pressures in this area are as high as 150 psi.

MOTION: *Councilmember Painter moved to award a sole source purchase agreement to Engineered Fluid, Inc., for the purchase of a prefabricated PRV station in the amount of \$108,404.00 and authorize the Mayor to sign the purchase order for this project. Councilmember Ochsenschirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenschirt and John Painter. The motion passed with a unanimous vote.*

24. BID AWARD – Consideration and Award of Bid to WKB Landscape and Maintenance for the 2011 SilverLake Street Trees Project.

This item was presented by Public Works Director Chris Trusty. Consistent with the SilverLake Development Agreement, the City has been collecting a fee at building permit for street trees with the intention that when sufficient fees had been collected the City could install trees along the streetscape. This practice will help create uniformity as most of the trees will be installed at the same time. This project includes the installation of 248 trees.

MOTION: *Councilmember Ireland moved to award a bid to WKB Landscape and Maintenance for the 2011 SilverLake Street Trees Project, as outlined in the staff report, in the amount of \$47,080.00 and authorize the Mayor to sign the contract for this project. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenschirt and John Painter. The motion passed with a unanimous vote.*

25. 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 2011-2012 and Set a Public Hearing for Adoption of the Final Budget on June 21, 2011 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.

Mr. Hendrickson read a list of budget reductions. Mayor Jackson mentioned that the City's funding of the theater program last year was one-year seed money. With the City's need to cut personnel costs this year, she didn't feel comfortable funding arts. Councilmember Ireland said that if the sports programs aren't self-sufficient, they should be cut, too.

Mr. Hendrickson said that the tentative budget doesn't have to balance, but the final budget will have to balance. Councilmember Ireland asked how the Councilmembers could participate individually in the budgeting process. Mr. Hendrickson said the Council could meet with him individually or the Council could schedule another work session.

Mr. Hendrickson made some budget balancing suggestions. Health insurance is budgeted at family premiums for all employees, but that may not be necessary. Overhead costs could be studied. Fees may need to be raised. The City could defer capital expenditures or growth-related projects.

Councilmember Painter expressed his concern about voting for either the tentative or final budget while he still has questions on line items.

MOTION: *Councilmember Ochsenhirt moved to adopt a resolution adopting the Eagle Mountain City tentative budget for Fiscal Year 2011-2012 and setting a public hearing for adoption of the final budget on June 21, 2011 at 7:00 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland and Nathan Ochsenhirt. Those voting no: John Painter. The motion passed with a 4:1 vote.*

26. RESOLUTION – Consideration and Adoption of a Resolution Authorizing the Issuance and Sale of Not More than \$12,800,000 Aggregate Principal Amount of Gas and Electric Revenue Bonds, Series 2011, of Eagle Mountain City, Utah; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount From Par at Which The Bonds May Be Sold; Providing For the Publication of a Notice of Bonds to be Issued; Providing For the Running of a Contest Period; and Related Matters.

This item was presented by Energy Director Adam Ferre. In order to provide redundancy and reliability to the City's energy supply, it is proposed that a second 138 kV power line and a second gas tap to the Kern River gas transmission line be constructed, to be funded by gas and electric revenue bonds.

This bond amount is a maximum possible bond amount. The City can bond for less. Councilmembers discussed their concerns about incurring additional debt for the City. They also discussed how close the power systems are to working at full capacity. It is possible that if a substation isn't built soon, the City may have blackouts. The resolution would be effective for one year, which will give the City time to determine how much money, if any, will actually be needed.

MOTION: *Councilmember Burnham moved to adopt a resolution authorizing the issuance and sale of not more than \$12,800,000 aggregate principal amount of Gas and Electric Revenue Bonds, Series 2011, of Eagle Mountain City, Utah; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature (30), the maximum interest rate which the bonds may bear (6.75%), and the maximum discount from par at which the bonds may be sold;*

providing for the publication of a Notice of Bonds to be Issued; providing for the running of a contest period; and related matters. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.

27. 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 praised Adam Ferre for his restraint in not responding when his wife Angie was verbally attacked.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter

Councilmember Ochsenhirt

Councilmember Ochsenhirt said he echoed Councilmember Burnham's comments and that he knows and trusts the people he works with completely.

Councilmember Ireland

Councilmember Ireland thanked the two residents who stayed through the end of the meeting.

Mayor Jackson

Mayor Jackson said it's exciting that one of the City's newest residents is interested in being involved. She said she thinks all our staff is very professional.

Mr. Hendrickson said that he received an email from Angie Ferre asking the Councilmembers to let her know what they wanted to ride in the Pony Express Days parade.

28. 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.

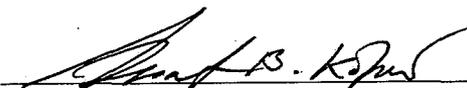
29. COMMUNICATION ITEMS

A. Upcoming Agenda Items

30. ADJOURNMENT

Councilmember Painter moved to adjourn the meeting at 10:00 p.m.

APPROVED BY THE CITY COUNCIL ON MAY 17, 2011.


Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 17, 2011

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

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

Mayor Jackson called the meeting to order at 4:13 p.m.

1. PRESENTATION – Tickville Wash, by Chris Trusty.
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. BUDGET REVIEW – Review of the Fiscal Year 2011-2012 Budget.
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. PROPOSED GAS & ELECTRIC BOND Q&A – This is an opportunity for the City Council to ask staff questions regarding the proposed gas and electric bonds.
6. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember 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 adjourned at 5:55 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; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

7. CALL TO ORDER

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

8. PLEDGE OF ALLEGIANCE

Everet Brink led the Pledge of Allegiance.

9. INFORMATION ITEMS/UPCOMING EVENTS

- Tickets are now on sale for the Pony Express Days Clint Black Concert and Fireworks at the SilverLake amphitheater, Saturday, June 4th. Tickets are \$15 pre-sale or \$20 at the door. Tickets can be purchased on the City website or in person at City Hall.
- Pony Express Days will be May 26th to June 4th. Registrations and tickets for most Pony Express Days events are available online this year. Please visit the City website for further information.
- Tickets for the second annual Pony Express Days PRCA Rodeo are on sale now on the City website at eaglemountaincity.com or at City Hall. The rodeo will be held May 27, 28, & 30. Tickets start at \$5 for kids 12 and under and \$10 for adults.
- This year's Pony Express Days will feature a demolition derby on June 1st. Entry information and tickets are available on the City website.
- The City Offices will be closed for Memorial Day.

10. PUBLIC COMMENTS

Michael Monsen, 1919 Church Way, explained that his home is next to Bobby Wren Boulevard. He explained that since the opening of the first portion of Bobby Wren Boulevard, there has been an increase in traffic and people driving recklessly. He feels that by finishing the remaining portion of Bobby Wren Boulevard, it will significantly increase the safety concerns over the children in the neighborhood.

Camie Piles, 1883 Independence Way, stated that the Pioneer Addition HOA is very affected by Bobby Wren Boulevard and that many people have safety concerns over it. She said that there isn't enough room for cars and people walking along the road. She explained that the residents would like to see the road finished as proposed, which she understood was a 4 lane road with a center median.

Michelle Riley, 4618 Long Way, asked where the third Kern River pipeline would be placed. She explained that she also saw the presentation for the Wasatch Water Park and was very concerned that the water park would not be fenced nor would the water be treated. She also asked that Bobby Wren Boulevard be completed. She stated that she had researched past Council meetings and that

during one of these meetings the City Council had asked that the developer complete the road by June 17, 2004 or within 80% completion of Phases 1 through 6.

Dan Cotton, 4391 N Major Street, stated that the wake park would be a good thing for the City. He asked that any loud speakers be directed away from residences and asked if anything would be done about mosquito abatement.

Rod Hess, 4577 Osprey Way, stated that there is no there is no backfill or sod along the trails and concrete pads at Pony Express Park, and that it is a tripping hazard.

Jennifer Holdsworth, 4632 Independence Way, stated that in Pioneer Addition some crosswalks needed to be repainted. She said that some ADA ramps in the same subdivisions still need to be completed. She explained that her home was next to a two way stop by Bobby Wren Boulevard, and that there is a lot of traffic that goes through that intersection. She asked if it could be made into a 4 way stop.

Frank Iala, 1791 E Church Way, said that he supported Bobby Wren Boulevard being completed. He felt that the trail along Bobby Wren should be a high priority as well with all of the foot traffic the area gets.

11. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Burnham

Councilmember Burnham thanked the residents for coming to the meeting. She said that it is nice to have residents being proactive and coming to the Council with their concerns.

Councilmember Celaya

Councilmember Celaya also thanked everyone for coming to the meeting. He explained that City staff would also like to see Bobby Wren Boulevard completed but that there are some financial obstacles to overcome before it can be completed.

Councilmember Painter

Councilmember Painter said that he appreciated staff for being proactive with potential flooding hazards. He asked that people be patient while driving on SR 73 which is under construction. He said that Council gets to hear about a variety of issues and explained that three Council seats would be open this coming fall and encouraged people to run and vote.

Councilmember Ochsenhirt

Councilmember Ochsenhirt echoed the other Councilmembers comments. He said that it is important to have feedback from residents. He thanked everyone for showing respect while making their public comments. He also asked everyone driving on SR 73 to be polite and considerate while it is under construction.

Councilmember Ireland

Councilmember Ireland said that he was excited for Pony Express Days. He encouraged everyone to participate in the activities. He also thanked the residents for coming to the meeting.

Mayor Jackson

Mayor Jackson explained that she had been invited over to Eagle Valley Elementary School to Ms. Gusteson's 2nd Grade Class. She explained that they had given her a jar of M&M's, with each one representing a service rendered. She said that at the end of the year over 7,000 M&M's were collected. She explained that the class had extended the invitation to the City to pay it forward and serve others.

12. **RECOGNITION – Fire Captain Kirk Mittelman**

Mayor Jackson explained that Mr. Mittelman has been serving the City since September 15, 2008. She said that he would be leaving the City at the end of the month and thanked him for his service. He was presented with a certificate and his helmet.

Mayor Jackson also explained that Utah County Sheriff's had an award ceremony and that Lieutenant Eric McDowell received the Le Grande J. Baker and Beth Baker Exemplary Service Award.

CONSENT AGENDA

13. **MINUTES**

A. May 3, 2011 – Regular City Council Meeting

14. **CHANGE ORDER**

A. Smith Ranch Park – Chanshare Sod Farms Change Order #1

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

SCHEDULED ITEMS

15. **MOTION – Consideration and Approval of a Site Plan for the Wasatch Wake Park.**

Mr. Mumford explained that this is an applicant-proposed wakeboarding park located south of the Pony Express Regional Park and west of the Overland Trails subdivision. The park received approval of a 2-year Conditional Use Permit by the Planning Commission on May 10, 2011. This is a request for approval of this site plan. He explained that the Planning Commission placed the following additional conditions on the approval:

1. The parking area must be accessed from the Lehi-Fairfield Road instead of through the existing park.
2. A building permit is required for the mini mobile temporary building and for the towers.
3. Temporary toilets must be provided along with a hand washing station.
4. Impact fees for appropriate utilities must be paid upon resubmittal after two years, if approved.
5. State health requirements must be met.
6. Any safety concerns, noise issues, etc. must be addressed immediately upon notification by the City.

7. A landscaping plan must be submitted and approved by the City Staff prior to any construction for phase 2.
8. Phase 1 must be moved west and adjacent to Lehi-Fairfield Road and that Phase 2 be located south of Phase 1.
9. An annual review by City Staff be conducted to determine compliance and unforeseen problems.

He said that this area will not be fenced but if it becomes a concern the City can address it at the annual review.

Councilmember Painter asked what it would cost the City for the one time water fill up of the facility.

Mr. Pili stated that it would be \$2,400, using the residential rate.

Councilmember Painter said that this facility would be more attractive if it had fencing around it. He would like to see the applicant do a thorough safety evaluation.

Mr. Darcy Hanks said that the ponds will equal 100 feet wide and that the bottom of the pond would be a 4 to 1 slope. He explained that he has a consultant who has helped research all of the safety concerns and insurance.

MOTION: *Councilmember Ochsenhirt moved to approve a site plan for the Wasatch Wake Park and that no structures will be built upon the City right-of-ways. Councilmember Burnham seconded the motion.*

Councilmember Painter asked if a fence would be put in with phase 2.

Mr. Hendrickson explained that Mr. Mumford had done research of other wake parks and that it is not typical to have a fence.

Mayor Jackson explained that this is a good location for a wake park in that it is pretty far away from homes, and that young children shouldn't be wandering out there on their own anyway.

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

16. CITY COUNCIL/MAYOR'S BUSINESS

No comments.

17. CITY COUNCIL BOARD LIAISON REPORTS

No reports were made.

18. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

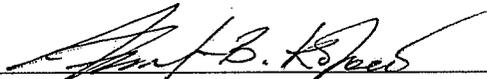
19. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting adjourned at 8:07 p.m.

Councilmember Ochsenhirt moved to close the meeting at 8:45 p.m.

APPROVED BY THE CITY COUNCIL ON JUNE 21, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 21, 2011

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland (attended telephonically starting at 4:37 p.m.), Nathan Ochsenhirt (arrived 4:33 p.m.) and John Painter. Councilmember Celaya was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Steve Olsen, Energy Division; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

Mayor Jackson called the meeting to order at 4:16 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 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 Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:26 p.m.

7:00 P.M. POLICY 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; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Steve Olsen, Energy

Division; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Jeremiah Johnson led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- City offices will be closed July 4 and 25 for Independence Day and Pioneer Day.
- The splash pad at Nolan Park is nearly complete. The grand opening will be held around July 1. More information will be posted on the City website.
- Election information is on the main page and Recorder's Office page of the City website. Three Council seats are up for election. Candidate filing dates are July 1–15. There is a \$50 filing fee.
- New state and local fireworks guidelines are posted on the City website.

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.)*

Dan Lilly, 3702 E. Black Hawk Road, thanked the Mayor and Council for their public service. He was concerned about a fence near his home. He would like it to be fixed as soon as possible. Mayor Jackson referred him to Kent Partridge, the Building Official.

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 said she has been working with several Boy Scouts on the Citizenship in the Community merit badge. She said the boys had great ideas about the City and great reasons for why the City is a good place to live. She encouraged residents to run for office, or to be educated before they vote.

Councilmember Painter

Councilmember Painter thanked the residents for being involved with the City. He asked residents to be patient around the construction projects in the City. He said he went on a tour of City parks recently with the Parks and Recreation Board. He was impressed with the amenities available in the City and appreciated the members of the Parks and Recreation Board. He thanked everyone who participated in Pony Express Days.

Councilmember Ochsenhirt

Councilmember Ochsenhirt asked residents to allow some extra travel time through the road construction projects in the City. Accidents are generally caused by impatience and intolerance on the part of drivers. He encouraged residents to help clean up vacant lots near their homes.

Councilmember Ireland

No comment.

Mayor Jackson

Mayor Jackson said the staff did a fantastic job during Pony Express Days. Also, staff, firefighters and Sheriff's deputies handled a gas leak last week very well. She looks forward to opening the splash pad.

9. OATH OF OFFICE – Fire Department
A. Jeremiah Johnson, Officer Promotion

Chief Andrus administered the oath of office to Jeremiah Johnson, who was promoted to Captain.

10. PROCLAMATION – “Utah Valley University Day,” July 16, 2011.

Utah Valley University will hold a day of service in Lehi, Saratoga Springs and Eagle Mountain on July, 16, 2011.

MOTION: *Councilmember Burnham moved to adopt a proclamation designating July 16, 2011, Utah Valley University Day. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

CONSENT AGENDA

11. MINUTES
A. May 17, 2011 – Regular City Council Meeting
12. CHANGE ORDER
A. City Walking Trails Project – Geneva Rock Change Order #1
B. Pony Express Parkway Pulverize and Overlay – Geneva Rock Change Order #2
13. BOND RELEASE
A. Sweetwater Phase 2 – **Into Warranty**
B. Plum Creek – **Out of Warranty**

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

SCHEDULED ITEMS

PUBLIC HEARING

14. ORDINANCE - Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Final Amendments to the Fiscal Year 2010-2011 Budget.

This item was presented by City Administrator John Hendrickson. Utah State Code requires that any final increases in the budget be adopted after a public hearing and prior to the fiscal year ending. The City's budget is being amended to cover all anticipated expenditures through the

fiscal year ending June 30, 2011. The amended budget should cover all eventualities so that the City will not be cited for budgetary non-compliance. The proposed amendments are as follows:

General Fund:	\$ 527,626
Capital Projects Funds:	\$ 525,000
Enterprise Funds:	\$ 513,792
Debt Service Funds:	\$ 643,000
<u>Impact Fee Funds:</u>	<u>\$ 128,740</u>
City-wide Budgeted Increase	\$2,338,158

Mayor Jackson opened the public hearing at 7:39 p.m. As no comments were made, she closed the hearing.

