

# Eagle Mountain City Council Minutes 2012

## *Dates of City Council Meetings:*

- January 10, 2012
- January 24, 2012
- February 7, 2012
- February 8, 2012
- February 21, 2012
- March 6, 2012
- March 20, 2012
- April 3, 2012
- April 17, 2012
- May 1, 2012
- May 15, 2012
- June 19, 2012
- July 17, 2012
- August 7, 2012
- September 4, 2012
- September 18, 2012
- October 2, 2012
- October 16, 2012
- November 20, 2012
- December 4, 2012

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 10, 2012

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 \*\**

**WORK SESSION – CITY COUNCIL CHAMBERS**

1. **4:00 P.M OATH OF OFFICE** – Newly Elected City Council Members (4-year terms – January 10<sup>th</sup> 2012 to January 2016)
  - I. Council Member Donna Burnham
  - II. Council Member Ryan Ireland
  - III. Council Member Richard Steinkopf

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, and Richard Steinkopf. Councilmember Painter 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; Adam Ferre, Energy Division Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Ikani Taumoepeau, Management Analyst; Eric McDowell, Lieutenant.

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

2. DISCUSSION – New Middle School which will be located in Mid-Valley. (*Representative of Alpine School District*)
3. DISCUSSION – Proposed gas line extension from Mid-Valley to Lone Tree. (*Adam Ferre*)

*\*\*The meeting recording system failed during the gas line discussion and erased the file. The system was restarted and began recording properly.\*\**
4. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
5. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
  - A. Proposed Off-Highway Vehicle Ordinance. (*Ikani Taumoepeau*)
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 Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:37 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, and Richard Steinkopf. Councilmember Painter 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; 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.

#### 7. CALL TO ORDER

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

#### 8. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1084 led the Pledge of Allegiance.

#### 9. INFORMATION ITEMS/UPCOMING EVENTS

- Miss Eagle Mountain Pageant Orientation – An orientation meeting for those interested in participating in the 2012 Miss Eagle Mountain Pageant will be held in the City Council Chambers on Thursday, January 19 at 7 p.m. Contestants must be between the ages of 17-24 and live in Eagle Mountain.
- Sports Program Survey – Eagle Mountain City seeks input on the existing City Sports Programs and find out what sports or activities should be added to better serve the population. The survey will be available on the main page of the City website through February 29.
- Christmas Tree Pick-Up – Place your live tree, stripped of all decorations, on top of the curb in front of your home. Please do not place trees in the gutter, as they impede parking and snow plows. The City's Public Works Department will pick up trees through January 13. There is no set pick-up time. Trees will be picked up as soon as possible.

#### 10. 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.)*

Brian & Dana Koch, 1520 Kestrel Way, asked that small-breed goats be allowed on 10,000 sq. ft. lots. They distributed handouts to the Council with reasons why small-breed goats should be classed as pets, rather than livestock.

11. 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 pleased to see so many people at the meeting and participating in City government. He reminded residents that despite the lack of snow, it is still winter. A snowstorm will come, and he wanted residents to be careful where they park and help their neighbors dig out of the snow.

Councilmember Ireland

Councilmember Ireland welcomed Councilmember Steinkopf and thanked him for his willingness to serve. He also thanked Bob and Alicia Hill for their continuing service on the Youth City Council Advisory Board.

Councilmember Burnham

Councilmember Burnham welcomed Councilmember Steinkopf and thanked Bob and Alicia Hill.

Councilmember Steinkopf

Councilmember Steinkopf said it was his pleasure to be serving the City. He went to some training last week, which gave him a start to his understanding of being on the Council, and thanked the Council for their help and patience.

Mayor Jackson

Mayor Jackson thanked outgoing Planning Commission members Karleen Bechtel and Bonnie ElHalta.

12. PRESENTATION – Presentation of Plaques to Outgoing Planning Commissioners Bonnie ElHalta and Karleen Bechtel.

She presented Ms. Bechtel with a plaque. Ms. ElHalta was not present, as she is moving to Texas.

13. APPOINTMENTS

- a. Youth City Council – Bob and Alicia Hill
- b. Yellow Ribbon Committee – Erika Douglas and Tracy Hunting

**MOTION:** *Councilmember Ochsenhirt moved to appoint Robert and Alicia Hill to the Youth City Council Advisory Board for one-year terms ending on December 31, 2012, to appoint Erika Douglas and Tracy Hunting to the Yellow Ribbon Committee for two-year terms ending on December 31, 2013. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. and Mrs. Hill, Mrs. Hunting and Mrs. Douglas.

**CONSENT AGENDA**

14. MINUTES

- a. December 6, 2011 – Regular City Council Meeting

15. FINAL PAYMENT

- a. 2011 Pulverize and Overlay Project – Geneva Rock

16. BOND RELEASE – Out of Warranty

- a. Eagle Point F1

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

**SCHEDULED ITEMS**

17. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending Ordinance O-24-2006 Enacting Rules and Regulations of Procedure and Civil Discourse for City Council Meetings.

This item was presented by Mayor Jackson. The Utah Legislature amended the provisions of specific rules of procedure and civility for public meetings during last year's General Session. The proposed ordinance is to keep the City in compliance with Utah statutes and revises Ordinance O-24-2006. The ordinance describes the process for meetings and Rules of Procedure which track a short form of *Robert's Rules of Order*, which is consistent with current City meeting procedures. The Rules of Civil Discourse are applicable to all appointed and elected officials and City employees and are in compliance with Utah law and the City's Policies and Procedures.

During Work Session, Councilmember Ireland expressed concern that allowing a motion to call the question would halt debate before all Councilmembers' questions and concerns had been addressed.

**MOTION:** *Councilmember Steinkopf moved to adopt an ordinance of the City Council of Eagle Mountain City, Utah, amending Ordinance O-24-2006, enacting rules and regulations of procedure and civil discourse for City Council meetings. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

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

This item was presented by Mayor Jackson. The Mayor annually proposes the name of a Councilmember to serve as Mayor Pro Tempore to cover for the Mayor in the event of her absence. She proposed Councilmember Ochsenhirt to be Mayor Pro Tempore this year

**MOTION:** *Councilmember Ireland moved to appoint Councilmember Nathan Ochsenhirt as Mayor Pro Tempore. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

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

Mayor Jackson made board and committee assignments for 2012.

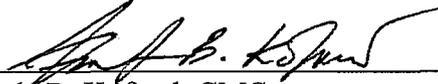
Donna Burnham – Cemetery Board, Parks & Recreation Board  
Ryan Ireland – Planning Commission  
Nathan Ochsenhirt – Public Works Board  
John Painter – Economic Development Board  
Richard Steinkopf – Library Board, Senior Citizen Council, Youth City Council

20. COMMUNICATION ITEMS  
a. Upcoming Agenda Items

21. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 7:36 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JANUARY 24, 2012.

  
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Fionnuala B. Kofoed, CMC  
City Recorder



MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 24, 2012

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, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Councilmember Painter was excused.

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. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation, the purchase, lease or exchange of real property, and security procedures, 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, and security procedures pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 4:13 p.m. After the Closed Session, the meeting resumed at 5:31 p.m.

2. DISCUSSION – Lehi Chamber of Commerce Signage Proposal.

Donna Milakovic, President of the Lehi Area Chamber of Commerce, presented the Chamber's proposal for managing the City's ladder signs. This was an informational discussion only, designed to get the Council's input before creating a final proposal.

Councilmember Ireland felt that the ladder sign ordinance is a "band aid" to try to address the root problem, which is that business owners can't place signs off-premise. They have no way to let people driving down SR 73, for example, know that they could stop at a restaurant in Eagle Mountain. He stated that business owners need off-premise signage; ladder signs on Ranches Parkway, Pony Express Parkway and Eagle Mountain Blvd. are not adequate. The City needs to address the issue of signage on private property.

Mayor Jackson said that signage along SR 73, even on private property, must be approved by UDOT.

There was discussion about the 50-70 foot right of way along major roads in the City. Signs would have to be very large to be effective.

Councilmember Steinkopf suggested that the City retain ownership of the signs and allow Eagle Scout projects and other organizations to maintain the signs. The money generated would remain in the City.

3. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

No questions were raised about any of the other agenda items.

4. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

This item was postponed until Policy Session.

Mayor Jackson adjourned the meeting at 6:21 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: John Hendrickson, City Administrator; 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.

5. CALL TO ORDER

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

6. PLEDGE OF ALLEGIANCE

Tiffany Ulmer led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

**Sports Program Survey** -- A survey on the City's sports programs will be available on the main page of the City website through February 29. It should only take a couple of minutes to complete.  
**Youth Baseball Registration** -- Youth baseball registration will be open January 23-February 27, with late registration from February 28-March 6. Registration is available online on the City website or in person at City Hall.

**Food Drive** -- Miss Eagle Mountain, Anna Barnum, is holding a food drive during the week of January 23-27 for local food banks. If you would like to donate, drop boxes will be located in the main lobby at City Hall and at each of the Eagle Mountain elementary schools. Only canned or packaged food with valid freshness dates can be accepted.

**Woman of the Year Nominations** – Nominations are open for the 2012 Woman of the Year Award. Nominations are due by March 1, 2012. The award will be presented at the Miss Eagle Mountain Pageant on April 7, 2012. Nomination forms are available in the News section of the City website.

**CERT/Neighborhood Watch Meeting** -- A meeting will be held for all CERT members and Neighborhood Watch representatives on Thursday, January 26 at 6:30 p.m. at Fire Station #2 in The Ranches. Anyone interested in either program is welcome to attend to get more information. The City is preparing to participate in the state-wide Great Utah Shakeout earthquake exercise on April 17.

