

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 2, 2010

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

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

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

**4:00 PM WORK SESSION – CITY COUNCIL CHAMBERS**

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, City Treasurer; Linda Peterson, Public Communications Coordinator; Ifo Pili, Assistant City Administrator; Jason Walker, Management Analyst; Steve Mumford, Planning Director; Paul Jerome, Senior Accountant; Adam Ferre, Energy Division Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

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

1. RECOGNITION
  - A. Eagle Mountain City Power Department Safety Award from Intermountain Power Superintendents Association.
  - B. Eagle Mountain Building Department – Library Expansion
2. DISCUSSION – Yard/Garage Sale Signage.
3. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
4. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

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

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

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

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

### 6. CALL TO ORDER

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

### 7. PLEDGE OF ALLEGIANCE

Tanner Johnson led the Pledge of Allegiance.

### 8. INFORMATION ITEMS/UPCOMING EVENTS

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

### 9. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*

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

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

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

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

10. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. (*Comments are limited to three minutes each.*)

Councilmember Burnham

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

Councilmember Ochsenhirt

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

Councilmember Painter

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

Councilmember Cieslak

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

Councilmember Ireland

Councilmember Ireland had no comment.

Mayor Jackson

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

## CONSENT AGENDA

### 11. MINUTES

A. February 16, 2010 – Regular City Council Meeting

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

### SCHEDULED ITEMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Burnham

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

Councilmember Ochsenhirt

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

Councilmember Painter

Councilmember Painter had no comment.

Councilmember Cieslak

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

Councilmember Ireland

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

Mayor Jackson

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

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

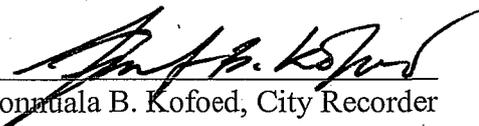
17. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

There were no board liaison reports.

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

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

APPROVED BY THE CITY COUNCIL ON MARCH 16, 2010

  
Fionnuala B. Kofoed, City Recorder