MOTION: *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the final amendments to the Fiscal Year 2010-2011 budget, as outlined in the staff report. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

PUBLIC HEARING

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2011-2012 Budget.

This item was presented by City Administrator John Hendrickson. The State Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The tentative budget was accepted by the City Council on May 3, 2011. 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 2011-2012. The changes are as follows:

General Fund	\$ 8,782,834
Water Fund	\$ 3,691,880
Sewer Fund	\$ 2,214,074
Gas Fund	\$ 4,332,453
Electric Fund	\$ 6,569,030
Solid Waste Fund	\$ 890,000
Storm Water Fund	\$ 184,171
Golf Fund	\$ 143,600
Fleet Fund	\$ 252,064
Capital Projects Fund (General)	\$ 425,800
Electrical/Gas Projects (Bond)	\$12,075,000
<u>Debt Service Fund</u>	<u>\$ 4,157,156</u>
Total Budget All Funds	\$43,375,831

Mr. Hendrickson thanked the staff and Council for their help with the budget.

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

Bryan Free, 7654 Red Kite Way, Chair of the Parks and Recreation Advisory Board, thanked the Council for not raising taxes. He felt that boards should have more access to the preliminary

budget so they can make recommendations. He reminded the Council that the board had requested \$3,000 for trail signage.

Mayor Jackson closed the public hearing at 7:53 p.m.

The Council approved adding \$3,000 to the fiscal year 2012 budget for trail signage.

Mr. Hendrickson said that the budget does not include either a utility rate increase or a tax increase. Although the tax rate may change based on the county formula, the net taxes paid to the City will not change.

Final budget calculations included a \$14,000 increase to reflect a contract that was not previously included in the figures. Changes brought up by Councilmember Painter during Work Session included:

Costs: \$25,000 to \$40,000 for trees in Triangle Park and throughout the City
\$10,000 to \$4,000 for City Council travel and training
Health care costs increased by 5%
Planning Dept. GIS increase
Senior Advisory Council: \$9,000
Special Events: \$3,000 for flag replacement
Non-departmental: \$20,000 for computers
Fire Dept. defibrillator
Public Works park maintenance: \$40,000 increase
Golf course: \$170,000 in escrow account
Plum Creek left turn lane: project cost moved from 2011 budget to 2012

Revenue: \$700 to \$14,000 to municipal utility charge due to the addition of White Hills

Transfers: interfund transfers among utility funds

Other changes are noted in the staff report for this item.

MOTION: *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the Fiscal Year 2011-2012 budget, as outlined in the packet, reflecting the additional changes discussed in work session, accepting the certified tax rate, and adding \$3,000 to the Parks and Recreation Board budget. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a 3:1 vote.*

Councilmember Ireland explained his "no" vote by saying he greatly appreciated the diligence in trimming the budget, he felt he couldn't approve a budget that includes an 8% tax increase while it contains items that he doesn't agree with.

16. **PUBLIC HEARING – For the Issuance of the Series 2011 Gas and Electric Revenue Bonds.**

This item was presented by City Administrator John Hendrickson. This public hearing is to receive public input regarding the issuance and sale of not more than \$12,800,000 aggregate principal amount of gas and electric revenue bonds, series 2011, and any potential economic impact that the improvements to be financed with the proceeds of the series 2011 bonds may have

on the private sector. The bonds will provide utility growth capacity and a redundant 138 kV power line. Steve Olsen from the Energy Department explained the proposed new facilities.

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

Mark Rivenbark, 6956 Comanche Street, asked if the transmission lines would be buried. Mr. Hendrickson responded that they will be on poles, because there are very few people who are able to repair a buried 138 kV line.

Bryan Free, 7654 Red Kite Way, asked if future payments on this bond will create financial problems for the City. Mayor Jackson said the bond payments come from gas and electric utility rates and payments are calculated not to raise rates.

Matt Downing, 3444 Appaloosa Way, said these costs seem to be only for construction. What will be the cost to use the additional power? Mr. Hendrickson said the City only pays for power it actually uses.

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

This was a public hearing only. No action was taken.

PUBLIC HEARING

17. MOTION – Consideration and Approval of an Amendment to the SilverLake Master Development Plan.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed amendment to the SilverLake Master Development Plan, requesting a removal of all multi-family units (583) and adding single-family detached units, increasing the overall density by 255 units.

Mayor Jackson opened the public hearing at 8:32 p.m.

Matt Downing, 3444 Appaloosa Way, said his realtor told him SilverLake was a terrible place to live and he's wondering how the City is planning to prevent that with the new development. Mayor Jackson explained that the problems were with one area of SilverLake. Another developer is building the new area.

Dan Lilly, 3702 E. Black Hawk Road, wanted to know whether a traffic light is planned for that area. Response by Nate Shipp of DAI was inaudible on the recording system. Planning Director Steve Mumford said that two traffic signals are planned.

Mayor Jackson closed the public hearing at 8:38 p.m.

MOTION: *Councilmember Burnham moved to approve an amendment to the SilverLake master development plan. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

18. BID AWARD – Consideration and Award of Bid for Two Power Transformers from Virginia Transformers for the South Service Substation.

This item was presented by City Administrator John Hendrickson. In accordance with the long term electrical service plan for Eagle Mountain City, all electrical loads in the City are served from the existing North Substation. The firm capacity of this substation is 30 MVA. The peak load on the substation last summer was approximately 21 MW. In addition to the North Substation loading, the underground tie circuit which serves most of the load in the south area of the City is approaching its maximum capacity. Construction of the South Substation will increase the capacity of the underground tie circuit by allowing the circuit to be divided into two circuits, one fed from the existing North Substation and one from the new South Substation. Transferring most of the tie circuit and the underbuild circuit loads from the North Substation to the new South Substation will reduce the loading on the North Substation.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Virginia Transformers for two power transformers and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

19. BID AWARD – Consideration and Award of Bid to Staker and Parson Companies for the Overland Trails Walking Trails Project.

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City received a grant for a trail from the Utah Department of Natural Resources. When the City applied for the grant, the Overland Trails trail was the highest-ranking trail project on the City Center master trails plan for which the City already had the required land ownership. This trail will connect from Ira Hodges Parkway to Majors Street, running through the trail corridor in between Waddell Street and Russell Road. It will also provide connectivity to the trail in The Woods subdivision, completing the trail system for this area, and provide access the school site.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Staker and Parson Companies for the Overland Trails walking trails project and authorize the Mayor to sign the contract. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham said there are still openings for businesses that wish to apply for the incubator program.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

Mayor Jackson announced that the next City Council meeting will be held on July 19.

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.

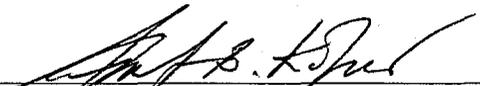
No reports.

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

23. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 8:50 p.m.

APPROVED BY THE CITY COUNCIL ON JULY 19, 2011.



Fionnuala B. Kofoed, CMC
City Recorder



MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 19, 2011

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

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

*** 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: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. Councilmember Ireland was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

Mayor Jackson opened the meeting at 4:10 p.m.

1. PRESENTATION – ifanmedia Mobile Application by Mike Dodson.

This item was removed from the agenda.

Mayor Jackson invited Rachel of the Utah County Health Department SMART Program to introduce Caryn, the coordinator of the Communities that Care, a drug abuse prevention program.

2. PRESENTATION – Pass-through Bond for Ranches Academy by Nephi Aiono, Zions Bank.

This item was presented by City Administrator John Hendrickson.

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

The meeting was adjourned at 6:11 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

6. CALL TO ORDER

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

7. PLEDGE OF ALLEGIANCE

Jeremiah Johnson led the Pledge of Allegiance.

8. PRESENTATION – Orchard Days, by the Santaquin Rodeo Royalty.

This item was removed from the agenda.

9. INFORMATION ITEMS/UPCOMING EVENTS

- The splash pad at Nolan Park is now open. Hours are 9 a.m. to 9 p.m. daily. To activate the water, wave your hand over the top of the green post at the northeast corner of the pad.
- Working for the NSA - Seminar for Businesses: The NSA will present information to businesses interested in getting contracts with the NSA on July 20 & 21 at the SLCC campus in Sandy.
- City offices will be closed on July 25 for the Pioneer Day holiday.
- Ten candidates have filed to run for the three open City Council seats. A primary election will be held on September 13. The general election will be November 8. Election information can be found on the City website.
- The Utah County Sheriff's Office will host a dog and cat licensing and vaccination clinic on Saturday, August 6 at Fire Stations #1 & #2. Complete information is on the City website under events.
- The 2011 Eagle Mountain citizen satisfaction survey is available on the City website.
- The City received the Distinguished Budget Award and the Distinguished Comprehensive Annual Financial Report Award. Only ten other cities in Utah received this national award.

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

No comments were made.

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

Councilmember Celaya

Councilmember Celaya thanked residents for attending the meeting. He said he's seen City staff respond to emergencies twice in the last month and was very pleased with their work.

Councilmember Painter

Councilmember Painter complimented City staff on their response to the water main break in his neighborhood. He said Councilmember Cieslak advised him during the last election cycle to keep his campaigning "above the belt" and focus on the positive. He encouraged all candidates to do that same.

Councilmember Ochsenhirt

Councilmember Ochsenhirt encouraged candidates to campaign respectfully. He asked Chris Trusty if the Public Works Dept. could widen the narrow access from some back roads onto major roads in City Center. He was disappointed in the road repair job on Pony Express Parkway. Mr. Trusty said a top coat will be added over the patches later in the summer. Councilmember Ochsenhirt thanked residents for attending tonight's meeting.

Councilmember Burnham

Councilmember Burnham thanked residents for attending the meeting and encouraged candidates to campaign positively.

Mayor Jackson

Mayor Jackson asked Linda Peterson to post information about the Pony Express Parkway repair project on the City's website. She said she was out of town during the city-wide flooding on Sunday. She would have liked to be available to visit flooded areas. She was glad that the City has staff that responds well to emergencies.

12. APPOINTMENT/OATH OF OFFICE

- A. Mellissa Ochsenhirt, Library Board, 3-year term
- B. Tyler Flygare, Fire Department

MOTION: *Councilmember Burnham moved to appoint Mellissa Ochsenhirt to the Library Board for a three-year term. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

Chief Andrus administered the oath of office to Tyler Flygare.

CONSENT AGENDA

13. MINUTES

A. June 21, 2011 – Regular City Council Meeting

14. AGREEMENT

A. Kern River Storage Yard Lease

15. FINAL PAYMENT

A. Splash Pad, Splash Zone, LLC

MOTION: *Councilmember Painter moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

16. MOTION – Consideration and Approval of the Land Use Element of the Spring Run Master Development Plan.

This item was presented by Planning Director Steve Mumford. This master plan is north of SR 73 and east of Meadow Ranch. It consists of 520 total acres and provides a mix of residential densities, a town center area, commercial/mixed-use areas, and a commerce park. In total, 1,077 residential lots/units are proposed. The eastern 240 acres are included in an annexation petition that was accepted by the City Council in May, 2010 for further review. This is consideration of the Land Use Element only. The annexation petition, development agreement and general plan amendment will be reviewed in a future meeting.

Jim Allred, applicant, said he appreciates being part of the community. He said that he and his partner, Ralph Johnson, have met with the adjacent property owners and included their concerns in the design of the project. He feels that he has provided more than the required buffering.

Councilmember Painter asked Mr. Allred why the transition part of his proposal is different from City standards and why the City should approve it. Mr. Allred said he felt the 100-foot buffer would enhance the neighborhood. His partner, Ralph Johnson, said they gave a lot of thought to balancing the concerns of the neighbors and the city as well as their own. He said the ordinance talks in general about transition in properties, but doesn't mention lot size in the title or in the beginning sections. It allows for several kinds of transition. He believes that the proposal fits the ordinance.

Councilmember Painter said the residents have an expectation of lot size transitions, whether that is technically part of the ordinance or not. Mr. Johnson felt that following the law will allow the best outcome.

Mayor Jackson opened the public hearing at 8:03 p.m.

John Rhine, owner of Interpace Brick Co., asked that his written comments be entered into the record. He and his business partners are concerned about the plan for an 8-lane road with a 300-foot right-of-way. It runs through his land and isolates 80 acres of his property. He isn't sure of the feasibility of this project, the funding for it or the purpose of it.

Bonnie Roper, 3387 Harvest Lane, is concerned about noise issues with having a school adjacent to homes in a quiet, large-lot neighborhood.

Ralph Johnson, applicant, said the road will contribute to the convenience and well-being of the community, public safety and economic development.

Mayor Jackson closed the public hearing at 8:11 p.m.

City Attorney Jerry Kinghorn asked Mr. Mumford if 10,000 sq. ft. lots were the minimum size or the average. Mr. Mumford said that the density is 3.45 units per acre. He asked if it was physically feasible to put lots of that size in that location and still allow for transition according to the code. He said he believed the intent of the code was to place one-acre lots adjacent to the lots in Meadow Ranch. He pointed out that densities provided for in master development plans don't guarantee that those densities will be compatible with zoning regulations. That will be specified in the master development agreement.

Councilmember Celaya asked Mr. Kinghorn if the proposed master development plan complies with City code. Mr. Kinghorn said he believes it does; however, he doesn't think the densities will fit into the pods.

Councilmember Celaya asked what effect a school has on the neighbors. Mayor Jackson said her house is very close to a new school and there's no noise problem.

MOTION: *Councilmember Burnham moved to approve the land use element of the Spring Run master development plan as outlined in the staff report, with the additional recommendation #11 as discussed. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya and Nathan Ochsenhirt. Those voting no: John Painter. The motion passed with a vote of 3:1.*

The conditions listed on the staff report are as follows:

1. A water tank must be included on the hill or there will not be enough pressure for the project.
2. Pre-payment of impact fees required to the City for the construction of the tank and future impact fees will be waived; or, the developer may install the tank and will be reimbursed through impact fees at a later date.
3. A sewer lift station is required in the lowest corner of the business park.
4. Lighting and height standards should be considered to reduce light pollution to surrounding properties and limit potential negative impacts from helicopters.
5. Access must be maintained throughout the project and phases. No more than 15 homes may be constructed prior to a secondary access being created.
6. Fire apparatus access roads shall not exceed 10 percent grade.
7. A "Welcome to Eagle Mountain" entrance feature at the southeast corner of the project must be provided for and detailed in the Master Development Agreement.
8. A variety of multi-family building types must be included in multi-family residential areas to limit large concentrations of the same type of unit.
9. The open space buffer area must contain more manicured or semi-manicured open space, including a native seed mix with sagebrush, rabbit brush, flower mix, etc., as well as areas of grass and trees.

10. This approval is contingent upon the approval of the proposed annexation petition, a master development agreement, and an amendment to the future land use and transportation corridors map. *(This condition added by staff)*
11. Lots adjacent to the existing homes must be a minimum of 10,000 square feet. *(This condition added by City Council)*

PUBLIC HEARING

17. MOTION – Consideration and Approval of the Disposal of Significant Land.

This item was presented by Planning Director Steve Mumford. Eagle Mountain City received an petition from residents in the Pioneer Addition subdivision requesting that the City dispose of open space that is located adjacent to their property. The property is considered “Significant Land” and therefore requires a public hearing and approval by the City Council before it can be disposed. All property owners adjacent to the open space have been notified concerning the public hearing and would have equal opportunity to purchase the property if the City Council approves the disposal.

Mayor Jackson opened the public hearing at 8:34 p.m.

Devan Peterson, 4299 N. Saddle Horn Drive, stated that on the north end of the trail there is no sidewalk, so it leads people to walk into the road.

James Wayman, 4223 N. Saddle Horn Drive, wanted to know how the City planned to solve the problem that one side of the road is HOA and one is not. Mayor Jackson said the City has no influence on HOA membership. The Council discussed the possibility of requiring fencing on both ends, and requiring that the fencing meet HOA standards. Mr. Kinghorn said the HOA declaration includes specific property in its covenants. Property added to an HOA lot can't be required to be included in the HOA unless the covenants are re-written.

Cole Miller, 4366 Frontier Street, asked whether the City would clean the area before the residents bought the land. Mayor Jackson said that the staff recommended that the asphalt be removed, and the removal costs be included in the price.

Devan Peterson, 4299 N. Saddle Horn Drive, asked if the asphalt cost could be separated in the price. Mayor Jackson said it could not.

Jeff Cates, 4382 Frontier, asked what would happen if some residents don't want to purchase the land. Mayor Jackson said all adjoining property owners have to purchase the land, so the lot lines are even. He asked if the land would be surveyed. Mayor Jackson said all of the neighbors have to participate in order for the land disposal to be completed.

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

Councilmember Celaya asked if the east side of the property could be annexed into the HOA. Mr. Kinghorn said it would be possible if individual property owners wished to do it.