**Miss Pony Express Days Rodeo Pageant Orientation** -- The Miss Pony Express Days Rodeo Royalty Pageant will be held on March 24, 2012. An orientation meeting will be held on February 3 at 6:30 p.m. in the City Council Chambers for any young women interested in promoting the sport of rodeo and Eagle Mountain City.

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

Nick Srogus, 3501 E. Golden Eagle Road, had spoken at the last Planning Commission meeting about the hobby breeder's license application recently turned in to the Planning Dept. He felt the neighborhood was too densely populated for a hobby breeder. He was told that City Code doesn't prohibit such an operation. He said the family with the dogs had come to Eagle Mountain specifically because the animal control regulations are lax. He would like the Code tightened to require a certain amount of acreage per animal. Mayor Jackson suggested he work with the Planning Department.

Tiffany Ulmer, 1320 E. Harrier St., thanked the Fire Dept. for their help in talking to the students at the elementary school. She reported that the intersection of Pony Express Blvd. and the new Mid-Valley Road has a manhole that is lower than the road surface, which she would like brought flush with the surface to prevent damage to cars. She reported that she saw standing water in the same area last Saturday when there was a heavy rainstorm, and asked that something be done to better contain storm water. Ms. Ulmer then asked what the City's policy is on shoveling neighborhood park sidewalks, because people are walking on shoveled sidewalks until they get to the park, then have to walk into the streets until they get past the park sidewalk. On the subject of hobby breeders, she mentioned that there used to be a hobby breeder in her neighborhood, and the puppies howled and drove the neighbors crazy.

Councilmember Painter asked Mr. Trusty if park sidewalks are normally shoveled. Mr. Trusty said that he will check on whether park sidewalks are being cleared of snow.

McKay Edwards, SITLA, spoke about the Mid Valley Road final plat. He said that SITLA is prepared to accept the final approval of the plat this evening. However, SITLA is concerned about the traffic study that is a condition of approval. The condition requires SITLA to do the study. In this case, Alpine School District is doing it. SITLA wishes to state for the record that, since they are not controlling the study, if a major, unexpected problem occurs, they expect some reasonable ability to seek a second opinion and work the problem out with the City Engineer. SITLA has

always found City staff reasonable to work with, but since this concern is not written into the conditions, he wanted to specify the expectation.

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 Steinkopf

Councilmember Steinkopf hoped for more snow. (It's been a very dry winter.)

Councilmember Painter

Councilmember Painter commented on an article regarding ethics reform in Utah. He mentioned an article in the Salt Lake Tribune on the ethics of using campaign funds. The article described Utah legislators' personal use of those funds. He read a section about Mark Madsen, Eagle Mountain's senator, specifying questionable expenses and noting that he didn't return the newspaper's phone calls. Councilmember Painter said it's important for representatives of the City to return phone calls. He reminded the Council that it was important to behave in a way that shows transparency and reflects well on the City.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Mayor Jackson

No comment.

10. PRESENTATION – Website Transparency – Sutherland Institute.

The Sutherland Institute gives cities letter grades on the transparency of their websites. Eagle Mountain recently earned an "A" grade.

**CONSENT AGENDA**

11. MINUTES

a. January 10, 2012 – Regular City Council Meeting

12. BOND RELEASE – Into Warranty

a. Northmoor 2B

b. Northmoor 2C

13. BOND RELEASE – Out of Warranty

a. Skyline Ridge 1A

14. FINAL PAYMENT

a. Mid-Valley Concrete Work – High Country Concrete

15. FINAL PLAT

- a. Mid-Valley Project – Mid Valley Road Phase 1 – SITLA

16. SITE PLAN

- a. Eagle Mountain Middle School – Alpine School District

**MOTION:** *Councilmember Ochsenhirt moved to approve the Consent Agenda. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those abstaining: John Painter. The motion passed with a vote of four yeases and one abstention.*

Councilmember Painter abstained from the vote due his absence from Work Session.

**SCHEDULED ITEMS**

17. MOTION – Consideration and Award of Bid to Great Western Park and Playground Company for the Construction of Seating for the Rodeo Arena.

This item was presented by City Administrator John Hendrickson. The proposed bid is for the construction of a permanent seating structure with a section for premium box seating for the rodeo arena. The structure can withstand high wind and weight loading factors and allows for possible storage and other development under the stands.

**MOTION:** *Councilmember Burnham moved to table a bid award to Great Western Park and Playground Company for the construction of seating for the rodeo arena and authorize the Mayor to sign the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

Councilmember Ireland said he was happy to be back working with the Planning Commission.

Councilmember Burnham reported that the Parks and Recreation Board is working hard on several projects that will come before the Council in the next few months, including ATV trails. The new chair is Mark Trotter.

Councilmember Steinkopf said that the Youth City Council held a planning meeting.

Councilmember Painter said that the Economic Development Board did not take any action last week, but showed lots of enthusiasm for their work. He looks forward to being part of it.

Councilmember Ochsenhirt said the Public Works Board hadn't yet met this year, but he's excited to work with them.

**CITY ADMINISTRATOR ITEMS**

Mr. Hendrickson reported that Administration will be meeting with the Public Works Board on February 2 to discuss the water and sewer rate evaluation that was recently completed.

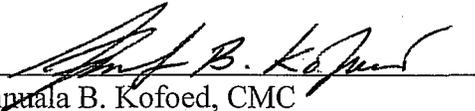
19. COMMUNICATION ITEMS

- a. Upcoming Agenda Items
- b. Financial Reports

20. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 7:34 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 7, 2012.



Fionnuala B. Kofoed, CMC  
City Recorder



MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 7, 2012

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, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Councilmember Ireland participated telephonically.

CITY STAFF PRESENT: If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Ikani Taumoepeau, Management Analyst; Angie Ferre, Special Events Director; Jason Walker, Human Resources Coordinator; Michele Graves, City Librarian; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

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

1. PLEDGE OF ALLEGIANCE

Mayor Jackson led the Pledge of Allegiance.

2. DISCUSSION – FY 2012-2013 Budget

The Mayor, Council and staff discussed the proposed vision statement for the City and presented preliminary goals for fiscal year 2012-2013. A list of preliminary budget goals is attached to these minutes.

The proposed vision statement says, “Eagle Mountain will be Utah’s most dynamic and desirable city.” *Dynamic* was defined to mean innovative and technology-minded, with diverse businesses and services, including manufacturing, service providers, recreation facilities, a hospital and expanded educational opportunities, including a high school and a UVU extension campus. *Desirable* was defined as family friendly, convenient for work, transportation and recreation, and having responsible government willing to make tough financial decisions.

3. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Councilmember Ireland participated telephonically.

CITY STAFF PRESENT: Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Adam Ferre, Energy Division Director; Gordon Burt, City

Treasurer; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Angie Ferre, Special Events Director; Eric McDowell, Lieutenant.

4. CALL TO ORDER

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

5. INFORMATION ITEMS/UPCOMING EVENTS

- **Princess Academy** -- The Princess Academy will be on Saturday, February 11, from 10:00 AM to 12:30 PM in the City Council chambers, for princesses ages 3 to 10. The cost is \$10 per princess, which covers lunch, crafts, gifts, a picture with Miss Eagle Mountain and the Fairy Godmother, and more!  
**City mobile application** – The City mobile application will be available in the Android and IOS markets starting Monday, February 13. Type “Eagle Mountain” in the search field to locate the application.
- **Sports Program Survey** -- Eagle Mountain City seeks input to gauge your perception of the existing City Sports Programs and find out what sports or activities should be added to better cater to the growing population of Eagle Mountain. The survey will be available on the main page of the City website through February 29.
- **Youth Baseball Registration** -- Youth Baseball registration will be open January 23-February 27, with late registration from February 28-March 6. Registration is available on line on the City website or in person at City Hall.
- **Youth Bowling** – The City has partnered with Jack & Jill Bowling in Lehi to offer a Youth Bowling instruction program. Registration is open.
- **Woman of the Year Nominations** – 2012 Woman of the Year nominations are due by March 1, 2012. The award is kept a secret, even to the winner, until the presentation at the Miss Eagle Mountain Pageant on April 7, 2012. Nomination forms are available in the News section of the City website.

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

None

**CONSENT AGENDA**

7. PLANNING COMMISSION APPOINTMENT – Daniela Camacho, 1 year term

8. MINUTES

- a. January 24, 2012 – Regular City Council Meeting

9. SETTLEMENT AGREEMENT

- a. Ratification of Brian Olsen Settlement Agreement

10. REIMBURSEMENT AGREEMENT

- a. UDOT Waterline Reimbursement Agreement

11. BID AWARD – Consideration and Award of Bid to Powell Electrical Systems Inc. for Purchase of a 15 kV Metal Clad Switchgear for the South Substation.

*Mayor Jackson moved item 11 from Scheduled Items to the Consent Agenda.*

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

### **SCHEDULED ITEMS**

12. BID AWARD – Consideration and Award of Bid to Great Western Park and Playground Company for the Construction of Seating for the Rodeo Arena.

This item was presented by Assistant City Administrator Ifo Pili. During Work Session, Mr. Pili recommended that the Council to reject all current bids for rodeo arena seating, as staff would like to pursue more cost-effective options.

**MOTION:** *Councilmember Ochsenhirt moved to reject the bids for rodeo seating and consider other options. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham expressed appreciation to the staff for their hard work in preparing for the budget meeting. She thanked all the residents who attended this evening's meeting.

Councilmember Steinkopf

Councilmember Steinkopf also thanked staff for their work on the budget meeting.

Councilmember Ochsenhirt

Councilmember Ochsenhirt met with the Public Works Board. The Board will have some information to present to the City Council in April. He thanked the Mayor and staff for how efficiently the budget meeting ran this afternoon.

Councilmember Painter

No comment.

Mayor Jackson

Mayor Jackson explained to the audience that the budget meeting this afternoon was designed to set preliminary goals for the budget process. The process will go on through May or June. She reported that rate studies are being done on virtually all of the utilities this year. She would like to

hold a town hall meeting about the results of the studies to get public input before they are presented to the City Council for a vote.

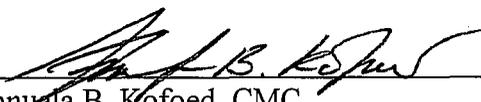
14. COMMUNICATION ITEMS

a. Upcoming Agenda Items

15. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 7:15 p.m. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON FEBRUARY 21, 2012.

  
Fionnuala B. Kofoed, CMC  
City Recorder



## Mayor Jackson

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1. City ordinances need enforcement component
  - Focus on Justice Court
2. Public Safety building
  - Pave Parking Lot
  - Replace the flooring
3. Expand Recreation Program to more than sports
4. Facilitate special events
5. Long range plan
  - Bleachers
6. Economic Development
  - An approach to target this
7. Transportation (always an issue)
  - Continue communication with MAG
8. Evaluate COLA
  - Morale
9. OHV ordinance
  - Not a goal but to be completed
10. Snow storm (Feb 13<sup>th</sup>)
  - Viable EOC (Emergency Operation Center)
    - Provisions
      - Food, blankets, clothes (just in case stuff)
      - Method to take care of employees, when they are taking care of the City

## John Painter

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Complete OHV ordinance

## Nate Ochsenhirt

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### Parks

- Can we accommodate parks (that's just grass?)
- Add amenities to parks?
  - Trees
  - Trash
  - Benches
  - Playground equipment

**\*\*Matching neighborhoods to help support their own parks\*\***

Ex: Pioneer Park (w/ HOA) going 50/50 with EMC

### Complete Projects

Look at what we already have

**COMPLETION**

Add benches?

Add trees?  
Long Range Plan  
Include Restroom facilities  
Parks  
Overview of STREETS  
Re-do older roads that need repair  
COLA for City employees  
Tough to lose core people  
Something to do for them?

### Donna Burnham

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Ensure Utilities are functioning properly  
Utility infrastructure  
Roads/Transportation  
Street repair is important  
Find holes and fill them in  
Keep up with PARKS  
Maintenance  
COLA (if there's any money left after 1 and 2)  
Deserve it

### Rich Steinkoff

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Enhance Recreation Program  
The Beautification of the City  
Keep up the 'LOOK'  
Inviting appearance of the City  
Be careful how to **prioritize** City Goals

### Ryan Ireland

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Emergency Plan (EOC)  
Great Eagle Project for scouts?  
Trails to City Hall and Library completed  
Add Trees to the City  
Do Better on Weed Control along trails  
Existing programs do not subsidize other programs  
Jr. Jazz doesn't subsidize others  
Gas doesn't subsidize Electricity  
Complete OHV ordinance  
Public Safety  
Still a Priority  
Safe Roads  
Maintenance

### Library

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1. Increase staff hours and **change one staff member from part time to full-time benefitted** in order to fulfill many goals of the library, work towards complying with the State Library's updated Certification Standards and be able to send staff to local schools to promote various offerings the library has. Also, we have many projects that we are having difficulty getting completed due to lack of time. We also plan to offer more programming for both children and adults. Having paid staff increases the chances of having that happen.
2. Increase books/materials budget so we can receive full inclusion into the North Utah County Library Cooperative (we need to reach a threshold of at least 50,000 items). We are currently at 41,000. Full inclusion means that our residents will no longer have to pay a fee to use Lehi Library and will have the ability to use American Fork and Pleasant Grove libraries, as well.
3. Capital outlay for shelving. We are in need of more shelving for the collection.

### Building Department

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1. Education & training. Have the staff properly educated and trained on the 2012 International Codes that will soon be adopted by the State.
2. Educate the builders to the changes in the codes.
3. Provide thorough, consistent inspections.
4. Increase the public awareness and knowledge of City Codes (Code Enforcement):
5. Create a program that can be tied into Springbook that will track City Code violations, citations, etc., for each property or lot within the City.
6. Purchase electronic equipment (PC, iPad, notebook, etc.) that will allow inspector & code enforcement officer to perform field work electronically, interfacing GIS and Springbook.
7. Energy Code requirements to be reviewed and implemented in ways that will help home owners have more energy efficient homes.
8. Look at ways we can provide quality customer service with a lean staff.

### Planning Department

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1. GIS – Web-based interactive map for public use
2. GIS – Interactive utility mapping system for public works use
3. GIS – Interactive code enforcement mapping system
4. General Plan rewrite/update

5. Transit vision plan
6. Illustrative area plans for City (2030, 2040, buildout)
7. Improvements to City Code
8. Sustainability program to encourage energy-efficient building
9. Mike – AICP & GISP (certified geographic information systems professional) certification
10. Create Cemetery – beautification is important
11. Beautification of streetscapes (i.e., Eagle Park)

### Non-departmental

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1. Complete audit of computer needs and continue to replace inadequate work stations. Also, replace workstations of employees who have more equipment than is necessary for their jobs and reassign those resources elsewhere.
2. Improve building maintenance by creating a comprehensive plan for all City buildings. This will include new equipment needed to help Jason with his duties. Also, we would propose an additional part-time employee to help with the maintenance of the public works and energy buildings.
3. Reduce costs for services such as payroll, janitorial, and other areas covered in the Non-departmental budget.
4. Salary survey.

### Public Information

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1. Use video to promote the City and provide the public access to City meetings and events, including the possibility of live-streaming. I need cameras (still and video) so that I don't have to continue to use my personal camera equipment. Estimated cost for a quality still and video camera and accessories (lens, flash, etc.) would be under \$2500.
2. Possibly transition newsletter to primarily an electronic version; need to investigate the validity of a subscription list for those who want to continue to receive a hard copy. This would be a cost savings, but I would want to be sure it remained an effective means of communicating with residents.
3. Currently working on a cost comparison for website hosting and services with CivicPlus. They are offering a Community Voice module that provides more interactivity with

residents. They also offer a free redesign every three years and more flexibility with content management.

4. Would like to see our rebranding process continue, with new logo on all city vehicles and whatever we can do to replace at least the oldest logo (two logos ago) from signage.
5. Advanced PhotoShop and InDesign training
6. Stay up on trends in technology-based communication, make adjustments as needed

## Finance/Utilities

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1. Keep FTEs at 4. In FY 2012 the budget included 4 FTEs but the narrative indicated changing to having 3 full time and 2 part time employees. Lori, the current supervisor, does not feel that having 2 part time employees is sufficient to provide the optimum in customer service and to keep current with the workload.
2. Need a new printer in the Utility Office that is capable of handling larger output for reports and for scanning.
3. Increase the training budget to provide for more Springbrook and MVRs training.
4. With the staffing transition this year, the City will likely need to designate a new City Treasurer. This will necessitate a change in job descriptions and an increase in salary for the new position.
5. In addition to number 4, the City will need to separate some of the functions in the Finance Department. We should separate out the accounts receivable from the cash receipting functions. This may not need to be accomplished in FY 2012-2013, but needs to be reviewed.

## City Engineer

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1. Implement a proactive maintenance schedule for City infrastructure, such as sidewalk, water, wastewater, and storm drain systems.
2. Use GIS asset management tools in Public Works to accomplish this.
3. Adopt a SWWP management ordinance that would help the City enforce violations of our storm water system.
4. Part time maintenance person for Public Works, Wastewater and (Energy) buildings.

## Fire Department

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1. Fleet Issues
  - A. Replace 1977 E-One fire engine with newer Quint (ladder truck at Station 2) for \$750,000 to \$1,000,000. The NFPA recommends that structural fire equipment built before 1991 be removed from service. We applied for a grant and have not received any feedback as yet.
  - B. Replace Chief's vehicle – high mileage and less reliable - \$28,000.00 (year 2006)
2. Review billing for ambulance service to include required reporting for the State Fire Marshal and the State Bureau of EMS. The current system is failing for our required reporting. Eagle Mountain has maintained the same contract for our ambulance billing since before 2005.
3. Support a fire district for future capital needs for the Fire Department (U.F.A).
4. Strive to improve response times throughout the city while maintaining our staffing levels. Replace any members leaving with qualified firefighters/paramedics.
5. Buildings - Improve living conditions at Fire Station 1 and Public Safety Building –
  - A. Fix basement flooding issues and repair damaged areas throughout.
  - B. Desktop computer for Station 2 training room.
  - C. Replace Public Safety Building flooring.
6. Continue to write grants for EMS needs and other grants to improve equipment for our firefighters.

## Public Safety

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1. Improvements to the Public Safety building
  - A. Paving the parking lot (for safety and keeping the office cleaner)
  - B. Improving the interior space (flooring)
2. Ability to enforce City ordinances, possibly with a Justice Court or admin. hearing
3. Allocate an account designated for the community safety volunteer programs
  - A. V.I.P.S. (Volunteers In Police Service uniforms and equipment)
  - B. Rad Kids certification and re-certification costs and equipment

## Energy Department Goals (Power & Gas)

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1. Continual progress on current major projects.
  - A. South substation
  - B. 138 kVA power line
  - C. Energy building.
  - D. Electrical rate study

2. Continual training such as internal policies and procedures, safety, record keeping, management and industry progression to create a more efficient work place.
3. Financial accountability.
4. Aggressive systems maintenance to preserve system longevity and reliability to the rate payers.
5. Ongoing resource investigation.
6. Find ways to boost employee morale in the current economic state.