Councilmember Ochsenhirt asked Mr. Peterson if he's talked to all of his neighbors. Mr. Peterson said he's talked to everyone on his side of the street. He asked if anyone on the other side of the

street is not interested. Andrea Cates, 4382 Frontier, said all of the neighbors are at the meeting except for two families. She said as far as she knows, they're in favor.

Mayor Jackson asked Ms. Kofoed what a reasonable time frame for the process would be. Ms. Kofoed said that three months would be reasonable.

Councilmember Burnham explained that she wants every property owner to purchase the land adjacent to their lot because the property shouldn't be owned by a few people when it originally belonged to everyone.

MOTION: *Councilmember Burnham moved to approve the disposal of significant land in Pioneer Addition, Phase 2, with a 90-day time frame, each lot to extend to the center line of the disposable land, the removal of asphalt to be paid by applicants as a group, the survey to be paid for by the group, both costs to be included in the purchase price, and that the purchase price be based on the City's typical standards, and that any other purchase costs be shared by the group. Councilmember Ochsenschirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenschirt and John Painter. The motion passed with a unanimous vote.*

PUBLIC HEARING

18. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Approving the General Plan Amendment for the Hidden Valley Road.

This item was presented by Planning Director Steve Mumford. The proposed ordinance is for an applicant-proposed amendment to the City's Future Land Use and Transportation Corridors Map, requesting removal of the Hidden Valley "Expressway" from the map.

Mayor Jackson opened the public hearing at 9:11 p.m. As no comments were made, she closed the hearing.

MOTION: *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the General Plan amendment for the Hidden Valley road according to the recommendation in the staff report and the presentation, changing Hidden Valley Parkway to a minor arterial, and directing the staff to specifically vest the landowners in the master development agreement with the Hidden Valley road classifications that were approved with the Land Use Element. Councilmember Ochsenschirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenschirt 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 City, Utah, Approving a Social Media User Policy and User Agreement of Eagle Mountain City.

This item was presented by City Attorney Jerry Kinghorn. Social media sites such as Facebook and Twitter are widely used mediums for communication. Cities and other government entities are increasingly turning to these forums as a means of disseminating information to the public, especially in emergency situations. The proposed resolution approves a Policy and User Agreement for the City.

MOTION: *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, approving a social media policy and user agreement, as amended by the City Attorney. Councilmember Celaya seconded the motion. Those voting aye: Jon Celaya and John Painter. Those voting no: Donna Burnham and Nathan Ochsenhirt. Mayor Jackson broke the tie with a yes vote. The motion passed with a vote of 3:2.*

The amendment recommended by the City Attorney states that items that are posted do not become public records unless the City retains them as public records.

20. 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 City Recorder Fionnuala Kofoed. The proposed resolution amends the Consolidated Fee Schedule for the following: Minor Plat Amendment Recording Fee; Utah County Boundary Adjustment and Annexation Review Fee; Rescheduling Fee for temporary power utility meter, or service lateral installation; and text changes to conform with current City Code.

MOTION: *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule as outlined in the staff report. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The amendments to the Consolidated Fee Schedule are as follows:

Utah County Surveyor review fee	\$125.00
Minor plat recording fee	Staff time plus Utah County recording fee
Energy Department rescheduling fee	\$25.00

21. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Approving a Street Name Change for Sweetwater Road, to be Changed to Pony Express Parkway.

This item was presented by Public Works Director Chris Trusty. The proposed resolution would change the name of Sweetwater Road to Pony Express Parkway, eliminating confusion as the road changes names midway from The Ranches to the Town Center.

MOTION: *Councilmember Ochsenhirt moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, approving a street name change for Sweetwater Road, to be changed to Pony Express Parkway. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

22. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Amending the Contract Documents and Specifications for Installation of Underground Electric and Natural Gas Services.

This item was presented by Energy Director Adam Ferre. The City contracted with Tempest Enterprises, Inc. to install power and gas service laterals on all new homes. The original contract

specified that the average length of both the power and gas service laterals was 40 feet. In the first six months the average length of power laterals was 67 feet and in January the council approved a resolution to modify the original contract accordingly. Since that time the average length of power laterals reduced to 42 feet. The Energy Department recognizes that the average length of service laterals will change over time and that it is appropriate to ensure that Tempest Enterprises be compensated for the actual work they are doing.

MOTION: *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the contract documents and specifications for installation of underground electric and natural gas services. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

23. MOTION – Consideration of Utah Housing Corporation Affordable Housing Waiver of Impact and Building Fees for Three Homes in SilverLake Villages.

This item was presented by City Administrator John Hendrickson. This is a request from Utah Housing Corporation to waive impact and building fees for three affordable homes to be built in SilverLake Village.

Mayor Jackson recommended denial of this item.

Mr. Hendrickson pointed out that there are several fees the City is not allowed to waive, either by agreement or by State regulations. Mayor Jackson was concerned that the Council would set a precedent if this waiver was approved.

MOTION: *Councilmember Burnham moved to deny an affordable housing waiver of impact and building fees for three homes in SilverLake Village for the Utah Housing Corporation. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

No comment.

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

26. COMMUNICATION ITEMS

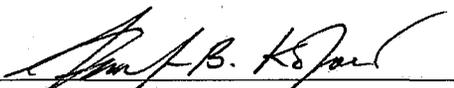
A. Upcoming Agenda Items

B. Financial Report

27. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:31 p.m.

APPROVED BY THE CITY COUNCIL ON AUGUST 2, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

Jon Rhine Comments
Eagle Mountain City Council Meeting
Spring Run Master Plan Approval
July 19, 2011

My name is Jon Rhine and I am the owner of Interpace Brick Company based here in Utah. I am interested in the Spring Run master-plan because it is contiguous to my 476 acres which is directly to the north of the Spring Run Development Property.

The proposed master plan for the Spring Run Development is a well done plan. My major concern with the plan is that it includes a 300 foot easement needed for the construction of an eight lane highway which is provided for by both properties. Half of the eight lane highway runs through the Spring Run property and the other half runs through my 476 acres. As currently proposed, this highway easement will be as wide a football field to provide for the necessary space for this type of huge highway system. Additionally, the proposed 300 foot easement runs entirely through the eastern section of my land and effectively isolates 80 acres of my property.

Although I am supportive of the 526 acre Spring Run master-plan community being developed, I am not supportive of the eight lane highway that seems to duplicate the efforts of the existing planned Mountain View Corridor extension. The proposal of an eight lane highway will destroy the value of my land as beautiful view corridors are eradicated and fear of future traffic noise will make the land less attractive to future families.

It is also important to note, the Utah Department of Transportation supports the Mountain View Corridor and a portion of that road work is currently under construction at 2100 North. The Mountain View Corridor is a well planned roadway that will connect traffic from Salt Lake County to the north to SR 73 through two lanes that will be built in each direction. It will essentially run parallel to and west of Redwood Road when complete and provide the much needed circulation adjacent to the Spring Run master-plan community.

The UDOT proposed highway (known as Map U1 on their plans) is also consistent with the maps being shared on the Area Chamber of Commerce Tri-City Map.

At the end of the day, this proposed eight lane highway doesn't make sense as it is duplicative to the already approved Mountain View Corridor and lacks the necessary funding to make this large, proposed freeway a reality anywhere in the near future. The proposed highway is also not consistent with UDOT's current plans and those of the neighboring communities.

Thank you for your consideration to my concerns.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 2, 2011

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

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

*** 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: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter (arrived at 4:42 p.m.).

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

Mayor Jackson called the meeting to order at 4:16 p.m.

1. PRESENTATION – Wasatch Wake Park, *Presented by Darcy Hanks*
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Painter 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 was adjourned at 6:16 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy

Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:17 p.m.

6. PLEDGE OF ALLEGIANCE

Mark Rivenbark led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Ten candidates have filed to run for the three available City Council seats. The primary election will be held on September 13 and the general election will be held on November 8.
- The Utah County Sheriff's Department will host a dog and cat licensing and vaccination clinic on Saturday, August 6 at Fire Stations #1 & #2.
- The Street Fair will be held on Saturday, September 17 from 12:00 PM to 4:00 PM along Peregrine Road behind the Chevron. Any business in Eagle Mountain with an active business license is invited to be a vendor.
- Eagle Mountain City government page now has a page on Facebook. "Like" the page to receive City news, emergency notices, and requests for public feedback.

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.)*

Carol Walker, Utah Valley University, thanked the City for its help in making a success of Utah Valley University Day on July 16.

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

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland appreciated Councilmember Celaya and his family and the others who helped with the service project at the bike park on UVU Day. He thanked UVU for sponsoring the event.

Councilmember Burnham

Councilmember Burnham reminded residents that school starts this month and asked them to be aware of where crosswalks are and watch for children crossing the street.

Councilmember Celaya

Councilmember Celaya commended the Fire Dept. for responding to a call recently before the 911 call even came in. He said UVU Day on July 16th went well and he enjoyed participating in the service project at the bike park.

Mayor Jackson

Mayor Jackson attended a conference last week in Nashville on the Joint Land Use Study being conducted for Camp Williams. She was a presenter at one of the sessions.

CONSENT AGENDA

10. MINUTES

A. July 19, 2011 – Regular City Council Meeting

11. CHANGE ORDER

A. Environmental Assessment, SWCA

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

SCHEDULED ITEMS

12. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Authorizing the Issuance and Sale of Not More Than \$12,800,000 Aggregate Principal Amount of its Gas and Electric Revenue Bonds, Series 2011; Creating a Pricing Committee Authorized to Finalize the Terms of Said Series 2011 Bonds; Confirming the Sale of Said Series 2011 Bonds; Authorizing the Execution by the Issuer of a Second Supplemental Indenture and Other Documents Required in Connection Therewith; Authorizing and Approving a Preliminary Official Statement, an Official Statement, and a Bond Purchase Agreement; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; Providing a Severability Clause; and Providing an Effective Date.

This item was presented by City Administrator John Hendrickson. The proposed bond resolution would authorize the issuance of up to \$12,800,00.00 in revenue bonds for a redundant 138 kV power line to the City from a new substation in Saratoga Springs, for acquisition of easements and properties required for the improvements, construction costs and engineering. The bond issuance will not raise utility rates.

Laura Lewis, the City's financial advisor, said that the parameters in the bond are those approved by the City Council on May 3. She said that having a pricing committee will give the City more flexibility in accessing the bond market. The pricing committee consists of the Mayor, the City Administrator and a City Councilmember appointed by the Mayor.

Mr. Hendrickson reported that the City's bond rating has been raised to an A rating.

Councilmember Celaya asked if the bond could be issued for only \$11 million plus the \$300,000 in fees. Ms. Lewis responded that she would prefer that it not be issued for less than \$11.5 million, in case the costs are higher than anticipated.

MOTION: *Councilmember Ireland moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, authorizing the issuance and sale of \$11,500,000, together with additional proceeds which may be necessary to fund the debt service reserve requirement, for a total issuance and sale of not more than \$12,800,000 aggregate principal Gas And Electric Revenue Bonds, Series 2011; creating a pricing committee authorized to finalize the terms of said Series 2011 Bonds; confirming the sale of said Series 2011 Bonds; authorizing the execution by the issuer of a Second Supplemental Indenture and other documents required in connection therewith; authorizing and approving a Preliminary Official Statement, an Official Statement, and a Bond Purchase Agreement; authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution; providing a severability clause; and providing an effective date. 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.*

13. MOTION – Consideration and Approval of Purchase of a Third Power Transformer from Virginia Transformers.

This item was presented by Energy Director Adam Ferre. The Energy Department recommends that the City Council discuss an option to approve a third transformer. This third transformer would only be purchased for specific reasons such as economic development to meet specific deadlines.

The company that recently sold two transformers to the City gave the City the option of purchasing a third transformer at the same price, if the purchase was made by August 11. After discussion, the Council decided not to purchase another transformer until there was a definite need for one.

MOTION: *Councilmember Celaya moved to deny the purchase of a third power transformer from Virginia Transformers. 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.*

14. AGREEMENT – Consideration and Approval of an Agreement with Scholtz Architects for Design, Development and Construction Document Preparation for a New Energy Building.

This item was presented by Energy Director Adam Ferre. The Energy Department recommends that the City Council approve entering into a contract with Scholtz Architects for design, development and construction document preparation on the new Eagle Mountain Energy Building. The Energy Department also recommends, since Scholtz Architects are a professional and technical service, that the City bypass the RFP process because of the City's prior experience with this firm.

The City has budgeted \$1 million for the building. It's expected to cost approximately \$900,000.

MOTION: *Councilmember Celaya moved to approve an agreement with Scholtz Architects for design, development and construction document preparation for a new energy building, not to exceed 2.2% of the project cost. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration and Approval of a Settlement Agreement with Triple G, LLC, and Grant Gifford for the Acquisition of Two Easements for the 2007 138 kV Power Line Extension Project.

This item was presented by Mayor Heather Jackson. The Settlement Agreement resolves the pending acquisition by condemnation of two easements originally owned by Sundance Homes, north of the Plum Creek Condominiums. The City Attorney recommends that the Settlement Agreement be approved and that the Mayor be authorized to execute the necessary documents.

MOTION: *Councilmember Burnham moved to approve a settlement agreement with Triple G, LLC, and Grant Gifford for the acquisition of two easements for the 2007 138 kV power line extension project in the amount of \$28,000. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

16. MOTION—Consideration and Approval of Reclassification of Settlement Agreements with Various Parties for the Acquisition of Easements for the 138 kV Power Line Extension Project Under the 2007 Resolution of Condemnation of Properties for the Power Line Project.

This item was presented by Mayor Heather Jackson. All parcels have now been acquired and settlements concluded for the acquisition of easements and properties for the 2007 138 kV power line extension project. The litigation is settled and the City Council should approve a motion to reclassify the 2007 line extension settlement agreements as public records under the provisions of the Government Records and Management Act.

MOTION: *Councilmember Ireland moved to approve reclassification of settlement agreements with various parties for the acquisition of easements for the 138 kV power line extension project under the 2007 resolution of condemnation of properties for the power line project. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

17. MOTION—Consideration and Approval of an Amended and Restated SilverLake Master Development Agreement.

This item was presented by Planning Director Steve Mumford. The Amended SilverLake Master Development Plan was approved on June 21, 2011. This master development agreement contains specific rights, obligations, and requirements for the developer and the City concerning this development. The master development plan approval will be vested with the approval of the master development agreement.

Two conditions of approval must be met before the agreement is executed. One is a resolution of the accounting on the water rights. The other is payment of the park fees-in-lieu for SilverLake Phases 6 and 7, which were going to be resolved with the recording of Phase 8. Since Phase 8 has not been recorded, the park fees will be paid with this agreement.

Councilmember Burnham asked the applicant, Nate Shipp, how he felt about the conditions of approval. He said he accepted them.

Due to recent heavy rains and flooding in the City, Councilmember Ireland asked Mr. Mumford if there was anything in the Development Code to prevent homes with small setbacks from flooding each other's lots during heavy rains. Mr. Mumford said an amendment to the Development Code will be proposed soon which will require home designs to have engineered drainage systems that move water at least ten feet away from the home's foundation.

MOTION: *Councilmember Burnham moved to approve an amended and restated SilverLake master development agreement. 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.*

18. AGREEMENT—Consideration and Approval of the First Amendment to the Business Incubator Development Program Office and Services Lease Agreement with Star West Eagle Mountain Properties, LLC.

This item was presented by Mayor Heather Jackson. On May 3, 2011, Eagle Mountain City and Star West Eagle Mountain Properties, LLC executed a Business Incubator Development Program Office and Services Lease and a Ground Lease and Option Agreement. This amendment to the Lease and Option Agreements corrects a typographical error in each document and modifies specific terms.

Because Star West plans to purchase a maintenance building from the City, the lease time frame may be reduced from seven years if the City chooses, as long as at least five years of payments are made. The five-year clock starts on the closing date of the purchase. The City will not have to pay any lease costs for June, July and August.

MOTION: *Councilmember Burnham moved to approve the first amendment to the business incubator development program office and services lease agreement with star West Eagle Mountain Properties, LLC. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. Councilmember Ochsenhirt recused himself. 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 Burnham
No comment.

Councilmember Painter
No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said he was happy to see the residents who attended the meeting.

Councilmember Ireland

No comment.

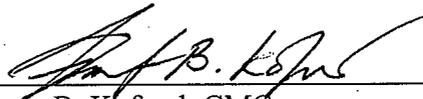
Mayor Jackson

No comment.

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

Councilmember Ochsenhirt moved to adjourn the meeting at 8:10 p.m.

APPROVED BY THE CITY COUNCIL ON AUGUST 16, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 16, 2011

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 ** Please note special start time **

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

Mayor Jackson called the meeting to order at 5:10 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.

This item was moved to Policy Session.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:00 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning

Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Ven Johnson led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **2011 Election** – The Primary Election will be held on September 13. The General Election will be November 8. Visit the City website for election information.
- **Mt. Airey Drive Closure** – From today through Thursday 8/18, there will be a full closure of Mt. Airey Drive at SR 73. During this closure residents and motorists can use Ranches Parkway as a detour route.
- **Movie in the Park** – *How to Train Your Dragon* will be shown at SilverLake Amphitheater on Monday, August 22 beginning at dusk. Admission is free. Concessions will be available.
- **Exceptional Kids Club Activity** – Special needs children of all ages are invited to participate in the Exceptional Kids Club activities. The first activity will be dance instruction from Sheena's Dance Studio. It will be held on Tuesday, August 30 at 4:00 p.m. in the City Council Chambers. Admission is free.
- **Fall Street Fair** – The Eagle Mountain City Street Fair will be held on Saturday, September 17 from 12:00 p.m. to 4:00 p.m. along Peregrine Road behind the Chevron.
- **City Facebook Page** – The official Eagle Mountain City government page is now on Facebook. "Like" the page and receive timely city news, emergency notices, and requests for public feedback.

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.)*

No public comments.

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

No comment.

Councilmember Burnham

Councilmember Burnham asked residents to be patient during the current road construction projects.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter asked who sponsors the Movie in the Park activity. Mayor Jackson responded that the company the City hired for Pony Express Days offered to sponsor a free Movie in the Park night if it could sell concessions. Councilmember Painter also noted that the City's Facebook page is inadvertently showing Brigham City's logo. Ms. Peterson will change it back to Eagle Mountain's logo.

Mayor Jackson

Mayor Jackson had no comment.

9. OATH OF OFFICE

- A. Administration of Oath of Office to Deputy Recorder Johna Rose by City Recorder

City Recorder Fionnuala Kofoed administered the oath of office to the City's new Deputy Recorder, Johna Rose.

CONSENT AGENDA

10. MINUTES

- A. August 2, 2011 – Regular City Council Meeting

11. FINAL PAYMENTS

- A. 2011 City Center Walking Trails Project – Geneva Rock
B. Wastewater Parking Lot Project – Kilgore Paving

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

SCHEDULED ITEMS

PUBLIC HEARING

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

This item was presented by Planning Director Steve Mumford. This is a proposed Development Code amendment to modify and simplify the regulations concerning ladder signs. The leases on ladder signs throughout the City have expired. Lease payments have not been made and some of the signs have fallen into disrepair. City staff proposes leasing ladder sign slats to businesses, home builders, and others through an administrative process not requiring Council approval for each lease. The City would own and maintain the ladder signs.

Mr. Mumford explained three options for dealing with signs: removing all signs in rights of way, continue the current program with some modifications, or the program being proposed this evening. The Planning Commission recommended approval of this program.

Councilmember Celaya, who had some of these signs several years ago, questioned why the City should provide signs, rather than a private business. Mr. Mumford responded that City staff can

easily maintain the signs and oversee the leases, rather than deal with a private company which may or may not comply with City regulations.

There was discussion as to what advantages would accrue to the City by owning the signs. Questions raised included fees charged by the City vs. costs of code enforcement, efficiency of maintenance, and whether the City should provide a service which could be provided by a private company.

Mayor Jackson opened the public hearing at 7:32 p.m.

Richard Steinkopf, 3459 Appaloosa Way, said there are too many ladder signs along Ranches Parkway. He would like to see some of those eliminated and replaced with directional signage, including signage for schools and public buildings.

Mayor Jackson closed the public hearing at 7:34 p.m.

Councilmember Painter said the signs should be owned by a private company, which would lease signs or slats to those who want them. The City should be charged the same amount as any other user. Mayor Jackson said the City had been unable to find a company willing to do that. Mr. Painter said that if there isn't one, then the market won't bear it and the signs should be taken down.

Councilmember Burnham suggested that, since the City owns the signs already, some of the signs could be changed to directional signs for City use and the others could be taken down, which would get the City out of the leasing business.

Councilmember Ireland said the City should have directional signs for City purposes. There should also be allowances for commercial signs, but not on a public right of way.

MOTION: *Councilmember Ireland moved to table an Ordinance of the City Council of Eagle Mountain City, Utah, amending Chapter 17.80 Sign Regulations and Sign Permits. Councilmember Burnham seconded the motion.*

Councilmember Celaya felt that the current restrictions are part of the reason the current program is not working: most are only available for model homes and the price cap prevents them from being profitable. When the program is reconsidered, he would like the signs to have a consistent look and be well-maintained, and he would like some to be available for City signage. He felt the ordinance could be written that way.

Mayor Jackson said that the State allows signs in its right of way and allows businesses to buy space on those signs. She would like the major roads through the City to have consistent signage which provides businesses a way to advertise.

Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. The motion passed with a unanimous vote.

Mayor Jackson asked the Councilmembers to contact Mr. Mumford with their suggestions for signage regulations.

The existing ladder signs will be removed because they are not in compliance with City code and no program currently exists authorizing their use.

13. MOTION – Consideration and Appointment of Poll Workers for the 2011 Primary & General Municipal Elections in Eagle Mountain City.

This item was presented by City Recorder Fionnuala Kofoed. In accordance with Utah Code, the City Recorder will present the City Council with a list of recommended individuals to serve as poll workers for the 2011 Primary & General Municipal Elections. (Section 20A-5-602(1)(a), Utah Code)

MOTION: *Councilmember Painter moved to approve the appointment of poll workers for the 2011 Primary & General Municipal Elections in Eagle Mountain City, as identified in the staff report. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

The following poll workers were appointed by the City Council:

Lynnette Rose	Counting worker
Diane Bradshaw	Counting worker
Shana Clark	Counting worker
Kristy Ellers	Ballot driver
Kelsey Bradshaw	Runner & ballot driver
Janae Wahnschaffe	Supply worker -- City Center
Joye Roberts	Poll worker
Teresa McKitrick	Poll worker
Lynette Story	Supply worker -- Ranches Academy
Lee Kline	Poll worker
Sean Hammond	Poll worker
Kathy Nuttall	Supply worker -- Pony Express
Kim Brown	Poll worker
Joyce Hauber	Poll worker
Jack Roberts	Poll worker -- alternate
Linda Bell	Poll worker -- alternate

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

This item was presented by City staff. The proposed resolution amends the Consolidated Fee Schedule for the following: adding fees for missing RFID tags (Radio Frequency Identification) on items checked out of the library and adding a proctoring fee at the library for non-residents of Eagle Mountain. It also makes text changes to conform with current City Code.

Lease fees for ladder signs were removed from the proposed amendments.

Councilmember Burnham suggested that the RFID fee not be applied until the library staff is sure all books have RFID tags. Councilmember Ireland asked how much time proctoring takes. Councilmember Burnham said each one takes from thirty minutes to two hours. Non-resident students are coming to Eagle Mountain because the City doesn't charge a fee, while the schools do.

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, with the exception of signage fees. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration and Approval of a Power Sales Agreement with Utah Municipal Power Agency.

This item was presented by Mayor Jackson. This agreement gives Eagle Mountain the option to purchase electrical resources in addition to the current contract. This will help Eagle Mountain build its own electrical generation portfolio.

MOTION: *Councilmember Painter moved to approve a power sales agreement with Utah Municipal Power Agency and authorize the Mayor to sign the agreement. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

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

Councilmember Painter

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Mayor Jackson

Mayor Jackson invited Public Works Director Chris Trusty to make an announcement. Mr. Trusty said that sod has been installed in Smith Ranch Park. He also mentioned that the street name signs have been installed where Sweetwater Road was renamed Pony Express Parkway.

City Administrator Item

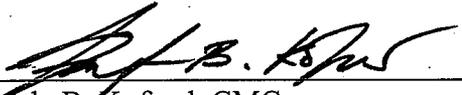
Mr. Hendrickson reported that the Parks and Recreation Advisory Board received a proposal from the Pioneer Addition HOA to replace a sand volleyball pit with a playground. They requested that the City pay half of the cost. Mr. Hendrickson explained to them that a vendor would have to be

chosen through the City bid process and that the project was not budgeted for this year. It would have to wait until another fiscal year unless another project could be completed under budget.

17. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.
18. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
 - B. Financial Report
19. ADJOURNMENT

Councilmember Painter moved to adjourn the meeting at 8:02 p.m.

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 6, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 6, 2011

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

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

*** 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: Donna Burnham, Jon Celaya, 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; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Linda Peterson, Public Information Director.

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

1. DISCUSSION – Park Development Standards.
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember 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, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:50 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jon Celaya, 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; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Linda Peterson, Public Information Director; John Mulder, Sheriff's Deputy.

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Meet the Candidates** – Come meet all the candidates for Eagle Mountain City Council on Thursday, September 8 at Rockwell Charter High School, 3435 E. Stonebridge Lane, from 6 p.m. to 8 p.m. Get informed for the September 13 Primary Election. Hosted by Rockwell High School FSO. Check the City website for complete election information.
- **Concert Fundraiser** – On Saturday, Sept. 10 at 7:00 p.m., Joshua Creek and the Westlake High School Band will perform at the Westlake High School auditorium for a fundraiser to eliminate maternal/neonatal tetanus in Africa.
- **Fall Street Fair** – The Eagle Mountain City Street Fair will be held on Saturday, September 17 from 12:00 p.m. to 4:00 p.m. along Peregrine Road behind the Chevron. Any business in Eagle Mountain with an active business license is invited to be a vendor. Registration and more information are available on the City website.
- **City Facebook Page** – The official Eagle Mountain City government page is now on Facebook. "Like" the page and receive timely city news, emergency notices, and requests for public feedback.

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 Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland said that the new trail between Waddell and Russell Road hasn't been completed. There are no ADA ramps at the ends. Public Works Director responded that the City will be doing the work in-house and it will be done by next week. Councilmember Ireland also complimented the Overland Trails residents who did a volunteer project to improve their neighborhood park.

Councilmember Burnham

Councilmember Burnham asked Mr. Trusty how to have the City improve a road that's in disrepair or have a manhole raised. Mr. Trusty responded that any resident can call him, Jeff Weber or Zac Hilton.

Councilmember Celaya

No comment.

Mayor Jackson

Mayor Jackson noted that parks in both Overland Trails and Eagle Point were recently improved through community projects.

CONSENT AGENDA

10. MINUTES

A. August 16, 2011 – Regular City Council Meeting

MOTION: *Councilmember Ireland moved to approve the Consent Agenda, with amendments to the minutes as discussed. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. Councilmember Ochsenhirt abstained due to his absence from the August 16 meeting. The motion passed with a vote of four ayes and one abstention.*

SCHEDULED ITEMS

PUBLIC HEARING

11. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Chapter 17.25 Residential Zone, Requiring an Engineered Drainage System in Small Side Yard Setbacks.

This item was presented by Planning Director Steve Mumford. This proposed ordinance amends Residential Zone Tier II interior side yard setbacks to require that an engineered drainage system be installed when building a home with less than an eight-foot side setback. Water must be directed at least ten feet away from the home.

Councilmember Painter asked how to have soil properly compacted around houses' foundations. Building Official Kent Partridge said that builders have to provide a letter saying that the soil has been adequately compacted. If homes have excessive settling, the homeowners have to hold the builders responsible or else have the settling corrected themselves.

Councilmember Ochsenhirt pointed out that whether the contractor does the job properly or not, the homeowner is ultimately responsible for the condition of the property. If there's a drainage problem between two lots, it has to be worked out between the homeowners.

Mayor Jackson opened the public hearing at 7:22 p.m.

Richard Steinkopf, 3459 Appaloosa Way, asked how the final inspection determines whether the pipe is properly in place. He also said that soil only settles within three or four feet of the foundation, so once a drainage point extends further than that, there's no problem.

Mayor Jackson closed the public hearing at 7:24 p.m.

Mayor Jackson asked Kent Partridge, Building Official, to respond to Mr. Steinkopf's question. Mr. Partridge said that there will be a drainage inspection before a certificate of occupancy is issued.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, amending Chapter 17.25 Residential Zone, requiring an engineered drainage system in small side yard setbacks. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

12. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Enacting Section 5.05.280 H. Concerning Film Permit Applications and Amending and Re-enacting Certain Sections of Chapter 5.05 of the Eagle Mountain City Code to Conform to New Section 5.05.280 H.

This item was presented by Public Information Director Linda Peterson. The City has had some TV productions use Eagle Mountain as a filming location over the past few years. The City does not currently have a film permit process in place. A film permit process would be beneficial for the City, allowing us to be more proactive in pursuing economic development opportunities related to film production, especially as the Utah Film Commission offers great incentives to bring productions to our state. Additional fees would be required if police and fire services were required.

Councilmember Celaya asked if the City would be able to deny a permit if the production contained offensive material. Ms. Peterson said the permit couldn't be denied based on the content of the script, but residents could be informed of the filming and not be in the area. Mr. Kinghorn said that, under the First Amendment, a permit couldn't be denied for content. However, a permit could be denied or revoked for actions involving violation of state statute.

Councilmember Burnham said the City shouldn't charge fees in excess of its costs, and asked what would happen if the filming didn't cost the City anything. Ms. Peterson responded that the fee is a standard fee similar to a business license application. Mayor Jackson said the fee would be waived for student and nonprofit productions.

Councilmember Painter asked if the City still has a tiered business license fee schedule and if the permit fee corresponds to that schedule. Ms. Peterson responded that the City's business license fees are still tiered, and the film permit fee is equivalent to the basic business license fee that does not require any inspections. If a film company wanted to build sets, they would need to get a building permit.

MOTION: *Councilmember Painter moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, enacting Section 5.05.280 H. concerning film permit applications and amending and re-enacting certain sections of Chapter 5.05 of the Eagle Mountain City Code to conform to new Section 5.05.280 H. Councilmember Ochsenhirt seconded the motion. 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.*

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

This item was presented by Public Information Director Linda Peterson. The proposed resolution amends the Consolidated Fee Schedule to include a film permit fee.

MOTION: *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule to include a film permit fee of \$75.00. Councilmember Ochsenhirt seconded the motion. 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.*

14. BID AWARD – Consideration and Award of Bid to High Country Concrete for Concrete Work at Mid-Valley Park.

This item was presented by Public Works Director Chris Trusty. As part of the completion of the baseball park in Mid-Valley and prior to the installation of chain link fencing, the City will contract with High Country Concrete to install an 18-inch concrete mow strip along the base of the fence. An additional 18,000 square feet of concrete will be placed in the center area of the quad-field to accommodate spectators and bleacher areas.

Councilmember Painter said he appreciated the work Mr. Trusty put into creating a map of the work location.

MOTION: *Councilmember Ireland moved to approve an award of bid to High Country Concrete for concrete work at Mid-Valley Park in the amount of \$75,895.50 and authorize the Mayor to sign the contract. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

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

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked residents for attending this meeting.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham clarified that when she asked how a normal citizen would get help with road issues, she meant that she knows who to ask, but what process would a resident unfamiliar with City government use to find out who to ask?

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

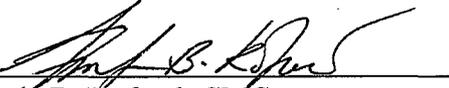
Mayor Jackson

No comment.

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.
17. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
18. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 7:37 p.m.

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 20, 2011.



Fionnuala B. Kofoed, CMC
City Recorder



MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 20, 2011

Work Session 6:30 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 ***

6:30 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

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

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer, Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Steve Olsen, Energy Dept.; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

Mayor Jackson called the meeting to order at 6:47 p.m.

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
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.

This item was removed from the agenda.

The meeting was adjourned at 7:00 p.m.

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

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

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer, Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Steve Olsen, Energy Dept.; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Mayor Jackson led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Sewer line construction along Pony Express Parkway will continue through November. Traffic will be cut down to one lane. Please use caution.
- Senior Citizens' Advisory Council Health and Wellness Fair on Monday, Sept. 26, from 5:00 – 7:00 p.m. in the City Council Chambers.
- Exceptional Kids' Club activity for children with special needs on Tuesday, Sept. 27, at 4:00 p.m.
- Meet the Candidates Night on Thursday, Sept. 29, from 6:00 – 8:00 p.m. at Hidden Hollow Elementary School.

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.)*

Leigh Morrison, 4611 Conestoga Way, thanked the Mayor for the information on the sewer line construction. He said that he understood that the proposed recreation center bond included the sewer line. Since the bond was voted down, he wanted to know how the project is being funded. Mayor Jackson said that the line is being funded by SITLA because there is a contract for purchase of the land by the Alpine School District for a middle school. The school will only be built if the Alpine School District bond passes at the election on November 8.

Kami Pyles, 1883 E. Independence Way, is the secretary of the Pioneer Addition Homeowners' Association. She spoke on the HOA's proposal for improvement of Pioneer Park. She said the HOA has a playground equipment contractor lined up and is offering a \$30,000 donation for this season only. She asked the City to move forward on the project.