### City Recorder

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1. Records management
2. Filing cabinet
3. Adequate training for staff

### Special Events

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1. To create a Community and Leisure Service Department to help better and more adequately run all events and sports programs. These areas have been on the back burner and have not had year round time put into them, which we really need to do so that we run them more efficiently.
2. To improve the City's special events, not by making them bigger but making them better quality, less expenditures, and trying to bring in more revenues and work on sponsorships year round.
3. To improve the City's sports programs by calling back residents on a regular basis, tightening expenditures, bringing in more revenues, and offering more sports programs to the community for all ages.
4. To develop the new recreation program by creating an inter-local agreement with the Alpine School District and the charter schools, to run the programs at the schools but administratively run them through the City.
5. To develop a volunteer program in the community to help residents feel more of a part of the community and a sense of satisfaction.
6. To improve our Youth City Council program, teaching the kids more about City government and service throughout the community and growing the numbers in the program, as well.
7. Bring our senior program to a better level by researching other senior programs, working with the Council to implement our goal and helping the seniors to be more self-sufficient.

8. Miss Eagle Mountain will be going to a 501(c)(3) this year. The program has developed over the last 8 years and this next fiscal year it will be fully staffed with volunteers. The City will donate the money to the 501(c)(3) and help offset some costs, but they will need to get sponsorships to cover the rest. We would like to continue trying to get other events turned into a 501(c)(3). This could take up to 10 years. It could be sooner, but we need to build a good base for the programs.
9. Continue with the Exceptional Kids program and help this program grow within our community. We need to get this program information out to the public more this year.
10. Create a master plan on the rodeo arena and make the facility usable year round for high school rodeo, barrel racing, team roping, etc. This may help offset costs to maintain and offset the rodeo each year.

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 21, 2012

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, Ryan Ireland, John Painter and Richard Steinkopf. Councilmember Ochsenhirt participated telephonically.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Angie Ferre, Special Events Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; John Mulder, Deputy.

Mayor Jackson called the meeting to order at 4:14 p.m.

1. DISCUSSION – Volunteer Program

Special Events Department Director Angie Ferre described a new volunteer program the department would like to implement. The program will provide limited insurance to volunteers while they're working for the City, which is what the City has always done under State worker's compensation requirements. The new program would add an incentive component. If volunteers chose to participate in the incentive program, which is entirely optional, they would keep a time sheet to qualify for incentives.

Councilmembers questioned why the City would provide insurance to people who had signed waivers. Ms. Ferre explained the worker's compensation requirement for limited insurance for those participating in City projects. Discussion also took place regarding background checks. Every volunteer who works with children must go through a background check administered by the City. Some Councilmembers were concerned about whether giving incentives would be cost-effective, suggesting that an annual volunteer appreciation event might be better.

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, and the professional competence of an individual, 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, and the professional competence of an individual, 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, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:01 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. Councilmember Ochsenhirt participated telephonically.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Angie Ferre, Special Events Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; John Mulder, Deputy.

#### 5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:08 p.m.

#### 6. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1249 led the Pledge of Allegiance.

#### 7. INFORMATION ITEMS/UPCOMING EVENTS

- **Sports Program Survey** – Eagle Mountain City seeks input to gauge your perception of the existing City Sports Programs and find out what sports or activities should be added to better cater to the growing population of Eagle Mountain. The survey will be available on the main page of the City website through February 29.
- **Youth Baseball Registration** – Youth Baseball registration will be open through February 27, with late registration from February 28-March 6. Registration is available on line on the City website or in person at City Hall.
- **Youth Bowling** – The City has partnered with Jack & Jill Bowling in Lehi to offer a Youth Bowling instruction program. Information and online registration is available on the City website.
- **Woman of the Year Nominations** – Nominations are being taken for the 2012 Woman of the Year Award. Nominations are due by March 1, 2012. The award is kept a secret, even to the winner, until the presentation at the Miss Eagle Mountain Pageant on April 7, 2012.
- **Exceptional Kids Club** – This month's Exceptional Kids Club activity will be a St. Patrick's Day themed event with students from Rockwell High School. The activity will be held at Rockwell High on Tuesday, February 28 from 4:00-5:30 p.m.

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

None.

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

Mayor Jackson introduced one of the City's new management interns, Lauren Jackson, who will work in the Administration Office this summer.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham reminded everyone that the Republican and Democratic Party caucuses are being held on March 13 and 15. This is the most important way for citizens to influence politics in Utah.

Councilmember Steinkopf

Councilmember Steinkopf told residents about the new Tri-City Map produced by the Lehi Area Chamber of Commerce.

Councilmember Painter

Councilmember Painter thanked the Boy Scouts who came to the meeting. He also asked for public input on the City budget process.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

Mayor Jackson mentioned that she had the opportunity to visit the new Community Education Resource Center at Mountain Trails Elementary School, an offshoot of the Parent Education Resource Center of Orem. Dixie Downing spearheaded the project and is currently the only volunteer. Mayor Jackson encouraged residents to volunteer.

**CONSENT AGENDA**

10. MINUTES  
A. February 7, 2012—Regular City Council Meeting
11. BOND RELEASE – Entering Into Warranty  
A. Mid Valley Road, Dry Utilities
12. BOND RELEASE – Exiting Warranty  
A. Willow Springs, Phase 4
13. INCUBATOR PROGRAM APPLICATION  
A. Disaster Professionals – Residential and Commercial Remediation and Restoration  
B. Inception Builders

During Work Session, Councilmember Ochsenhirt asked why Inception Builders would need an office space. Mr. Pili responded that they want to establish a professional presence where they

can meet with clients. He also reported that Disaster Professionals is willing to provide a receptionist for the use of all the businesses in the program.

14. DEVELOPMENT AGREEMENT

A. Valley View Ranch North, Plat A-1

In Work Session, Councilmember Painter asked if this involved changes from the original development agreement. Mr. Mumford said it is only a change to a smaller plat.

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda, with the exception of item 15, which he moved to place with the scheduled items for further discussion. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**SCHEDULED ITEMS**

15. PARKS AND RECREATION RECOMMENDATION

A. Trailhead Park Plan

During Work Session, Public Works Director Chris Trusty explained the planned configuration of the park, to be located at the intersection of Pony Express Parkway and Bobby Wren Blvd. The project has been reviewed and recommended by the Parks and Recreation Advisory Board.

During Policy Session, item 15 was removed from the Consent Agenda and placed with the scheduled items for further discussion. Councilmember Ireland proposed that the parking be increased to accommodate a future UTA bus stop. Mr. Trusty stated that there are two trailheads along Pony Express Parkway that are used as parking lots.

Mayor Jackson reported that she met with UTA today. UTA intends to open its Frontrunner service in December. At that time, UTA will end the City's express bus service to Salt Lake and run buses from the City to one of the Frontrunner stations, either at Thanksgiving Point or American Fork. The City's proposal is that buses stop at the corner of Majors Street & Eagle Mountain Blvd., so commuters can park in the church parking lot, then make additional stops before exiting the City by Pony Express Parkway.

Councilmember Burnham was concerned that if the trailhead park is used as a bus stop, the street will be lined with cars and the entrance to Eagle Park will be very unattractive.

Councilmember Painter said that, as the liaison to the Parks and Recreation Advisory Board last year, he knew that this park was not a priority. Off-highway vehicle trails are a much higher priority. Councilmember Painter felt that the money would be better spent elsewhere.

**MOTION:** *Councilmember Ireland moved to table the Trailhead Park recommendation. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

## **PUBLIC HEARING**

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

In Work Session, Mr. Mumford described the proposed code amendment. It will modify the regulations concerning off-premises ladder signs and allow signs for home-based businesses with certain restrictions. There will be a maximum of thirty ladder signs in the City rights-of-way. The signs will be managed through an agreement with the Lehi Area Chamber of Commerce. The signs are intended for licensed businesses, model homes, new subdivisions, City facilities, nonprofits and community events. The code amendment strips away almost all of the current regulations, leaving sign maintenance and management to the concession agreement, under the supervision of City staff.

On-site home business signs will be allowed in the code, up to four square feet in size. The intent is to help home businesses succeed without sacrificing the residential quality of the neighborhoods. The Planning Dept. researched sign ordinances in 24 Utah cities. They varied from permitting no signs at all to allowing signs of sizes up to nine square feet. Most cities' regulations required home-business signs to be attached to the façade of the home. Eagle Mountain's proposed ordinance will require that the sign be attached to the front of the home.

Councilmember Ireland asked how many of the slats in the ladder signs would be for City facilities and what costs would need to be included in next year's budget. He said he would prefer that ladder signs holding City slats be City-only. Mr. Mumford said he expected that five of the ladder signs would be City-only. He doesn't have an estimate of costs yet.

Councilmember Painter asked what process would be used to change an existing, approved sign location. Mr. Mumford said that the map previously included in the ordinance will be eliminated, allowing more flexibility for placement. The Chamber would consult with staff for approval of new sign locations.

Councilmember Painter asked what would happen if any of the former sign owners decided to claim their signs. Mr. Mumford said that staff would work with them.