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 Painter

Councilmember Painter asked Kami Pyles to get suggestions from the HOA and residents as to what budgeted City projects should be defunded to provide funds for the Pioneer Park project.

Councilmember Ochsenhirt

Councilmember Ochsenhirt echoed Councilmember Painter's comments. He also asked Mr. Trusty for the status of park renovations for Tickville Wash. Mr. Trusty said he had a meeting on it today. The project will be brought before the City Council at the next meeting. Councilmember Ochsenhirt asked if the surface that was just put on SR 73 is the final surface. Mr. Trusty said there will be another layer of pavement.

Councilmember Ireland

Councilmember Ireland thanked the 8% of registered voters who voted in the Primary Election. He encouraged the other 92% to vote on November 8.

Councilmember Burnham

Councilmember Burnham agreed with Councilmember Ireland. She also expressed appreciation to the candidates for campaigning on the issues, rather than campaigning negatively.

Councilmember Celaya

Councilmember Celaya said that he would love to see a higher turnout in the General Election. He told Ms. Pyles that the proposal she presented is well thought out and thorough compared to the many other funding proposals he has seen. He also said it was good to see this meeting so well attended.

Mayor Jackson

Mayor Jackson said that 2100 North in Lehi will open on Saturday, Sept. 24, with a ribbon cutting, community barbecue and 5K fun run. She reported that construction is in progress on SR 73. She called UDOT and the Sheriff's Dept. about a lack of signage for a detour, with one flagger in an unsafe location. Mayor Jackson reported that she attended Governor's Day at Camp Williams. She said City Administrator John Hendrickson is excused from this meeting, as he's out of town. She said the ULCT convention last week had lots of good information, and the Mayor and other attendees hoped to use what they learned to improve the City.

9. APPOINTMENT

- A. Economic Development Board – Trent Jackson

MOTION: *Councilmember Burnham moved to appoint Trent Jackson to the Economic Development Board to complete the term vacated by Susan Vanderhoef, ending on December 31, 2013. 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.*

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

CONSENT AGENDA

10. MINUTES

- A. September 6, 2011 – Regular City Council Meeting

11. BOND RELEASES

- A. Jacob's Well, Plats B & C – Out of Warranty
- B. Valley View Ranch North, Plat B – Out of Warranty
- C. Southmoor, Phase 1 – Out of Warranty
- D. Northmoor, Phase 1 – Out of Warranty
- E. Northmoor, Phase 2a – Out of Warranty

MOTION: *Councilmember Ochsenhirt moved to approve the Consent Agenda. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.*

SCHEDULED ITEMS

12. MOTION – Consideration and Approval of World Trans Services, Inc. and Moheeva as Participants/Tenants in the Eagle Mountain City Business Incubator Development Program.

This item was presented by Economic Development Director Ifo Pili. The Economic Development Board has accepted applications from companies interested in participating in the Business Incubator Development Program. The companies chosen to participate in the program will be offered the opportunity to lease office space for up to three years at discounted rates and receive services, networking and training.

MOTION: *Councilmember Ochsenhirt moved to approve World Trans Services, Inc. and Moheeva as Participants/Tenants in the Eagle Mountain City Business Incubator Development Program. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.*

13. BID AWARD – Consideration and Award of Bid to Black and McDonald for Site Preparation Work for the South Substation.

This item was presented by Steve Olsen. The City has placed an order with Virginia Transformer for the purchase of two large transformers for a new South Substation. These transformers are scheduled to ship around the beginning of November. The contract will allow for the construction of the necessary improvements to the substation site so that the transformers can be installed when they arrive.

Councilmember Ireland asked if the City has worked with Black and McDonald before. Mr. Olsen said they are an established company back East, but are new to Utah. Mayor Jackson asked if ICPE reviewed the bids. Mr. Olsen said they did and Les Bell of ICPE approved the bid award.

Councilmember Ochsenhirt asked if the bid is reliable or will the company be coming back in a month for a change order. Mr. Kinghorn responded that the company posted bonds to complete the job, but may request a change order. Councilmember Ochsenhirt said a change order should be a change in the scope of work, not a change in the price of the work agreed to.

Councilmember Celaya wondered why the bids varied so much, particularly for the concrete work. Mr. Olsen said Les Bell agreed with Black & McDonald's cost for the concrete work.

Mayor Jackson suggested that Mr. Olsen do additional checking on Black & McDonald's references. Mr. Kinghorn said it would be OK if the Council awarded the bid conditioned on approval of the references.

Councilmember Ireland asked if the site work will be done before the transformers arrive.

Mr. Kinghorn read the letter from ICPE and confirmed that the references had been checked.

Councilmember Ochsenhirt was concerned that Black and McDonald isn't experienced with local excavation conditions. Mr. Olsen said that he read the resume of the project manager and he has experience in Utah.

MOTION: *Councilmember Ireland moved to approve a bid award to Black and McDonald for site preparation work for the South Substation in the amount of \$315,080.00 and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.*

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

No comments.

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.

None.

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

Mayor Jackson recessed the City Council meeting at 7:43 p.m. and reconvened as the Board of Canvassers.

17. A. MOTION - The City Council will Recess the Meeting and Convene as the Official Board of Canvassers to Canvass the Eagle Mountain City Primary Election.

This item was presented by City Recorder Fionnuala Kofoed. As the Board of Canvassers, the Board will review the report of election results prepared by the City Recorder as the Election Official, consider and approve the report of the results, execution of the report and certification of the final vote totals for persons on the ballot. Pursuant to State law, it is necessary that the City Council, as the Board of Canvassers, canvass the 2011 Primary Election no sooner than seven (7) days and no later than fourteen (14) days after the election.

The unofficial results that the Board was requested to certify are attached at the end of these minutes.

- B. MOTION – Consideration and Approval of the Report of the Eagle Mountain City Primary Election of September 20th, 2011, Verifying the Results of the Election by Ratifying the Results of the Canvass; Accepting the Report of the Election Official and Certifying the Election Results; and Declaring the Persons Reported by the Election Official as Receiving the Highest Number of Ballots “Nominated” and Placed on the Eagle Mountain Municipal City Council Election Ballot for November 8, 2011.

Councilmember Painter asked which part of the City is covered by precincts 5 and 6, which had a 4% turnout. They include the north and east areas of The Ranches.

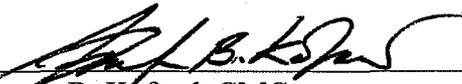
MOTION: *Councilmember Painter moved to verify the results of the election by ratifying the results of the canvass; accepting the report of the Election Official and certifying the election results; and declaring Donna Burnham, Jon Celaya, Bryan Free, Ryan Ireland, Michael Mosen and Richard Steinkopf “nominated” and placed on the*

*Eagle Mountain Municipal City Council election ballot for November 8, 2011.
Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna
Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.*

18. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 7:50 p.m.

APPROVED BY THE CITY COUNCIL ON OCTOBER 4, 2011.



Fionnuala B. Kofoed, CMC
City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 4, 2011

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 ***

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

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

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Mayor Jackson led the Pledge of Allegiance.

3. INFORMATION ITEMS/UPCOMING EVENTS

- **Road Closure** – Mt. Airey Drive will be closed from 8 a.m. to 5 p.m. October 4-6 so that curb and gutter work can be completed.
- **Road Work on Pony Express Parkway** – Roadwork continues for the SITLA sewer line project off of Pony Express Parkway from Bobby Wren Blvd. to Mid-Valley Park. Roadwork will continue north on Pony Express Parkway until mid to late November.
- **Electronics Recycling Collection Event** – Saturday, October 15, from 9:00 a.m. – 12:00 p.m. at Smith Ranch Park and from 1:00 p.m. – 4:00 p.m. at the Public Works Building parking lot.
- **Trick or Treat Village** – Eagle Mountain City is accepting applications for vendor booths at our Trick or Treat Village event on Saturday, October 29 from 12 p.m. to 4 p.m.
- **Candidates Debate** – Eagle Mountain City Council candidates will participate in a debate sponsored by the Lehi Area Chamber of Commerce on Wednesday, November 2 at City Hall from 6:30 p.m. to 8:00 p.m.

4. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*

Bruce Guyant, 2199 Jordan Way, asked that the City Council not approve opening the budget to consider funding the Pioneer Park improvement project. He felt commingling HOA and City funds was wrong. He felt that the proposal was an improper use of HOA funds and had financial, tax and legal issues.

Kevin Marquardson, 2196 E. Jordan Way, said he loves how many parks there are in Eagle Mountain. He's never seen enough children at Pioneer Park to justify a need for additional equipment. He doesn't think the City should match funds from an HOA. It violates section 7.15 of the CC&Rs. He said the \$30,000 should go to improve HOA properties rather than public property.

Rachel Luke, 1941 Independence Way, was in favor of the Pioneer Addition HOA assisting the City in improving Pioneer Park. She felt it would be a good use of her HOA contributions, as there is no playground equipment suitable for older children. They dig in the sand and leave trash there.

Chelsea Prince, 1949 Church Way, said that Pioneer Park has a lot of potential, but it's not a very welcoming place at the moment. She's heard many parents complain that older children usually wind up digging in the sand pit because there isn't anything else to do at the park. She thought the HOA needed to work out their funding issues internally. She appreciated the good work the City Council is doing.

Darren Seamons, 4589 Heritage Drive, has been disappointed in the sizes of the parks in Eagle Mountain. He would like to see Pioneer Park improved. As a health and physical education teacher, he said improved parks would help reduce childhood obesity and improve residents' lifestyle.

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 Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland thanked the audience for attending this meeting.

Councilmember Burnham

Councilmember Burnham said many people have complained to her about the timing of the traffic light at SR 73 and Ranches Parkway. With the road construction, the westbound light needs to be green much longer than the eastbound light during rush hour. Public Works Director Chris Trusty said that our inspector has spoken to the contractor. Workers need to come and adjust the lights manually twice a day. Since the contractor hasn't responded, Mr. Trusty will call them tomorrow.

Councilmember Celaya

Councilmember Celaya said it's good to see so many people attending the meeting and taking an interest in what goes on in the City.

Mayor Jackson

Mayor Jackson said the format of this meeting is different than most. There is no work session, so the Council's questions will be answered during this session.

CONSENT AGENDA

6. MINUTES
 - A. September 20, 2011 – Regular City Council Meeting
7. BOND RELEASES
 - A. The Woods – Out of Warranty

MOTION: *Councilmember Burnham moved to approve the Consent Agenda. Councilmember Painter 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

8. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending Section 16.35 Development Standards for Required Public Facilities.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends Section 16.35 of the Eagle Mountain City Code, Development Standards for Required Public Facilities. The purpose of this amendment is to create a point system that contains enough flexibility for the developer/landscape architect to design a creative park, but also requires amenities that are necessary in each park, ultimately resulting in parks that meet the needs of the neighborhoods while also providing some elements or design that are/is unique to a neighborhood. The ordinance will also simplify the approval process.

The park fee-in-lieu has been raised to incentivize the developers to build the parks. The timing of the fee-in-lieu has been changed to require 50% at recordation of the first phase and the other 50% at recording of the second phase. If the project has only one or two phases, the fee-in-lieu will have to be paid at recordation of the first phase.

Councilmember Painter asked if government supervision is required to get developers to build parks. Councilmember Burnham, Mayor Jackson and Mr. Mumford all gave examples of parks not built by developers.

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

Leigh Morrison, 4611 Conestoga Way, asked whether a developer's bond includes the park. Mayor Jackson responded that it depends on the facility. The City can only bond for public facilities. In areas where the HOA is expected to build private facilities on HOA-owned land, the City can't bond for them. Mr. Trusty pointed out that if a developer doesn't make bond premium payments on the bond, the bondholder will drop the bond. There have also been instances when a bond was released illegally. The City can still pursue payment in those cases, but it's a very time-consuming process and very frustrating for the residents.

Mayor Jackson closed the public hearing at 7:43 p.m.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, amending Section 16.35 Development Standards for Required Public Facilities. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

9. MOTION – Consideration of Request to Schedule a Public Hearing to Amend the Capital Projects Fund and Amend the FY 2011-2012 budget.

This item was presented by Mayor Jackson. This item has been placed on the agenda at the request of Councilmembers Burnham and Painter to consider opening the FY 2011-2012 budget to include funding from the Capital Projects Fund for playground equipment and development in the Pioneer Park, as requested by the Pioneer Addition Homeowners' Association.

Mayor Jackson reported that members of the Parks and Recreation Advisory Board have commented to her that this item should not be considered until the next budget year.

Leigh Morrison, a member of the Parks and Recreation Advisory Board, explained that the Board initially proposed considering the item for the FY 2012-2013 budget year, and then was told that re-opening this year's budget would be an option. Mr. Hendrickson said that, though re-opening the budget was an option, the Parks & Recreation Board voted to recommend that the item be considered for the FY 2012-2013 budget.

Mr. Hendrickson stated that the HOA has a bid from a contractor specializing in playground equipment. However, the City's purchasing ordinance requires three bids, unless the vendor is on the state bid list. The HOA said they were approved under the Houston-Galveston Area Council purchasing program; however, the City Attorney believes that the program doesn't comply with State law.

Councilmember Burnham asked if the group that originally presented this project could present some information to the Council. Their understanding was that they would be able to make their presentation during work session, but a work session wasn't held before this meeting. Mayor Jackson responded that the item on the agenda is whether to open the budget. It's not what project the budget might be opened for. Councilmember Burnham said the presentation would explain why the budget opening was being requested.

Councilmember Painter felt that it would be fair to allow the Pioneer HOA group to make their presentation, as Mr. Hendrickson had already given some information on the subject. Mayor Jackson allowed them three minutes.

Koki and Marion Cline, 1952 Revere Way, distributed a time line showing that they began talking with the Parks Dept. in March. They were directed to speak with the Parks and Recreation Board. The Board approved, so the group came before the City Council. He explained the proposed project.

Councilmember Celaya said that the presentation was well prepared, and if the item is not approved, the effort has not been wasted. He asked if there was a reason why the project could not wait for the next budget year. Mr. Cline said that the HOA Board voted to fund this project by the end of 2011.

Councilmember Painter asked Mr. Hendrickson what kinds of items usually trigger a budget re-opening. Mr. Hendrickson said it was normally an item that was overlooked during the budget calculations, a project that exceed its budget, a grant received by the City or an emergency item. Budget openings are at the discretion of the City Council. If the projects in the current Capital Facilities Fund are completed under budget, the Council could reallocate the remaining funds.

Mr. Pili said mentioned that when the HOA met with him, the City was well into the budget process, so he suggested that they wait until the next budget year.

Councilmember Burnham said budgets have been amended when the City has received a grant that required matching. She felt that this was an equivalent situation.

Councilmember Painter asked about prioritization of projects. Mr. Hendrickson responded that at times a project has been moved up the priority list if grant funds become available.

Mayor Jackson asked Mr. Trusty about the first few projects on the priority list. She mentioned that the Eagle Point subdivision has been waiting thirteen years for their project. Councilmember Burnham said that she remembers hearing in a City Council meeting that if outside funding became available for a lower-ranking project, it might move that project up on the list.

Councilmember Ireland said there is a difference between considering changing priority due to matching funds and spending additional funds in this year. He felt it was better to wait four months and evaluate priorities, considering possible donations of funds and labor.

Councilmember Ochsenhirt said that cutting funds somewhere in this budget would be a problem when it was so hard to work out the funding cuts this year.

Councilmember Burnham said that the residents were hoping that the City contribution would come from the Telecom fund, because the park is large enough to be more like a regional park than a neighborhood park.

MOTION: *Councilmember Ireland moved not to schedule a public hearing to amend the Capital Projects Fund and amend the FY 2011-2012 budget, with the recommendation that next year's City Council consider the Pioneer Park project in their budget priorities. Councilmember Painter seconded the motion. Those voting aye: Jon Celaya, Ryan Ireland and John Painter. Those voting no: Donna Burnham and Nathan Ochsenhirt. The motion passed with a 3:2 vote.*

Councilmember Burnham was excused at 8:12 p.m.

Councilmember Celaya mentioned that there was a concern that the HOA would withdraw the offer if the project wasn't approved to begin during 2011. He believed that if it's the right thing to do, it will be funded.

Councilmember Ireland said there are possible legal issues at this time. While the HOA has put a great deal of effort into the project, the City Council would be rushing the decision if they approved it now. He felt it should go through the regular process.

Councilmember Ochsenhirt was very disappointed to see this much effort not be approved. He hoped the HOA group would continue working with the Council. He would be disappointed if the HOA withdrew its financial support.

10. BID AWARD – Consideration and Award of Bid to Terra Works for Tree Landscaping.

This item was presented by Public Works Director Chris Trusty. The proposed bid is for planting trees in Smith Ranch Park, completing the improvements for the park. The bids came in above the budgeted amount, so staff recommends that the bid be revised to exclude planting and the planting be done in-house.

MOTION: *Councilmember Ireland moved to approve a bid award to Terra Works for tree landscaping in the amount of \$16,854.90 and authorize the Mayor to sign the contract. 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.*

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

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Mayor Jackson

Mayor Jackson mentioned that Col. Smith, the new commander at Camp Williams, was in the audience this evening.

12. 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.

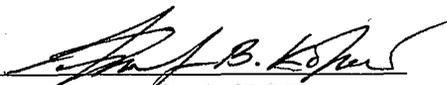
13. COMMUNICATION ITEMS

A. Upcoming Agenda Items

14. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 8:25 p.m.

APPROVED BY THE CITY COUNCIL ON OCTOBER 18, 2011.


Fionnuala B. Kofoed, CMC
City Recorder



MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 18, 2011

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jon Celaya and Ryan Ireland. Councilmembers Painter and Ochsenhirt were excused.

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

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

1. PRESENTATION – Eagle Mountain City Library check presentation to the Friends in Need animal rescue organization.
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya and Ryan Ireland. The motion passed with a unanimous vote.*

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

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

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

CITY STAFF PRESENT: Jerry Kinghorn, City Attorney; John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer, Steve Mumford, Planning Director; Jason Walker, Human Resources Coordinator; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Steve Olsen, Energy Dept.; Rand Andrus, Fire Chief; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

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

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Road work on Pony Express Parkway** – Road work will continue for the SITLA sewer line project until late November. A portion of the Pony Express Trail, in the area of Pony Express Parkway and Mid-Valley Road, will be closed while the new road is connected.
- **Trick or Treat Village** – Eagle Mountain City is accepting applications for vendor booths at our Trick or Treat Village event on Saturday, October 29, from 12:00 p.m. to 4:00 p.m. We will also have a Clean Out the Cabinet drop-off station at this event where residents can safely dispose of old prescription or over-the-counter medications.
- **Exceptional Kids Club Activity** – Open to children of all ages with special needs and their families, this month's activity will be held on Tuesday, October 25, at 4:00 p.m. in the City Council chambers. The activity will be pumpkin decorating with the Eagle Mountain senior citizens' group.
- **Camp Williams JLUS Public Meetings** – Public meetings will be held on two evenings to enable residents to provide input on the preparation of the Camp Williams Joint Land Use Study (JLUS). The two public workshops will use the same agenda, so plan to attend the workshop that best fits your schedule: Wednesday, October 19, at Saratoga Springs City Hall from 6:00-8:00 p.m. or Thursday, October 20, at Herriman City Hall from 6:00-7:30 p.m.
- **Candidates' Debate** – The candidates for Eagle Mountain City Council will participate in a debate sponsored by the Lehi Area Chamber of Commerce on Wednesday, November 2, at City Hall from 6:30 to 8:00 p.m.

8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*

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

9. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. *(Comments are limited to three minutes each.)*

Councilmember Painter

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

Councilmember Ireland

Councilmember Ireland welcomed all the Boy Scouts.

Councilmember Burnham

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

Councilmember Celaya

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

Mayor Jackson

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

10. APPOINTMENT

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

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

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

CONSENT AGENDA

11. MINUTES

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

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

SCHEDULED ITEMS

PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

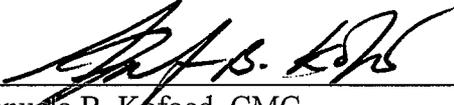
Mayor Jackson

No comment.

17. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.
18. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
 - B. Financial Reports
19. ADJOURNMENT

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

APPROVED BY THE CITY COUNCIL ON NOVEMBER 1, 2011.



Fionnuala B. Kofoed, CMC
City Recorder



MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 1, 2011

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

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

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ikani Taumoepeau, Management Analyst; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Gordon Burt, City Treasurer; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

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

1. DISCUSSION – Pony Express Days 2012.

This item was removed from the agenda.

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 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 Painter 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 was adjourned at 6:03 p.m.

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

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Maddy Triggs led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Rodeo Award** – The PRCA Wilderness Circuit Rodeo Finals were held in Ogden last weekend. Eagle Mountain won the Best Small Rodeo of the Year award.
- **Clean Out the Cabinet** – Eagle Mountain won the county's Clean Out the Cabinet competition. The City's collection site was at the Trick or Treat Village last Saturday.
- **Candidates' Debate** – The candidates for Eagle Mountain City Council will participate in a debate sponsored by the Lehi Area Chamber of Commerce tomorrow, November 2, at City Hall from 6:30 p.m. to 8 p.m.
- **Early Voting** – Residents may vote early at the Recorder's Office until 5:30 p.m. on Friday.
- **Time Change** – Please don't forget to set your clocks back an hour on Saturday night. The Fire Department recommends changing the batteries in smoke detectors at this time each year.
- **Kern River Gas Line Project** – Kern River Gas is installing a two-mile-long natural gas pipeline in their easement near Lake Mountain Road. The project is expected to be completed by November 15. After the project is completed, Kern River will re-seed the vegetation.

Please be advised this is private property and there is heavy equipment and temporary fencing in the area. People have been riding ATVs through the work zone and have cut the temporary fencing. Please stay out of this area for safety and to avoid being cited for trespassing.

- **Off-Highway Vehicle Survey** – Eagle Mountain City is seeking citizens' input on an off-highway vehicle policy survey, located on the main page of the City website under the News links. The survey will remain open until November 25, 2011.

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.)*

Tiffany Ulmer, 1320 E. Harrier St., commented on the wakeboard park proposal. She asked for a public meeting between residents and the developer so the residents can understand the plans and the builder can hear the residents' concerns. She reminded the Council to remember the mosquito issue that might be caused by a body of water that large. She also asked that the park include a swimming area. She said she's proud of Eagle Mountain for winning the Chamber of Commerce laser tag competition.

Wendy Baggaley, 1467 Hawk Way, was very impressed with the Trick or Treat Village event last Saturday. It combined kids' entertainment, promotion of local businesses, and candidate outreach. She described her children's positive experiences with the RAD program. She commended the City Council for their decorum in dealing with their differences and read a statement from the Sutherland Institute, promoting civility in public discourse.

Irene Summers, 2858 Village Court, Saratoga Springs, spoke about the wakeboard park proposal. She and her kids went to another wakeboard park about 3 hours away. She said zip line wakeboarding is much less strenuous than boat wakeboarding. Her kids loved it. She said she asked Mayor Love to get the wakeboard park into Saratoga Springs, and Eagle Mountain is very lucky to have the opportunity to have it here.

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 Ochsenhirt

Councilmember Ochsenhirt was happy to see so many people attending the meeting. He encouraged them to continue to attend meetings.

Councilmember Ireland

Councilmember Ireland asked about tire ruts in the soccer field by Pony Express Parkway. Chris Trusty said they were caused by a subcontractor on the sewer line project and they will be repaired.

Councilmember Burnham

Councilmember Burnham invited those attending the meeting to stay and hear all the items. She encouraged a public meeting about the wake board park. She said the Trick or Treat Village was amazing. Everyone who worked on it did a great job.

Councilmember Celaya

Councilmember Celaya said that the Trick or Treat Village was fantastic, and that there should be a public meeting about the wake board park. He agreed with Wendi that civility in public discourse is important. As there were several RAD Kids instructors in the audience, he mentioned the great experience his son had with RAD Kids.

Councilmember Painter

Councilmember Painter was glad to see the kind of involvement from the residents exemplified by the public comments. He enjoyed the Trick or Treat village. He asked residents to participate in the OHV survey on the City's website. The higher the participation rate, the more accurate the data will be.

Mayor Jackson

Mayor Jackson said UDOT told her that the construction cones should be gone from SR 73 by the end of this week.

10. YOUTH COUNCIL APPOINTMENTS

- A. Youth Council Advisory Board – Kent Rawlings, Angie Rawlings, Leah Weber and Bri Weber
- B. Youth Council Mayor – Kelsey Backus
- C. Secretary – Dakota Dunn
- D. Recorder – Kiersten McCarthy
- E. Public Relations – Jason Olson
- F. Volunteer Coordinator – Maddy Triggs
- G. Historian – Jonelle Andrews
- H. Treasurer – McKell Finch

MOTION: *Councilmember Painter moved to approve the Youth City Council appointments as per the agenda. Councilmember Ireland 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.

CONSENT AGENDA

11. MINUTES
 - A. October 18, 2011 – Regular City Council Meeting
12. FINAL PAYMENT
 - A. 2011 Overland Trails Walking Trails Project – Staker Parson
13. SURPLUS
 - A. Fire Department – 1999 GMC Jimmy

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

14. PRESENTATION – ACE Disposal/Alpine Foundation.

ACE Disposal presented a check to Tim Eisenhart of the Alpine Foundation, which will pay for RAD Kids program books to be given to families participating in the program.

15. MOTION – Consideration and Approval of a Wake Park Concept Proposal.

This item was presented by Pat Panakos, a partner in Wasatch Wake, which is proposing to build the park. This proposal is for a 29-acre wake park that would be located in the northwest corner of Pony Express Park. The developers propose that the City provide the land, bring utilities to the site, provide water for the initial filling of the lake, and allow the developers use of water rights. The City would continue to own the land and the water rights. Wasatch Wake would build the park, provide free access to all facilities except for the zip line, sell discounted zip line passes to Eagle Mountain residents, allow two weeks a year for Parks and Recreation sports camps, and help Boy Scouts earn their water sports badges. The park would create approximately 30 jobs.

Management Analyst Ikani Taumoepeau presented a cost-benefit analysis.

Councilmember Celaya asked if the City would be able to supply adequate water to the park. Mr. Hendrickson said the City has water rights dedicated to parks.

Councilmember Ireland said the City shouldn't move forward until the Pony Express Park long-term plan is complete. Mayor Jackson said this facility would be much more compatible with horses than baseball would be. Councilmember Ireland questioned what the long-term location of

the rodeo grounds will be. Mayor Jackson said the assumption is that the rodeo grounds will remain in their current location.

Councilmember Ochsenhirt felt that at least the major elements of the contract should be available for review at the public information meeting.

Councilmember Ireland said that, while the City has expended a lot of money on Mid-Valley Park, much of it has been from grants, which makes it hard to estimate the return on investment for the wake park. Councilmember Burnham mentioned that the benefits would also be hard to quantify, since there are so few of these parks in the U.S.

MOTION: *Councilmember Painter moved to approve a wake park concept proposal, to include a designated public swimming area, and requested a public informational meeting. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

16. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah Enacting Title 7 of the Eagle Mountain City Municipal Code for Parks, Trails and Special Events.

This proposed ordinance enacts Title 7 of the Eagle Mountain Municipal Code concerning parks and trails administration and use and provides for special events permits within the City. The City has had events in the past which have required extra staff time and Sheriff's Office personnel. There are currently no items on the fee schedule that allow the City to recoup those costs. Additionally, there is not a set process to inform organizations what is required of them to hold events in the City.

The proposed application process would provide guidelines for organizations who wish to host events in the City. The process would establish procedures and fees for City personnel needed to coordinate the events, as well as procedures for contracting with the Sheriff's Office if security or road closures are needed. It would allow the City to recoup costs for staff time and, if necessary, damage to City property caused by the event.

A detailed presentation of this item was made in work session by Executive Receptionist Lianne Pengra, as follows.

The checklist on the application enables City staff and event organizers to be aware of and fulfill all requirements for running the event. These requirements may include state and local permits, insurance, facilities and equipment, trash removal, Health Department rules, support from City staff and public safety agencies, and other items which are sometimes overlooked without a written list. The list was based on forms from other cities which regularly allow special events. It also includes space for contact information for the event organizers. The list will be sent to department heads for review as to staff time and other requirements needed to run the event.

The proposal includes changes to the Consolidated Fee Schedule that more accurately reflect the costs of special events. The current \$100 deposit is inadequate for most events. The new deposit is similar to the rodeo grounds deposit, which is set on a case by case basis by the Public Works Department. Any unused deposit amount would be refunded to the event organizers.

Fees for the Fire Department and Sheriff's Office are those set by the State. Public Works and Building Department personnel would charge the same amount required in other sections of the Fee Schedule. Park fees for Nolan Park will be removed from the Consolidated Fee Schedule, as the City never rents out the entire park.

There is also another sheet on the application with rules for use of City parks and the mass gathering permit.

During policy session, Councilmember Painter said he was comfortable with allowing people to rent pavilions, but not entire parks, except for the rodeo grounds and the amphitheater. Mayor Jackson suggested that only pavilions be listed in the application, and that the staff review the application before it's printed.

Councilmember Ireland asked if a small barbecue party would really have to provide liability insurance. Angie Ferre said the insurance would only be required for special events. Councilmember Ireland asked for clarification as to when liability insurance is required. Mayor Jackson suggested changing the wording to say that liability insurance "may" be required.

Councilmember Celaya asked if was useful to have a checklist of parks that could be rented, or if the applicant should just write a request. Ms. Ferre responded that the list allows people to know what parks are available to be rented. It also reminds both staff and organizers of every requirement for an event, preventing forgotten items from causing problems.

MOTION: *Councilmember Ireland moved to table an ordinance of the City Council of Eagle Mountain City, Utah, Enacting Title 7 of the Eagle Mountain City Municipal Code for Parks, Trails and Special Events. The motion failed for lack of a second.*

Councilmember Ochsenhirt called the question.

Councilmember Burnham moved to approve an ordinance of the City Council of Eagle Mountain City, Utah, establishing a special events application process for the City, with the following amendments: that Pioneer Park and Walden Park be removed from the section "Public Facility Use"; that staff verify that the facilities listed under "Public Facility Use" are only pavilion areas, with the exception of the rodeo arena and the Silver Lake Amphitheater; and that the section "Liability Insurance Information," be amended to show that one million dollars (\$1,000,000.00) insurance coverage may be required to be maintained. 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. RESOLUTION – Consideration and Approval of a Resolution of the City Council of Eagle Mountain, Utah, Amending the Consolidated Fee Schedule.

This item was presented by Mayor Jackson. The proposed amendment to the Consolidated Fee Schedule is to include the new fees established for special events permits.

MOTION: *Councilmember Ochsenhirt moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule to remove the items regarding Pioneer Park and Walden Park, and make*

sure that the items included are for pavilion-only areas, as well as SilverLake Amphitheater and the rodeo arena. 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.

18. MOBILE MEDIA APPLICATION AGREEMENTS

- A. Consideration and Approval of an Agreement with iFan Media Corporation for a City Mobile Application.
- B. Consideration and Approval of an Agreement with Apple Inc. for Developer Applications Software.

This item was presented by Public Communications Director Linda Peterson and City Attorney Jerry Kinghorn. Because of procedural requirements with Apple Inc., the recent agreement with iFan Media Corporation needs to be modified and approved by the City Council. Apple Inc. requires the City to obtain a software license for iFan to complete its duties under the Agreement with iFan. Terms are not negotiable with Apple.

This agreement with iFan amends one approved in April. The April agreement didn't require Council approval, but because of the amendments, this version is coming to the Council. Apple, Inc., has changed its agreement requirements since April, so the City needs to approve a separate agreement with Apple in order to make the iFan agreement valid.

The iFan agreement requires an initial payment of \$2,500 and an annual fee of \$150, which is negotiable after the first year. There is a clause that allows for termination with 60 days' notice. Apple charges an annual payment of \$99.

MOTION: *Councilmember Painter moved to approve Agreements with iFan Media Corporation for a City mobile application and Apple Inc. for developer applications software and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ireland asked whether the City would be involved in testing the application. Ms. Peterson said the application won't go live until the City is satisfied.

Councilmember Painter asked if the contract states that the application will also be designed for iPads. Ms. Peterson said it's for the whole IOS market. Councilmember Painter said iPhone apps will work on iPads, but they don't work well. Councilmember Painter said he wants to be sure that's in the contract.

AMENDED MOTION: *Councilmember Painter amended his motion to require that the iFan Media agreement include a specific iPad application. Councilmember Ochsenhirt seconded the amendment. Those voting aye: John Painter. Those voting no: Donna Burnham, Jon Celaya, Ryan Ireland and Nathan Ochsenhirt. The motion failed with a 1:4 vote.*

MOTION: *Councilmember Burnham moved to approve Agreements with iFan Media Corporation for a City mobile application and Apple Inc. for developer applications software and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan*

Ireland and Nathan Ochsenhirt. Those voting no: John Painter. The motion passed with a 4:1 vote.

19. RESOLUTION – Consideration and Approval of a Resolution of the City Council of Eagle Mountain, Utah, Approving the Interlocal Cooperation Agreement with Utah County for Substance Abuse Prevention Services and Communities that Care Prevention Model and Authorizing the Execution of Said Interlocal Agreement.