Councilmember Steinkopf asked if home business signs would have a maximum height from the ground, to prevent second-story signs. Mr. Mumford said that could be included. Councilmember Steinkopf also asked what would happen if this ordinance was approved, but the Chamber agreement was not. Mr. Mumford said individual owners would have to sign concession agreements.

Councilmember Steinkopf also asked how to handle signs and flagpoles that are out of compliance, particularly if they have been allowed to remain for several years. Mayor Jackson responded that flagpoles in existence before the ordinance was enacted are grandfathered in.

Councilmember Steinkopf suggested that signs for City events be sturdier. The banner signs attached to metal stakes get damaged easily and look unattractive. He would like the signs checked periodically to be sure that they are in good condition.

During Policy Session, Mr. Mumford gave a recap of the ordinance proposal.

*Mayor Jackson opened the public hearing at 7:45 p.m.*

Dan Ford, 1868 Valley View Lane, stated that he liked the change that allows businesses to advertise. Not being able to advertise under the previous, restrictive sign ordinance has been very hard on business owners in town.

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

Councilmember Burnham asked how home-based businesses will be notified. City Recorder Finn Kofoed said that the Recorder's Office is in the process of inputting all the business license information into Springbrook. From that, a letter can be generated and sent to business owners, or the information can be included in renewal notifications.

Councilmember Painter asked if Eagle Mountain businesses will have preference for leasing slats in the ladder signs. Mayor Jackson responded that the priority order will be Eagle Mountain commercial businesses first, then home-based businesses, then outside businesses that are members of the Chamber.

Councilmember Painter asked Mr. Mumford about the process of moving ladder signs. Mr. Mumford said it would be specified in the concession agreement and would have to be approved by staff. Safety, such as maintaining clear sight lines, will be a consideration. Councilmember Painter said the original rules were so restrictive that the owners couldn't succeed. Now the City has taken the original owners' signs, changed the rules, and plans to give management of the signs to the Chamber. He didn't think it was the role of government to take private property, change its use and then give it to someone else. Mayor Jackson said that signage has been discussed in several City Council and Planning Commission meetings, but only one sign owner has attended. She felt that if they had an issue with this, they would have attended the meetings.

Mr. Mumford said most of the lease agreements expired in 2008. Owners were allowed to continue using the signs for three years until City staff made decisions about how to regulate signage. The owners chose to give them to the City. Owners could have erected business signs instead of using ladder signs, but they chose not to.

Councilmember Steinkopf objected to the Chamber renting out signs in competition with Eagle Mountain businesses. He wanted to be sure that Eagle Mountain maintains control of the signage.

**MOTION:** *Councilmember Steinkopf moved to adopt an Ordinance of the City Council of Eagle Mountain, Utah, amending the Eagle Mountain Development Code Chapter 17.80 Sign Regulations and Sign Permits, with the amendment that home business signs be placed no higher than the first level of the house. Councilmember Burnham seconded the motion.*

Councilmember Ireland stated that this amendment does not address what he considers the real problem, which is that businesses need to be able to place off-premise signs on private property.

Councilmember Painter asked Councilmember Ireland why he thought this action would be an impediment to moving forward to better signage regulations, rather than a step forward. Councilmember Ireland responded that his concern was that people would consider this enough, and not make any effort to do more.

Mayor Jackson said she would like to address those concerns when business owners ask for the changes Councilmember Ireland is requesting.

Councilmember Painter asked what would enable the City to move forward with a better solution. Mayor Jackson said the problem is that the rights-of-way along major City streets are so wide that a sign would have to be billboard-sized to be visible.

*Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

17. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and Big Horse Inc. for the Pony Express Days Concert.

This item was presented by Special Events Director Angie Ferre. The proposed contract is with Chris Cagle for the 2012 Pony Express Days concert.

In Work Session, Ms. Ferre stated that concert expenses and ticket prices will be lower this year than last year.

Mayor Jackson said the City's goal is not to make money, but to break even. Sponsorships cover the expenses that exceed revenue.

Councilmember Ireland asked if the reduced cost level of the artist would affect the level of sponsorships. Ms. Ferre said it would not, but she wanted to lower the ticket prices to make them more affordable for families.

Councilmember Steinkopf said he appreciated the lower ticket price. Tickets get expensive for families having hard times. Ms. Ferre said the concert can be scaled down further if the City Council only wants to attract local families. If they want to bring in outside ticket buyers, there has to be a nationally-known act.

Councilmember Painter asked if concerts ever break even. Ms. Ferre said if they're run by an outside company, they do, but Eagle Mountain doesn't have the facility for that.

Councilmember Burnham asked if a permanent stage is a possibility for the City. Ms. Ferre said the City could buy a basic stage that would be suitable for local groups and add to it for larger events.

Councilmember Ireland asked if sponsors receive free tickets to events. Ms. Ferre said that \$10,000 sponsors get four tickets.

In Policy Session, Mayor Jackson said that the concert agreement is for \$20,000, with additional costs for staging and support services. The City budgeted \$35,000. Tickets will be \$7.00 each, and 3,000 tickets are expected to be sold. Mayor Jackson said that the City has received sponsorships to cover the difference between expenses and revenues.

Councilmember Painter asked why the City hired a \$20,000 artist if the budget was for \$35,000. Mayor Jackson responded that the artist the City wanted was unavailable. In searching for other artists, the City was looking for a family-friendly show. Several artists said they don't do family-friendly shows.

Councilmember Ireland stated that every ticket ought to be paid for, including City Council tickets, except the four tickets apiece for platinum sponsors.

**MOTION:** *Councilmember Steinkopf moved to approve an agreement with Big Horse, Inc. for the Pony Express Days concert, ticket prices to be \$7.00, with children two and under to be free. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Painter commented that the Council has been voting for items for Pony Express Days every year, despite the financial losses. He believed that all of these votes set a precedent to always sponsor these events. It becomes less and less likely that the City will ever cancel any part of Pony Express Days.

Mayor Jackson responded that the City's vision statement stated that having a City celebration is important. Councilmember Painter said that he doesn't believe the residents know that their taxes subsidize these events.

Councilmember Ireland said it was important that the Council account for each event expense, so costs and revenues for each event can be evaluated. Ms. Ferre said that she met with City Finance Director Gordon Burt to break out the finances for each event.

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

18. BID AWARD – Consideration and Award of Bid to Bleachers International for Rental of Bleachers for the Pony Express Days Rodeo.

This item was removed from the agenda.

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

Councilmember Ireland  
No comment.

Councilmember Burnham  
No comment.

Councilmember Steinkopf  
Councilmember Steinkopf encouraged everyone to attend the Library open house on Monday. He reported that the Youth Council is preparing for Pony Express Days.

Councilmember Painter  
No comment.

Councilmember Ochsenhirt  
Councilmember Ochsenhirt thanked the Council for letting him be part of the process by phone, since he's out of town.

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.

None.

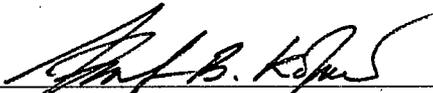
21. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

22. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:27 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MARCH 6, 2012



Fionnuala B. Kofoed, CMC  
City Recorder



MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 6, 2012

**Work Session 5:45 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 \*\**

**5:45 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Jason Walker, Human Resources Coordinator; Ikani Taumoepeau, Management Analyst; Steve Mumford, Planning Director; Gordon Burt, City Treasurer; Dave Norman, Assistant Public Works Director; Angie Ferre, Special Events Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
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, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:47 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Gordon Burt, City Treasurer; Dave Norman, Assistant Public Works Director; Angie Ferre,

Special Events Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

4. CALL TO ORDER

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

5. PLEDGE OF ALLEGIANCE

Girl Scout Troops 2316 and 2319 presented the flag ceremony.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Joint Land Use Study Public Meeting** – An open house to receive public input on the Camp Williams Joint Land Use Study (JLUS) will be held tomorrow from 6:00 to 8:00 p.m. at the Saratoga Springs City Hall. The presentation of compatibility issues will describe the conditions that affect both the installation and the community such as noise, light and glare, dust and land use.
- **Demolition Training** – Camp Williams will be conducting demolition training this week through Friday, March 9. Residents should be aware of the possibility of loud noise in the area.
- **Caucus Meetings** – The Democratic caucus meeting will be held on Tuesday, March 13 at 6:30 p.m. at American Fork Jr. High School. The Republican caucus meeting will be held on Thursday, March 15 at 7:00 p.m. at Vista Heights Middle School. All Eagle Mountain residents attend at Vista Heights except for Eagle Mountain precinct 9. More information is available on the City website.
- **Youth Bowling** – The City has partnered with Jack & Jill Bowling in Lehi to offer a Youth Bowling instruction program. Registration is open through March 23. Information and online registration is available on the City website.
- **Pony Express Days Concert & Fireworks** – Country music artist Chris Cagle will headline the 14th annual Pony Express Days closing concert and fireworks. The concert will be held on Saturday, June 2 at SilverLake Amphitheater. Tickets are \$7 pre-sale and \$10 at the door. Children ages 2 and under are free. Charley Jenkins will be the opening act.

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

None.

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

Councilmember Painter

Councilmember Painter thanked everyone who came to the meeting. He told the audience that the City is in the budget process and invited residents to attend the budget meetings. The meetings were opened to the public and residents could give their input on the budget. Public involvement helps the Council understand the resident's priorities and how they want their tax dollars spent.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone who came to the meeting. He read part of a letter given to him by some residents. The letter asked how the fossils located near Kiowa Valley can be better protected. Many are being chipped out of the rock and taken away. Councilmember Ochsenhirt said that, since the fossils are on private property, the City can't do anything directly. He encouraged residents and the youth to help keep the fossils safe.

Councilmember Ireland

Councilmember Ireland stated that the girl scouts are learning from a young age how to serve. He encouraged all the young people in the audience (mostly Girl Scouts) to continue to serve their friends and communities throughout their lives. It was important to always stay involved and help each other out.

Councilmember Burnham

Councilmember Burnham thanked everyone for being at the meeting. She said she learned a great deal when she was a Girl Scout. Councilmember Burnham noted that the Utah County website has information on where and when political party caucuses are being held.

Councilmember Steinkopf

Councilmember Steinkopf thanked everyone for being at the meeting. He encouraged the Girl Scouts to follow what their leaders teach them and to be strong.

Mayor Jackson

Mayor Jackson attended the RADKids graduation at Ranches Academy. She was inspired by the youth she saw participating in the program.

9. PROCLAMATION – Proclaiming March 12, 2012 as Girl Scout Day in Eagle Mountain City.

Ashley Picard of the Girl Scouts of Utah thanked the Mayor and Council for showing their support to the Girl Scouts.

Mayor Jackson read the proclamation, then invited all the Girl Scouts present to come forward for a group picture with the Mayor and City Council.

**MOTION:** *Councilmember Burnham moved to adopt a proclamation designating March 12, 2012, Girl Scout Day. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**CONSENT AGENDA**

10. MINUTES

A. February 21, 2012 – Regular City Council Meeting

11. FINAL PLATS

A. Eagle Point Townhomes, Plats A & B

B. Eagle Point Townhomes, Road Dedication Plat

Councilmember Ireland requested that the minutes be corrected to show that Councilmember Steinkopf made the motion to approve the sign ordinance.

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

## **SCHEDULED ITEMS**

12. BID AWARD – Consideration and Award of Bid for Rental of Bleachers for the Pony Express Days Rodeo.

This item was presented by City Administrator John Hendrickson. The proposed bid is for temporary seating for the Pony Express Days Rodeo. The bleachers will seat approximately 3,000 people.

During Work Session, Mr. Hendrickson explained the details of the bids, which were opened yesterday. He recommended that the Council accept the bid from T & B Equipment Company.

Councilmember Ochsenhirt asked whether the City has the option of buying the bleachers. Mr. Hendrickson said the bidders would consider that. The City does need to make a decision, because the bidders need to schedule their projects. Councilmember Painter asked how many people have attended the rodeo in the past. Mr. Hendrickson explained the last two years' attendance stating that the highest was between 2800 and 2900 people. Discussion ensued as to how many seats the City should rent, and also whether the City should purchase the bleachers.

During Policy Session, Councilmember Ochsenhirt asked if any of the bidders gave the City a time limit as to when they would credit the rental costs toward the purchase price if the City decided to purchase the bleachers. Mr. Hendrickson said they had not, but they would need to know as soon as possible, certainly by the time they were ready to take remove them.

**MOTION:** *Councilmember Burnham moved to award a bid to T & B Equipment Company for rental of bleachers for the Pony Express Days Rodeo in the amount of \$57,808. Councilmember Steinkopf seconded the motion.*

Councilmember Ochsenhirt asked if the City would consider spending less, even though the per-seat cost would be higher, to award the bid to Southeastern Seating.

Councilmember Painter was concerned that the ticket price for the rodeo is less than half of what it costs to rent the seats.

Councilmember Burnham reminded everyone that sponsors help with costs.

Mayor Jackson said that in next year's budget, only \$55,000 is budgeted to subsidize Pony Express Days, rather than the \$80,000 initially considered. She felt that the City is going in the right direction by spending less to subsidize Pony Express Days.

Councilmember Ireland said that the Council is responsible to the taxpayers to spend their money wisely. He wondered if a rodeo is a good use of taxpayer money.

Councilmember Ochsenhirt reiterated his previous question: Would the Southeastern Seating bid be better for the City? It would save the City approximately \$1500.

Mayor Jackson asked Councilmember Ochsenhirt if he would like to make a substitute motion.

Discussion ensued as to whether the Council could adjust the bids to fewer than the 3000 seats that were requested in the RFP. Councilmember Painter thought that 3000 seats was too high and wanted to rent fewer seats. Mr. Hendrickson stated that the bid was for 3000 seats. He was concerned that if they changed the numbers for the net seating it would necessitate a new bid. A decision needed to be made soon to insure that the seating would be available and the vendor could plan appropriately for the event.

**SUBSTITUTE MOTION:** *Councilmember Ochsenhirt moved to award a bid to Southeastern Seating for rental of bleachers in the amount of \$56,340. As there was no second, the motion failed.*

Councilmember Steinkopf asked if the City could award the bid to T & B based on the cost per seat, but for a lower number of seats. Mr. Hendrickson said he would be willing to ask T & B about that.

Councilmember Burnham pointed out that if T & B didn't accept the reduction, the City would have no seats and might not be able to get any.

**VOTE ON ORIGINAL MOTION:** *Those voting aye: Donna Burnham, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Ryan Ireland and John Painter. The motion passed with a vote of 3:2.*

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

This item was presented by Building Official Kent Partridge. The proposed amendment to the Consolidated Fee Schedule reduces the fee for residential plan reviews. The Building Department reviewed the plan check fee and has determined that the fee can be lowered and still offset the City's costs. The plan review fee has been 65% of the building permit fee. Staff believes that 25% of the permit fee would offset the City's costs.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of the City Council of Eagle Mountain, Utah, amending the Consolidated Fee Schedule to reduce the residential plan check fee to 25% of the permit fee. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland felt that the City shouldn't charge more for plan reviews than they cost the City.

Councilmember Ochsenhirt was concerned that City staff has no idea how many permits will come in, which will affect whether the 25% will cover the City's costs. If a lower than average number of building permits is issued, 25% will not cover the City's costs.

Discussion ensued as to whether the plan check fees should cover the time the employee spends checking plans or whether they should cover all of the employee's compensation. Councilmember

Painter was concerned that the employee's time spent on code enforcement is not paid for by fines. Mayor Jackson responded that code enforcement provides benefits that are not related to revenue.

Councilmember Steinkopf questioned whether 25% would continue to cover the City's costs over several years, as it is much harder to raise fees than reduce them.

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

14. MOTION – Consideration and Approval of a Grant for EDCUtah's Community Match Grant Program.

This item was presented by Economic Development Director Ifo Pili. EDCUtah's Community Match Program is a statewide initiative that allocates funding in support of specific economic development efforts. The program offers grants in three areas: Marketing Match Grant; Sponsorship Match Grant; and Professional Development Assistance Match Grant. The proposed match is \$2,500. The City is applying for the grant for consulting to apply for larger grants.

Councilmember Burnham asked where EDCU's grant money comes from. Mayor Jackson responded that it comes from the annual EDCU golf tournament held to raise money for grants. EDCU grants are intended to be used for economic development.

**MOTION:** *Councilmember Steinkopf moved to approve a match for EDCUtah's Community Match Grant Program in the amount of \$2,500. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. 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  
No comment.

Councilmember Ireland  
No comment.

Councilmember Burnham  
Councilmember Burnham reported that she asked the Parks and Recreation Advisory Board to create a list of projects they would like the City to consider this year. She will report on that to the City Council at the next meeting.

Councilmember Steinkopf  
No comment.

Councilmember Painter  
Councilmember Painter asked if there is a process in place to change an earlier vote. Mayor Jackson and Mr. Kinghorn explained the parliamentary procedure involved.

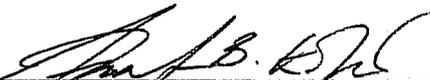
Mayor Jackson

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

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:40 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MARCH 20, 2012

  
\_\_\_\_\_  
Fionnuala B. Kofoed, CMC  
City Recorder



MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 20, 2012

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, Ryan Ireland, Nathan Ochsenhirt (arrived at 4:27 p.m.), John Painter and Richard Steinkopf.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Jason Walker, Human Resources Coordinator; Steve Mumford, Planning Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; John Mulder, Deputy.

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

1. PRESENTATION – Tenaska Natural Gas Power Generation Plant

Jim Williams and John Hupf of Tenaska presented the company's proposal to build a natural gas power plant south of the wastewater treatment plant. Tenaska plants are designed to create as little noise as possible. The one in Eagle Mountain will not disturb occupants of adjoining properties.

2. DISCUSSION – Electrical Power Rates

Adam Ferre, Energy Division Manager, discussed pass-through increases in generation and transmission costs imposed on the City. Eagle Mountain purchases power from PacifiCorp through UMPA. The City's current transmission rate is \$1.77 per megawatt hour. The rate is expected to increase to approximately \$2.70. Sawvel and Associates is currently evaluating the City's power rates and will take this information into account. Sawvel's evaluation should be complete by the end of April. The results of the study will be presented to the Public Works Board and then to the City Council.

The City is in the process of evaluating all of its utility rates. All of these studies will most likely be completed in late April.

Councilmember Painter asked how the City can recoup the losses incurred by delaying a rate increase until all the rate studies are completed. Mr. Ferre responded that Sawvel will include an additional percentage in its evaluation.

3. DISCUSSION – Water Rate Study

Public Works Director Chris Trusty, along with Tom Rose and Cody Deeter of Lewis Young Robertson and Burningham, discussed the water rate study. The Capital Facilities Plan and various growth projections have been evaluated, yielding several possible growth rate scenarios. The analysis has been reviewed with applicable City, administrators and the Public Works Board.