This item was presented by City Administrator John Hendrickson. The proposed resolution is a cooperative agreement between Eagle Mountain City, Saratoga Springs and Utah County. Eagle Mountain City will work with Saratoga Springs to hire a Coordinator for the program who will provide technical support to establish a substance abuse prevention program within the two communities.

MOTION: *Councilmember Burnham moved to adopt a Resolution of the City Council of Eagle Mountain, Utah, approving the interlocal cooperation agreement with Utah County for substance abuse prevention services and Communities that Care Prevention Model and authorizing the Mayor to execute said interlocal agreement. 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.*

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

Councilmember Painter
No comment.

Councilmember Ochsenhirt
No comment.

Councilmember Ireland
Councilmember Ireland was impressed with those residents who stayed until the end of the meeting.

Councilmember Burnham
Councilmember Burnham agreed with Councilmember Ireland.

Councilmember Celaya
No comment.

Mayor Jackson
No comment.

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.

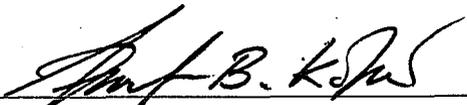
None.

22. COMMUNICATION ITEMS
A. Upcoming Agenda Items

23. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:24 p.m.

APPROVED BY THE CITY COUNCIL ON NOVEMBER 15, 2011.



Fionnuala B. Kofod, CMC
City Recorder



MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 15, 2011

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

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Jason Walker, Human Resources Coordinator; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Gordon Burt, City Treasurer; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

Mayor Jackson called the meeting to order at 5:07 p.m.

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, 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, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Jason Walker, Human Resources Coordinator; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Gordon Burt, City Treasurer; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Richard Steinkopf led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Town Hall Meeting** -- A town hall meeting will be held tomorrow, Wednesday, November 16 at City Hall from 6-8 p.m. to present information and get public feedback on a proposed wakeboard park business to locate in Eagle Mountain's City Center.
- **Off-Highway Vehicles Survey** -- Eagle Mountain City is seeking citizens' input on an off-highway vehicles policy survey. The survey is located on the main page of the city website under the News links. The survey will remain open until November 25, 2011.
- **Thanksgiving Bake Sale** -- The Eagle Valley PTA and The Cupcake Charity, along with several citizens from Saratoga Springs, are organizing a bake sale to be held on Tuesday, November 22 from 4:30 p.m. to 7:00 p.m. at Eagle Valley Elementary to benefit the Powell family who just lost their Mother and Wife, and two young boys in a tragic car accident.
- **Turkey Trot Run/Walk** -- Eagle Mountain City will hold the 4th annual Turkey Trot Run/Walk on Thanksgiving morning, November 24. Registration is FREE. Pre-register here. Check-in at the start between 7:30 a.m. to 8:00 a.m. Start is at 8 a.m. at Hidden Hollow Elementary (7447 Hidden Hollow) and finish is on Eagle Park Entry across from City Hall (about 4 miles). Bus rides available back to start. FREE donuts and hot cocoa at finish from Simply Ice Cream! Prizes & Giveaways! Co-Sponsored by The Cupcake Charity.
- **Christmas Tree Lighting** -- The annual Tree Lighting Ceremony at City Hall will be held Friday, December 2 from 6 p.m. to 8 p.m. Bring your camera to take photos with Santa. Gingerbread House Contest sponsored by The Cupcake Charity (bring an edible Gingerbread House to enter contest). Musical performance by the Vista Heights Middle School Choir. Kick off the Christmas Season with Eagle Mountain City!
- **Santa on a Fire Truck** -- The Eagle Mountain Fire Department will escort special guest Santa Claus on his annual visit to Eagle Mountain neighborhoods on the fire truck on Saturday, December 3 starting at 8 a.m. Santa will toss candy to children who come outside to see him.

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.)*

Mark Rivenbark, 6956 Comanche Street, read a statement regarding the City's lobbyist contract with Allen Freemyer, in which he compared the fees Mr. Freemyer has received to the services he has provided. He believed the contract price should be reduced to \$40,000. He also reported Mr. Freemyer's political contributions.

Nikki Wickman, 2766 Fort Hill Road, said SR 73 needs two lanes turning into Ranches Parkway. She also reported a pothole on Cedar Road near Pony Express Parkway. She didn't see a need for the highway Allen Freemyer is promoting and recommended that the City take the money being paid to the lobbyist and use it to fund the expansion of Pony Express Parkway.

Tiffany Ulmer, 1320 E. Harrier Street, congratulated the City Council candidates for running clean campaigns. She asked that the information about the proposed wake board park be posted to the City's website. She was unsure that the City needs to pay a lobbyist, and thought that \$60,000 was too high a price.

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 expressed appreciation for those who attended this meeting. He also appreciated those who volunteered their time to run for City Council and the civility with which they treated each other. He also asked for more voter turnout.

Councilmember Burnham

Councilmember Burnham echoed Councilmember Ireland's comments. She thanked Tiffany Ulmer for the help she gave Councilmember Burnham during her campaign.

Councilmember Celaya

Councilmember Celaya congratulated everyone who ran in the election, particularly those who were elected. He said he knows the City is in good hands and will be in good hands with the new City Councilmember. He asked the community to support the Powell family, who lost their wife/mother and two children in a car accident.

Councilmember Painter

Councilmember Painter asked residents to complete the online OHV survey. He congratulated Richard Steinkopf for his election to the City Council.

Councilmember Ochsenhirt

Councilmember Ochsenhirt encouraged residents to help the Powell family. He also said that residents have repeatedly asked for an OHV policy; unfortunately, most people don't participate in the process. He asked residents to do so. He thanked the City Council for their friendship. He also thanked the residents, and especially the Boy Scouts, attending the meeting.

Mayor Jackson

Mayor Jackson thanked the candidates for running their campaigns so positively. She was struck by how little residents participated in the election process. She would like to see more participation. She encouraged people to participate in the Thanksgiving Day Turkey Trot.

CONSENT AGENDA

9. MINUTES

A. November 1, 2011 – Regular City Council Meeting

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

Mayor Jackson recessed the City Council meeting and convened the Board of Canvassers meeting.

10. A. MOTION - The City Council will Recess the Meeting and Convene as the Official Board of Canvassers to Canvass the Eagle Mountain City General Election.

This item was presented by City Recorder Fionnuala Kofoed. As the Board of Canvassers, the Board will review the report of election results prepared by the City Recorder as the Election Official, consider and approve the report of the results, execution of the report and certification of the final vote totals for persons on the Ballot. Pursuant to State law, it is necessary that the City Council, as the Board of Canvassers, canvass the 2011 General Election no sooner than seven (7) days and no later than fourteen (14) days after the election.

- B. MOTION – Consideration and Approval of the Report of the Eagle Mountain City General Election of November 8th, 2011, Verifying the Results of the Election by Ratifying the Results of the Canvass; Accepting the Report of the Election Official and Certifying the Election Results; and Declaring the Persons Reported by the Election Official as Receiving the Highest Number of Ballots to be Elected to the City Council.

City Recorder Fionnuala Kofoed reported that in 2009 the City had approximately 7,500 registered voters. This year that has increased to 9,030. She expressed appreciation to the candidates and staff. She explained that the residents who serve as poll workers work a very long day for a very small payment and do an excellent job.

The Recorder's Office received and processed 28 provisional ballots. Twenty-six were verified and counted. One was rejected because the voter was not registered. Another was rejected because the voter did not provide proper identification after the election.

The Recorder's Office sent out 86 absentee ballots. Forty-seven were counted the night of the election. One was rejected because the voter failed to provide a signature. Two ballots were surrendered; one because the voter was deceased and one because the voter voted at the polling location. Thirty-six ballots were not returned; 26 were counted today.

- C. MOTION- The Board of Canvassers will Adjourn and Reconvene as the City Council.

MOTION: *Boardmember Celaya moved to verify the results of the election by ratifying the results of the canvass; accepting the report of the Election Official and certifying the election results; and declaring Donna Burnham, Ryan Ireland and Richard Steinkopf elected to the Eagle Mountain City Council. Boardmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Heather Jackson, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

Board of Canvassers Chair Heather Jackson adjourned the Board of Canvassers meeting and reconvened the City Council meeting.

11. AGREEMENT – Consideration and Approval of a Real Estate Purchase Agreement with Monte Vista Ranch for Five Acres for the Energy Department Building Site.

This item was presented by City Attorney Jerry Kinghorn. The proposed agreement is for the purchase of 5.048 acres of property and acceptance of a gift of the adjacent 1.153 acre parcel for the construction of the new Energy Building. The property is located directly north of the existing Public Works Building.

Councilmember Painter asked whether the General Fund should reimburse the Utility Fund for the cost of City Hall, since utility funds were used to build it.

Mr. Kinghorn responded that the previous Mayor and Council chose to pay for City Hall and the Public Works Building from gas and electric revenue bonds, and did so legally. Mr. Hendrickson stated that any building built by City funds is a City building, no matter which fund was used to pay for it or what use is made for it.

Councilmember Painter asked Energy Director Adam Ferre for his opinion. Mr. Ferre responded that the decision of how to spend City funds is entirely up to the Council. City facilities will be paid for by utility rates or taxpayer funds either way.

Councilmember Ireland asked when construction would begin on the building. Mr. Ferre said that ground would probably be broken in the spring.

Councilmember Celaya agreed with Councilmember Painter that funds should not be appropriated across fund lines.

MOTION: *Councilmember Celaya moved to approve a real estate purchase agreement with Monte Vista Ranch for five acres for the Energy Department building site and accept a gift of 1.153 acres of adjacent property from the seller and authorize the Mayor to execute the documents. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya and Nathan Ochsenhirt. Those voting no: Ryan Ireland and John Painter. The motion passed with a 3:2 vote.*

Councilmembers Burnham and Ochsenhirt stated that, while they support this project, they were concerned that funding not cross department lines in the future.

12. AGREEMENT – Consideration and Approval of a Lobbyist Services Agreement with Allen Freemyer.

This item was presented by City Administrator John Hendrickson. Mr. Freemyer has been the City's lobbyist since November, 2007. This contract will continue that relationship by extending the agreement for one more year. Either party may terminate the agreement upon a 30-day written notice.

Mr. Freemyer explained his work for the City. He's been working on acquiring preliminary funding for the Lake Mountain Freeway project, considering potential impacts on Camp Williams and the influence of the new NSA data facility. He's been educating the Utah Congressional delegation on the need for the project. His office put together a transportation summit held at City

Hall this past summer. The initial goal is to accelerate funding for an alignment study. Mr. Freemyer's office follows the transportation allocation process in Washington, D.C., daily.

Councilmember Painter said that he has reservations about this agreement, but he sees value in having a partner in Washington to promote this road project.

Councilmember Ochsenhirt said that he had hoped to see some highway funds distributed by now. He's concerned about whether the project is worth paying \$60,000 a year for possibly ten years. Although the road is badly needed, this might not be the right way to get it.

Councilmember Painter wondered if having a lobbyist will really accelerate the project.

Councilmember Celaya thanked Mr. Freemyer for the services he's provided to the City; however, he believed the City should focus on working with local and state officials at this point.

Councilmember Painter asked Mr. Freemyer what measureable goals he has for this year. He said his task is to move this project ahead of other projects. That's been done so far. The next step is to get some money appropriated from the upcoming Federal transportation bill for the alignment study. Once the study and the JLUS report are done, the City can move ahead in requesting construction funding.

Mayor Jackson referred to the question about whether it's worthwhile to pay for lobbyist services for ten years or more. She said that the City's return on investment will be several hundred million dollars. On the question of whether the project has really moved up on the priority list, she said that the Director of UDOT never made this road a priority until Utah's Congressional delegation met with him.

Councilmember Ochsenhirt asked Mr. Freemyer to describe exactly what, in the best-case scenario, he would deliver to the City in this contract year. Mr. Freemyer responded that he understands how important public funds are. He said the relationship he has with Utah's Congressional delegation is non-quantifiable, but inherently valuable. He believes he can have the alignment study approved this year, eight years ahead of schedule, and enable the City to get this valuable infrastructure much earlier than planned.

Mayor Jackson asked if all of the Congressional delegation has personally called Councilmember Celaya back. He said he was asked to keep that confidential. Mr. Freemyer stated that he's sure the Congressional delegation will return the Council's calls. However, the everyday work is done by staffers, with whom he has good working relationships. Congressional staff has a high turnover rate, and new relationships have to be developed constantly.

MOTION: *Councilmember Ireland moved not to approve a lobbyist services agreement with Allen Freemyer. Councilmember Burnham seconded the motion.*

Councilmember Painter said that he believes it is important to have someone in Washington who can do what he's not able to do himself.

Councilmember Ireland said that the City should partner with County and regional officials rather than with officials in Washington, D.C. Mayor Jackson said she believed the City has achieved as much as possible at the local level.

Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and Nathan Ochsenschirt. Those voting no: John Painter. The motion passed with a 4:1 vote.

13. BID AWARD – Consideration and Approval of a Bid Award to Skip Dunn and Sons Excavating for the Kiowa Valley Storm Drain Overflow Project.

This item was presented by Public Works Director Chris Trusty. The proposed bid award is to construct an overflow drain pipe in the public utility easement of 7086 North Cherokee in Kiowa Valley. The pipe will be designed to discharge into the fields to the east of the subdivision. It is anticipated that the construction of the overflow pipe will prevent any future flooding at the intersection of Cherokee and Chinook.

MOTION: *Councilmember Painter moved to approve a bid award to Skip Dunn and Sons Excavating for the Kiowa Valley storm drain overflow project and authorize the Mayor to sign the agreement. Councilmember Ochsenschirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. The motion passed with a unanimous vote.*

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

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

Councilmember Painter asked all the Councilmembers to respond to the OHV survey.

Councilmember Ochsenschirt

Councilmember Ochsenschirt thanked all the residents who stayed through the end of the meeting.

Councilmember Ireland

Councilmember Ireland invited the audience to come to the Town Hall meeting tomorrow night.

Mayor Jackson

No comment.

City Administrator John Hendrickson asked the Mayor if she had asked the Councilmembers about their availability for meetings for the rest of the year. She hadn't, so he told the Council that it would be nice to know. He's also asked the staff for that information. Mayor Jackson responded that no additional meetings will be scheduled before the end of the year.

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.

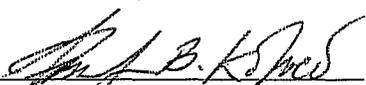
16. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

17. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 8:29 p.m.

APPROVED BY THE CITY COUNCIL ON DECEMBER 6, 2011.



Fionnyala B. Kofoed, CMC
City Recorder



MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

December 6, 2011

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter (arrived 5:13 p.m.).

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

Mayor Jackson called the meeting to order at 4:12 p.m.

1. DISCUSSION – General Plan Update/Vision and Guiding Principles.
2. DISCUSSION – Spring Run Annexation, Master Development Agreement and General Plan Amendment.
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 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 was adjourned at 6:34 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

6. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:16 p.m.

7. PLEDGE OF ALLEGIANCE

Preston Dean led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- **Library Closure** – The library will be closed tomorrow from 11 a.m. to 3 p.m. for a staff meeting.
- **UDOT Open House** – UDOT will hold a public open house on Wednesday, December 7 from 5:00 to 6:30 p.m. at the Saratoga Springs City offices to provide information and receive public comments about a proposed connector road from Pioneer Crossing to SR 73.
- **Christmas Boutique** – A Christmas boutique will be held on Friday, December 9 from 5:00 to 8:00 p.m. at Eagle Valley Elementary School. All vendor fees will be donated to benefit the Powell Family, who recently lost three family members in a car accident.
- **Alice B. Stearns Memorial 5K Run to Beat Cancer** will be held on Saturday, December 10 starting at 10:00 a.m. at the Rush Valley LDS Church building on Smith Ranch Road.

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.)*

Bryan Free, 7654 Red Kite Way, Chair of the Parks and Recreation Board, said the Board is in favor of the proposed wake park. They think it will be a great destination venue for the City. They are concerned about some of the amenities, such as the wading area, which might create some health concerns, and also whether there will be adequate buffering. He also said it would be interesting to have a town hall meeting about the possibility of raising taxes in order to lower utility rates. He thanked the Council for doing a good job.

Adam Olsen, 4074 Mohican Drive, thanked the Council for putting on the Christmas Tree Lighting Ceremony every year.

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 Councilmember Celaya for serving on the City Council. This is his last meeting as a member of the Council.

Councilmember Celaya

Councilmember Celaya said it has been his pleasure to serve Eagle Mountain as a member of the City Council. He said the Mayor, Council, staff and volunteers are very competent at working in the City's interests. He asked everyone to find someone to help during the Christmas season.