Lewis Young took fixed-expense line items and capital facilities projects, plus the CWP water take-down schedule and the annual reservation fee provided for in the CWP agreement. The take-down of CWP water is the biggest financial issue in future infrastructure growth. Outstanding bonds are also an issue. The City needs to keep enough unallocated cash on hand to cover debt payments, plus 25% to 50% additional. There should also be 360 days of operating cash on hand.

The low-growth scenario would probably require a \$250-per-connection monthly charge to each resident after the water is taken down in full. Expected growth would require a \$45-per-connection fee. Expected growth with an industrial user would be closer to a \$2-per-connection increase.

Combining realistic expected growth with taking down water only as needed, rate increases would be about 3% to 3.5% per year.

Councilmember Painter asked if these numbers included the City's current rates. Mr. Deeter said they include all except for the tiered water rate.

Councilmember Painter also asked if any of the analysis took into account not taking down any water. Mr. Deeter said it did not, but those numbers could be provided.

Councilmember Ireland asked if the City would hold open houses, followed by a Public Works Board review, before the Council reviews this study again. Mayor Jackson said it would.

4. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
5. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

None.

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

**MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation; the purchase, lease or exchange of real property, and the professional competence of an individual pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. 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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Jason Walker, Human Resources Coordinator; Steve Mumford, Planning Director; Gordon Burt, City Treasurer; Chris Trusty, Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; John Mulder, Deputy.

### 7. CALL TO ORDER

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

### 8. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1250 presented the flag ceremony.

### 9. INFORMATION ITEMS/UPCOMING EVENTS

- **City Offices Closed** – The Eagle Mountain City offices will be closed from 9:00 a.m. to 1:30 p.m. on Thursday, March 22 for mandatory staff training, with the exception of on-duty Fire Department personnel. The City Library will be closed all day on March 22, but will offer extended hours on Friday, March 23 from 10 a.m. to 6:30 p.m. Public Works and Energy Department employees will still respond if needed for a utility emergency.
- **Community Safety Program Meeting** – On Thursday, March 22 at 6:30 p.m., a Community Safety Program meeting will be held at Fire Station #2 in The Ranches. This program includes Neighborhood Watch and the Community Emergency Response Team. Anyone interested in being involved is welcome to attend the meeting. There is more information in the Events section of the City website.
- **Seniors' Activity – Ballroom Dance Performance:** BYU Ballroom Dancers will perform for the seniors' group (ages 55+) at Eagle Valley Elementary School on Monday, March 26 at 5:00 p.m. Admission is free.
- **Exceptional Kids Club Activity** – Eagle Mountain City welcomes special needs children of all ages in our community and their siblings to participate in our Exceptional Kids Club Activities. This month's activity will be carnival games with the Miss EM Royalty. The activity will be held on Tuesday, March 27 from 3:30 to 5:00 p.m. in the City Council chambers.
- **Easter Egg Hunt** – The Easter egg hunt will be Saturday, April 7 at Nolan Park, starting at 10:30 am SHARP! Plan on being there a little early because the eggs don't last long after the horn goes off. There are 3 different age categories and they are sectioned off. The event is sponsored by the Eagle Mountain Firefighters Association.
- **Miss Eagle Mountain Pageant** -- The 9th Annual Miss Eagle Mountain Scholarship Pageant will be held at Vista Heights Middle School on Saturday, April 7 at 7:00 PM. Tickets are \$5 and may be purchased on the City website, at City Hall during business hours, or at the door.
- **Pony Express Days** – Pony Express Days will be held May 25-June 2. Tickets are on sale now for the Pony Express Days Concert & Fireworks with Chris Cagle and Charley Jenkins, as well as the Demolition Derby and the Rodeo. Tickets may be purchased online via the City website, Pony Express Days page, or in person at City Hall during business hours.

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

Nikki Wickman, 2766 Fort Hill Road, read a statement regarding the Camp Williams Joint Land Use Study open house on March 7<sup>th</sup>. She stated that Col. Olson told her the road would never be built. She felt that the money spent on lobbying for this road ought to be spent on improving the quality of life in Eagle Mountain, thus attracting new residents. She also objected to the City's payments to Kassing Andrews for promoting the City.

Mayor Jackson responded that Col. Olson is retiring this month. His successor has spoken to the Mayor about how he could work with her to advance the project. She said she has not been to Washington, D.C., this fiscal year to lobby. She also stated that the City hasn't used Kassing Andrews since last year and only used billboards last year to promote Pony Express Days.

Rod Hess, 4577 Osprey Way, asked about traffic control along Pony Express Parkway during the sewer line construction project. Mayor Jackson responded that the City is not in control of the project; however, the City will try to work with the developer to minimize the delays.

Sam Allen, 1914 Juniper Drive, complimented the Building Dept. for the good experience he had working with them when he remodeled his basement. He asked why the City doesn't print its utility rates on its bills. He said that he analyzed his bills and found that he's paying 20% more than market rates. He felt that if the City can't provide power at market rates, it should sell the utilities and use the money to pay down the City's debt. He also objected to having current residents pay for water from the Central Water Project for the benefit of future developers. He also mentioned that his wife is a bronze artist and could have completed a fully-bronzed version of the Pony Express rider statue in the lobby for \$5,000, rather than the \$25,000 the City spent.

Mayor Jackson and Councilmember Ochsenhirt responded that the water contract is structured so that the City takes down water as needed and then pays for it. Current citizens will not pay for water to benefit future residents. Mayor Jackson also mentioned that the City has no potential buyer interested in the utility system.

Bryan Free, 7654 Red Kite Way, requested a town hall meeting on utility rates. Mayor Jackson said that a town hall meeting is planned for after the rate studies are completed.

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

Councilmember Burnham

Councilmember Burnham congratulated the residents on the outstanding turnout at the political caucus meetings.

Councilmember Steinkopf

Councilmember Steinkopf congratulated the many Boy Scouts who attended tonight's meeting.

Councilmember Painter

Councilmember Painter mentioned that making public comments at these meetings can be difficult, and it can be difficult to be a Council member and hear some of the comments. However, the Council appreciates the comments.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone who came to the meeting this evening, especially the Boy Scouts. He appreciated receiving comments from residents. He was very excited to see so many citizens attended the caucuses. He reminded everyone to be careful of children playing outside.

Councilmember Ireland

Councilmember Ireland said he echoed all the other Councilmembers' comments. He appreciated those attending the meeting, especially the Scouts and their leaders, and encouraged them to participate and learn how City government runs.

Mayor Jackson

Mayor Jackson thanked everyone for attending the meeting.

**CONSENT AGENDA**

12. MINUTES

A. March 6, 2012 – Regular City Council Meeting

Mayor Jackson requested an amendment to the minutes clarifying that, while she said the \$55,000 allocation was to fund the rodeo, her intent was to say that it will fund Pony Express Days in general.

13. CHANGE ORDER

A. Change Order #1 – Horrocks, Capital Facilities Plan

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

**SCHEDULED ITEMS**

14. MOTION – Consideration and Approval of a Landscape Design for Bobby Wren Trailhead.

This item was presented by Public Works Director Chris Trusty. It was originally proposed to the City Council by the Parks and Recreation Advisory Board and is high on their priority list. The area is currently an eyesore and the Board would like it made attractive. The project was tabled at the February 21, 2012 City Council meeting and sent back to the Parks and Recreation Advisory Board for additional consultation. Since that meeting, City staff has redesigned the trailhead to accommodate future additional parking. Staff also set a phased improvement schedule for the overall project, and added cost projections so that timing of the project could be planned. The trailhead is located at the southwest corner of the intersection of Pony Express Parkway and Bobby Wren Boulevard.

Mayor Jackson reported that UTA will discontinue the City's express bus service to Salt Lake once the Frontrunner line is completed at the end of the year. Instead, there will be bus service to the Frontrunner station.

Bryan Free, a member of the Parks and Recreation Advisory Board, stated that the Board has received a number of complaints about unfinished parks projects in City Center. They determined that it would be best to work "from the outside in," completing those along the outer edge of City Center first. The Board felt that the space would be better used as a park area than as a bus parking area.

Oliver Brown, another member of the Parks and Recreation Board, added that the Chair of the Board, Mark Trotter, recommended that the project be completed because of the poor appearance of the entrance to City Center.

Councilmember Painter was concerned that the project was being seen as a future bus stop. He would rather wait and plan around that. Other than that, the price is very high just to fix an eyesore. It isn't big enough to be an actual park.

Councilmember Burnham felt that, even if it becomes a bus stop, it was never intended to be a park-and-ride site, but rather a spot for people to walk to in order to catch the bus. Her concern was that the City created an eyesore when the road was moved, and the residents of Eagle Park aren't happy the City hasn't improved it.

Councilmember Steinkopf said he still sees it as a potential trailhead and he would like to see it be an attractive one.

Councilmember Ireland was concerned that, if the City moves ahead with phase 1, use as a bus stop would require tearing out part of the work.

Councilmember Ochsenhirt said he would like to know what this trailhead is going to look like before construction begins. He would be in favor of committing to a final plan or rolling the allocated funds over to next year.

**MOTION:** *Councilmember Painter moved to not approve the Parks and Recreation Board's recommendation for improvements to the southwest corner of Pony Express Parkway and Bobby Wren Boulevard. Councilmember Ireland seconded the motion.*

Councilmember Ochsenhirt asked whether Councilmember Painter's intent was to kill the project or allow more time for planning. Councilmember Painter responded that he would like additional planning.

Discussion ensued on the design of the trailhead and the best use of the funds. It was agreed that the money allocated should remain tied to this project, whether it is completed during this fiscal year or next.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter. Those voting no: Richard Steinkopf. The motion passed with a vote of 4:1.*

Mayor Jackson emphasized that the Council appreciates the Parks and Recreation Board's work on this project.