Councilmember Painter

Councilmember Painter said it's been a pleasure to serve with Councilmember Celaya. He did a great job of hosting the Christmas Tree Lighting last Friday. Councilmember Painter looked forward to working with Councilmember-elect Rich Steinkopf. He has been asked many questions about why he voted for the City's lobbyist agreement. He wanted to clarify that, although he doesn't like the City using a lobbyist, he believed that the road is very important to the City and the current Federal system requires the City to have representation in Washington, D.C. He is in favor of the northern alignment of the proposed highway, because it offers the most economic development potential.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said that Councilmember Celaya has done a wonderful job as a member of the City Council. He stated that the election system works and the community is full of wonderful, energetic people willing to help the City. He wished everyone a safe, happy Christmas.

Councilmember Ireland

Councilmember Ireland said that when he ran for City Council four years ago, he was concerned about the possibility of serving with a Council that didn't work well together. He's found that the opposite is true. He's grateful for Councilmember Celaya's willingness to serve on the Council and now on the Economic Development Board.

Mayor Jackson

Mayor Jackson agreed with the other comments and thanked Councilmember Celaya for hosting the Christmas Tree Lighting. She went to the pro rodeo convention last week and learned about running the rodeo for the City. Everyone there was impressed that the City won the award for the Best Small Rodeo in the Wilderness Circuit in its second year.

11. APPOINTMENTS/OATH OF OFFICE

- A. Code Enforcement Officer
 - a. Jeff Thompson
- B. Economic Development Board
 - a. Jon Celaya – 3 year term
- C. Library Board
 - a. Nathan Osborn – 3 year term
- D. Planning Commission
 - a. Preston Dean – 3 year term
 - b. John Linton – 3 year term
 - c. Scott Langford – 3 year term
- E. Parks and Recreation Advisory Board
 - a. Michael Clouse – 3 year term
 - b. Oliver Brown – 3 year term

MOTION: *Councilmember Ochsenhirt moved to appoint the aforementioned residents to the designated offices for three-year terms, ending in December 2014, with the exception of Jeff Thompson, whose appointment as Code Enforcement Officer is*

open-ended. Councilmember Ireland 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. Celaya, Mr. Dean, Mr. Linton, Mr. Langford, Mr. Clouse and Mr. Thompson. Mr. Osborn and Mr. Brown were unable to attend the meeting and will receive the oath of office at another time.

Following the oath of office, the Council finished the agenda review from Work Session.

CONSENT AGENDA

12. MINUTES
 - A. November 15, 2011 – Regular City Council Meeting
13. FY 2011 AUDIT – Acceptance of the FY 2011 Financial Audit
14. 2012 CITY COUNCIL MEETING SCHEDULE
15. INCUBATOR PROGRAM APPLICATION – FourSquare Insurance

MOTION: *Councilmember Celaya moved to approve the Consent Agenda. Councilmember Burnham 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 vote of 4:1.*

Councilmember Ireland felt that it was important that the Council receive the financial audit early enough to review it before approval. This year's audit was received yesterday, which didn't give him any time for review.

SCHEDULED ITEMS

PUBLIC HEARING

16. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending Chapter 17.37 of the Eagle Mountain City Development Code, Business Park Zone.

This item was presented by Planning Director Steve Mumford. The proposed amendment to the Development Code is for a new zoning district that would allow for professional offices, light manufacturing, and multi-family or mixed-use residential, as well as other uses.

This zone is being created following discussions concerning the Spring Run project. A large area in that project near the highway was shown as Business Park, and was considered Industrial Zoning to this point. This area and the Talon Cove Industrial site to the west adjoin residentially planned land, and are both located at the main entrance to the City. Both the applicants and the City desire that these projects contain attractive business park uses. The Industrial zoning, however, allows for manufacturing and other less attractive and potentially incompatible uses.

Mayor Jackson opened the public hearing at 7:59 p.m.

Bryan Free, 7654 Red Kite Way, said that he works with zoning ordinances all the time in his job. He sees some cities using a transitional zone, between office and industrial zones and residential zones. It blends more naturally from residential to other zones.

Mayor Jackson closed the public hearing at 8:02 p.m.

Councilmember Ireland asked Mr. Mumford if he could think of any other areas in the City where this zone would be useful. Mr. Mumford responded that some areas in the Future Land Use Plan might be appropriate for this zone. Councilmember Ireland said he thought the owners of some areas currently zoned Industrial might request rezoning to Business Park, so they could get residential uses into their industrial areas. He also asked why the Business Park zone is being presented now. Mr. Mumford responded that the Spring Run developers requested residential uses within their master development agreement.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Chapter 17.37 of the Eagle Mountain City Development Code, Business Park Zone. Councilmember Painter seconded the motion.*

Councilmember Burnham stated that mixed uses are the direction in which development is going. Councilmember Celaya agreed.

Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Wehsenhirt and John Painter. The motion passed with a unanimous vote.

PUBLIC HEARING

17. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the Eagle Mountain City Development Code and Chapter 17.65 Home Businesses, Chapter 17.05 General Provisions.

This item was presented by Planning Director Steve Mumford. Business Licensing responsibilities were recently transferred to the City Recorder's Office. This amendment removes the Planning Director as the approval authority and instead refers to the License Official.

Health care businesses in section "17.65.070 Prohibited Home Businesses" would be changed to "health care businesses containing medical, hazardous, or biological waste." About a year ago the Building Department made a determination that building inspections would not be required for businesses to be located in a home that already received the proper inspections and a certificate of occupancy. The Fire Department continues to perform inspections of daycares, preschools, salons, and similar home businesses. If a business is proposed to be located in a basement that was finished without a building permit and inspections, or an addition to the home that requires a building permit, then the Building Department will deny the business license until the permit and inspections are received and performed.

"17.65.040 Application" is proposed to be amended, removing "Fire Extinguishers" and "Traffic Plans" from the required supporting materials to be submitted with the application.

The City Council was listed in the Approval process to handle petitions for exceptions from the standards, while the Planning Commission was referred to in other sections of this chapter. The proposed change says exceptions should be petitioned to the Planning Commission rather than the

Council, as are variances, conditional use permits, etc. Section “17.65.050 Approval Process” was changed to reflect this.

Mayor Jackson opened the public hearing at 8:13 p.m. As no comments were made, Mayor Jackson closed the hearing.

Councilmember Painter questioned whether “adequate” was a clear enough requirement for parking. Mr. Mumford responded that traffic generation only comes up if a neighbor complains. Parking depends on the type of business. The home businesses allowed in the City require very little parking.

MOTION: *Councilmember Burnham moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Development Code Chapter 17.65 Home Businesses and Chapter 17.05 General Provisions, as outlined in the presentation. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

18. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending and Re-enacting Section R105.5 of the 2009 International Residential Code of Eagle Mountain City, Utah.

This item was presented by Mayor Jackson. Section R105.5 of the 2009 International Residential Code involves the expiration of residential permits. The current code is unclear as to what defines a suspended or abandoned project. This amendment clearly identifies the terms and the time frame allowed for the building process for all residential building permits. This item is not intended to apply to basement permits.

MOTION: *Councilmember Ochsenhirt moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending and re-enacting Section R105.5 of the 2009 International Residential Code of Eagle Mountain City, Utah. Councilmember Burnham seconded the motion.*

Councilmember Celaya was concerned about unintended consequences, if the ordinance is applied to a basement permit. He would like it to be clarified in the wording of the ordinance, so no one can object to inconsistent enforcement if it’s not applied to basement projects.

Councilmember Ochsenhirt said that his understanding is that the ordinance is only directed at contractors who leave projects unfinished. He didn’t think that the Building Dept. would use it against homeowners. Councilmember Celaya stated that he would prefer to have that specified in the ordinance.

Building Official Kent Partridge suggested that the motion include an exemption for basement permits.

AMENDED MOTION: *Councilmember Ochsenhirt moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending and re-enacting Section R105.5 of the 2009 International Residential Code of Eagle Mountain City, Utah, with the exception of additional unfinished space in a home. Councilmember Burnham seconded the amended motion.*

Councilmember Ireland said that the City Code already has provisions Section 15.10.220 for time limitations on building completion. He asked why the Council doesn't make that clearer, if needed, rather than amend and re-enact a section of the IRC. Mayor Jackson said that this will be the only place that refers specifically to 180 days between inspections. Mr. Kinghorn said that the section of the City Code refers to plat authorizations. Mr. Partridge said that builders will be looking in the IRC for permit regulations.

Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.

19. BID AWARD – Consideration and Approval of a Bid Award to HVB AE Power Systems, Inc. for the Purchase of Six 138 kV Circuit Breakers.

This item was presented by Mayor Jackson. The proposed bid is for the purchase of six 138 kV circuit breakers that will be required for the construction of the new South Substation, existing North Substation Expansion and existing Interconnection Substation upgrade. The lead time for the breakers is 24 weeks. A seventh circuit breaker will be needed for future construction, so the City Council included that purchase in the motion for approval.

MOTION: *Councilmember Painter moved to approve a bid award to HVB AE Power Systems, Inc., in the amount of \$357,000, to be paid out of bond proceeds, for the purchase of seven 138 kV circuit breakers and authorize the Mayor to sign the agreement. 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.*

20. BID AWARD – Consideration and Award of Bid to Hubbell Power Systems for the Purchase of Nine 138 kV Group Operated Airbreak Switches.

This item was presented by Mayor Jackson. The proposed bid is for the purchase of nine 138 kV group operated airbreak switches that are needed for the construction of the new South Substation, existing North Substation expansion and existing Interconnect Substation upgrade. The lead time for the switches is 14 weeks.

MOTION: *Councilmember Painter moved to approve a bid award to Hubbell Power Systems in the amount of \$84,015.00 for the purchase of nine 138 kV group operated airbreak switches and authorize the Mayor to sign the agreement. 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.*

21. WAKE PARK

- A. Consideration and Approval of a Site Plan for the Wake Park.
B. Consideration and Approval of an Agreement for the Wake Park Project.

This item was presented by Planning Director Steve Mumford. The City Council's review of the Wake Park Project includes a site plan review and review of a concession agreement. The park will be located in Pony Express Park. A few changes have been made to the site plan since it was

originally proposed. The Planning Commission has recommended approval of the site plan, and the applicants held a town hall meeting recently to answer residents' questions.

It's unclear at this point what the County Health Department will require, so the City's approval would specify that the project comply with County regulations.

There are ten recommended conditions in the staff report.

1. Option A is approved contingent upon the purchase of the 1.66-acre "Smith" parcel. If the parcel is not purchased, Option B is considered approved.
2. Permanent restroom facilities will be provided by the opening of the second season. Temporary restrooms must be provided during the first season, and must be removed by the end of the first season. Any temporary trailers or storage containers must be removed by the end of the first season as well.
3. County Health Department requirements must be met.
4. Engineered site plans, including utilities, landscaping, and irrigation plans must be submitted and approved by the City Staff prior to any installation or construction.
5. A 10-foot separation must be maintained from the power poles.
6. Vehicular access must be approved by the City Engineer, keeping a safe separation between access points and lining up accesses with those across the street, if possible.
7. Access must be provided toward the rodeo for rodeo parking.
8. Plans must be submitted for review and approval by the Planning and Building Departments for any structures. The towers and other structures will require building permits and inspections.
9. All park features/elements must be free and open to the public, except for use of the cable system and any merchandise or sales.
10. Performance bonds and security must be provided for completion of the facility and/or remediation.

Councilmembers requested an eleventh condition: that the parking lot will be paved during the first season.

Councilmember Ochsenhirt believed the parking is inadequate. He also wanted a definition of "limited landscaping" for the first season. Mr. Hanks said he plans to complete the landscaping by the end of the first season. This will be condition #12.

Councilmember Ireland would prefer that large events not be held on Sundays, because the park is so close to a church. Mr. Hanks said that would be included in the concession agreement.

Councilmember Painter asked what date is specified by "the opening of the second season." Mr. Kinghorn said that can be included in the concession agreement. Mr. Hanks said the second season opening date will be May 1, 2013.

Councilmember Celaya asked for a "not to exceed" amount on the purchase of the 1.66 acres. Mayor Jackson said the land price would be determined at a future Council meeting. If the land can't be purchased, the site plan will go to Option B.

Councilmember Ireland asked what will happen with the 1.66 acres, which is now a weed patch, if the City can't buy it in the near future. Mayor Jackson responded that the concession agreement could include a requirement that Wasatch Wake Park landscape that property once it is acquired.

Councilmember Painter asked what would happen if Health Department regulations required a major change in the site plan. Mayor Jackson said the approval motion can stipulate what changes will trigger a new review by the City Council.

Councilmember Ireland asked Mr. Hanks how soon he would need to know if the City can purchase the 1.66 acres, before the site plan will have to change to Option B. Mr. Hanks responded that he would have to know by mid-February.

Councilmember Ireland asked the staff if the transaction could be finalized by February. Ifo Pili answered that the owner has been very hard to contact. Option B is more likely at this point.

A. MOTION FOR SITE PLAN: *Councilmember Painter moved to approve site plan Option A, and if that is unavailable to acquire the land, site plan Option B, with conditions 1 through 12 as discussed in the meeting for the Wake Park proposal. Councilmember Burnham seconded the motion.*

AMENDED MOTION: *Councilmember Painter moved to approve site plan Option A for the Wake Park proposal, and if that is unavailable to acquire the land, site plan Option B, with conditions 1 through 13 as discussed in the meeting. Councilmember Burnham seconded the motion.*

The complete list of conditions is as follows:

1. Option A is approved contingent upon the purchase of the 1.66-acre "Smith" parcel. If the parcel is not purchased, Option B is considered approved.
2. Permanent restroom facilities will be provided by the opening of the second season. Temporary restrooms must be provided during the first season, and must be removed by the end of the first season. Any temporary trailers or storage containers must be removed by the end of the first season as well.
3. County Health Department requirements must be met.
4. Engineered site plans, including utilities, landscaping, and irrigation plans must be submitted and approved by the City Staff prior to any installation or construction.
5. A 10-foot separation must be maintained from the power poles.
6. Vehicular access must be approved by the City Engineer, keeping a safe separation between access points and lining up accesses with those across the street, if possible.
7. Access must be provided toward the rodeo for rodeo parking.
8. Plans must be submitted for review and approval by the Planning and Building Departments for any structures. The towers and other structures will require building permits and inspections.
9. All park features/elements must be free and open to the public, except for use of the cable system and any merchandise or sales.
10. Performance bonds and security must be provided for completion of the facility and/or remediation.
11. Parking lot must be paved during the first season.
12. Landscaping must be completed during the first season.
13. Changes to the site plan must be reviewed by the City Council.

Councilmember Ireland questioned whether the land to be used for the wake park would take too much land away from ball fields. Discussion ensued regarding future regional parks.

Councilmember Burnham called the question.

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

- B. MOTION FOR AGREEMENT:** *Councilmember Celaya moved to table a concession agreement for the Wake Park Project. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

22. MOTION – Consideration and Authorization to Issue Requests for Proposals to Design and Construct Rodeo Grandstand Seating Not to Exceed \$550,000.

This item was presented by Economic Development Director Ifo Pili. For the past two years the City has held an annual rodeo in conjunction with Pony Express Days. Rental of the bleachers costs \$86,000 per year. Rodeo revenues are not enough to cover expenses for bleachers. Purchase of the bleachers would reduce the City's expense to approximately \$41,000 per year (principal and interest payments over a 15-year period).

Councilmember Painter objected to approving a contract that would cause the City to continue to lose money, albeit at a reduced amount.

Mayor Jackson pointed out that if the rodeo is discontinued, it is unlikely that the PRCA will allow the City to have a rodeo in the future.

Councilmember Burnham said she wasn't prepared, at this meeting, to eliminate the opportunity to have a rodeo. She would like to know how long it takes for a new rodeo to become self-supporting.

- MOTION:** *Councilmember Burnham moved to approve an authorization to issue requests for proposals to design and construct rodeo grandstand seating not to exceed \$550,000. Councilmember Painter seconded the motion.*

Councilmember Celaya felt that evaluating a business proposal using government funds is not what government is meant to do.

Councilmember Painter didn't want the money spent on it, but he wanted to see the numbers and examine other options such as sponsorships.

Councilmember Ireland said that the rodeo arena will require restrooms and concessions, likely costing up to a million dollars. He didn't believe a rodeo is worth that much money.

Those voting aye: Donna Burnham, Nathan Ochsenhirt and John Painter. Those voting no: Jon Celaya and Ryan Ireland. The motion passed with a vote of 3:2.

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

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Burnham

No comment.

Mayor Jackson

No comment.

24. 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.

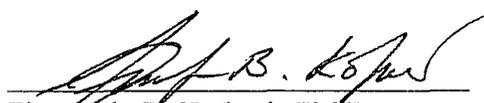
None.

25. COMMUNICATION ITEMS
A. Upcoming Agenda Items

26. ADJOURNMENT

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

APPROVED BY THE CITY COUNCIL ON JANUARY 10, 2012.


Fionnuala B. Kofoed, CMC
City Recorder