15. A. Consideration and Motion to Classify a “Separation Agreement and Release” under the Provisions of Title 63G-2-302(d) as a “Private Record”, and under Title 63G-2-305(25) as a “Protected Record”.

The Administration has negotiated a separation agreement based on a closed session held by the City Council. The agreement should be classified as both a private and protected record under statutes cited in the motions.

**MOTION:** *Councilmember Burnham moved to classify a “Separation Agreement and Release” under the provisions of Title 63G-2-302(d) as a “Private Record”, and under Title 63G-2-305(25) as a “Protected Record”. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

- B. Consideration and Approval of a Classified “Separation Agreement and Release”.

**MOTION:** *Councilmember Ochsenhirt moved to approve a classified “Separation Agreement and Release”. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration and Approval of an Employment Contract for the Position of City Administrator.

This item was presented by Mayor Jackson. Mr. Hendrickson has decided to retire on or before July 1. Mayor Jackson recommends that Ifo Pili, Assistant City Administrator, be contracted to fill the position of City Administrator when Mr. Hendrickson retires. The proposed agreement will take effect upon the retirement of Mr. Hendrickson.

Mayor Jackson read an email from former Councilmember Eric Cieslak, expressing appreciation for Mr. Hendrickson and confidence in Mr. Pili.

**MOTION:** *Councilmember Ochsenhirt moved to approve an employment contract for the position of City Administrator, as amended. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

Councilmember Steinkopf

No comment.

Councilmember Painter

Councilmember Painter clarified that the City Council will reclassify the private/protected record referenced in item 15 as a public record at the termination of the individual’s employment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt was excited to see the changes coming to the City. He expressed appreciation for both Mr. Hendrickson and Mr. Pili.

Councilmember Ireland

Councilmember Ireland was impressed that the Scouts were not only still at this meeting but still awake.

Councilmember Burnham

See board report.

Mayor Jackson

No comment.

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

Councilmember Burnham reported on projects the Parks and Recreation Advisory Board is interested in for the upcoming fiscal year. They brought up improving White Hills Park, off-highway vehicle trails, beautifying and improving the image of the City, having more large pavilions for groups to reserve, maintaining existing parks, building tennis and basketball courts, finishing Mid-Valley Park, adding trail connections, and constructing a fitness center. Long-term projects included a rodeo equestrian center and a trail from the rodeo grounds to Mid-Valley Park. At the meeting, they moved to recommend to the Council that they allocate money to improve and finish Pioneer Park, with the condition that any funding provided by the City be matched by the HOA.

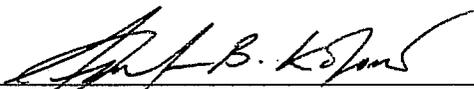
19. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

20. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:38 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON APRIL 3, 2012.

  
\_\_\_\_\_  
Fionnuala B. Kofoed, CMC  
City Recorder



MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 3, 2012

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt (arrived at 4:35 p.m.), John Painter and Richard Steinkopf.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Gordon Burt, City Treasurer; Paul Jerome, Senior Accountant; Jason Walker, Human Resources Coordinator; Michele Graves, City Librarian; Chris Trusty, Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

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

1. DISCUSSION – OHV Ordinance.

Management Analyst Ikani Taumoepeau discussed the history of off-highway vehicles (OHVs) in the City. They were banned from City streets in 2000. Since 2005, the City Council has discussed creating an OHV ordinance. Safety and legal use are the main concerns, because OHV accidents are not unusual, and riders frequently trespass on private land. They also ride illegally on public streets. City staff have talked to landowners and other stakeholders in an effort to create an ordinance that allows for safe, legal and well-managed OHV use.

Mayor Jackson invited Lt. Eric McDowell to speak. Councilmembers Burnham and Ireland asked questions about whether 14-year-olds could drive OHVs under certain circumstances. Lt. McDowell responded that it's safer to require drivers to be at least 16 years old while operating OHVs on City streets.

Mayor Jackson stated that BLM suggested that the City execute a three-way memorandum of understanding between BLM, the City and SITLA to govern OHV usage.

Councilmember Steinkopf suggested that the ordinance specify that OHVs will not be allowed on City sidewalks or pathways.

2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

3. DISCUSSION – FY 2012-2013 Budget.

The proposed preliminary budget for the FY 2013 General Fund was presented by Ifo Pili, Ikani Taumoepeau and Paul Jerome, based on the goals determined by the Council at the first budget

meeting. Mr. Taumoepeau explained the costs of various departments and what percentage of the total General Fund each department represents.

Personnel costs have been decreased through attrition. Road maintenance costs have been reduced. The fleet will be reduced by two vehicles (5 purchases vs. 3 surpluses). The City is subsidizing the Utility funds by approximately \$159,000.

Councilmember Painter had questions on several line items: Legislative Dept. items, Recorder's Office staff benefits, professional and technical services (codification), Executive Dept. personnel, Utility Billing personnel, the Joint Land Use Study grant, Recreation Dept. increases, Special Events Dept. personnel, the Demolition Derby, Library benefits, Non-departmental expenses, office employees' uniforms and clothing and the Communities That Care program.

Councilmember Ireland asked for a cost breakdown on revenue and expenses of the sports programs. Mayor Jackson said that breakdown has been instituted in the General Fund line items. Councilmember Ireland said he would like sports program revenues to cover their expenses.

Councilmember Ireland asked what the full-time Special Events employees do. Mayor Jackson described the events the City holds year-round. Councilmember Ireland asked for a breakdown of the costs of each special event.

Councilmember Painter asked about the \$3,500 travel and training budget for Special Events. Mayor Jackson explained that training and conferences are available for special events employees. Councilmember Painter stated that he thought youth recreation programs are critically more important than special events.

Councilmember Burnham requested that the Council adjourn into Closed Session and continue the budget discussion at the end of Policy Session.

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.

None.

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Senior Accountant; Chris Trusty, Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Rand Andrus, Fire Chief; Eric McDowell, Deputy.

### 6. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:20 p.m.

### 7. PLEDGE OF ALLEGIANCE

Councilmember Ochsenhirt led the Pledge of Allegiance.

### 8. INFORMATION ITEMS/UPCOMING EVENTS

- **Easter Egg Hunt** -- The Easter egg hunt will be held on Saturday, April 7 at Nolan Park, starting at 10:30 a.m. SHARP! There are three different age categories and they are sectioned off. The event is sponsored by the EM Firefighters Association.
- **Miss EM Pageant** -- The 9th Annual Miss Eagle Mountain Scholarship Pageant will be held at Vista Heights Middle School on Saturday, April 7 at 7:00 p.m.. Tickets are \$5 and may be purchased on the City website, at City Hall during business hours, or at the door.
- **Blood Battle Blood Drive** -- Horrocks Engineers is partnering with the American Red Cross for their annual community Blood Battle, a friendly contest among cities in northern Utah County to see who can donate the most blood. A donation site will be located in the Eagle Mountain City Council Chambers on Tuesday, April 10 from 10:00 a.m. to 3:00 p.m. A free t-shirt and refreshments will be provided for donors.
- **Great Utah Shakeout** – Eagle Mountain City will participate in the statewide earthquake exercise on Tuesday, April 17 beginning at 10:15 a.m.
- **Town Hall Meeting** – April is Alcohol Awareness Month and, as part of a nationwide campaign, Eagle Mountain and Saratoga Springs' Communities That Care coalition, SAMHSA, and Parents Empowered are hosting a Town Hall Meeting on Thursday, April 19th, at 7:00 p.m. at Vista Heights Middle School in Saratoga Springs. ALL parents and citizens are invited to attend.
- **Pony Express Days** – Pony Express Days will be held May 25-June 2. Tickets are on sale now for the Pony Express Days Concert & Fireworks with Chris Cagle and Charley Jenkins, as well as the Demolition Derby and Rodeo. Tickets may be purchased online via the City website, Pony Express Days page, or in person at City Hall during business hours.

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

None.

10. 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 Steinkopf

Councilmember Steinkopf said it's a pleasure to be here.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

No comment.

11. PRESENTATION – Military Munitions Response Program

Utah Army National Guard Environmental Manager Robert Price presented the status of the Military Munitions Response Program at Camp Williams.

12. PROCLAMATION – National Library Week April 8-14, 2012.

Mayor Jackson read the National Library Week proclamation.

**MOTION:** *Councilmember Burnham moved to approve a proclamation designating April 8-14, 2012, as National Library Week in Eagle Mountain. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

#### CONSENT AGENDA

13. MINUTES

A. March 20, 2012 – Regular City Council Meeting

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

## **SCHEDULED ITEMS**

14. MOTION – Consideration and Approval of the Utah County 2012 Municipal Recreation Grant Project.

This item was presented by Mayor Jackson. The Utah County Commission has determined the funding for the 2012 Municipal Recreation Grant Program, based on the 2010 State of Utah Official Census Data population estimates. Eagle Mountain has been allocated \$12,726, and the proposal is to use the funds to offset costs for a warm-up equestrian arena located at the rodeo grounds in the Pony Express Regional Park. All funds are available on a reimbursement basis.

During Work Session, Councilmember Painter asked whether the grant money would roll over if not used this year. Mayor Jackson explained that the City may apply to have it rolled over for up to three years, to a maximum of \$30,000. After three years, the City will lose the right to the funds.

Councilmember Ireland asked if the Parks and Recreation Advisory Board had discussed the use of this money. Mayor Jackson replied that they had not.

In Policy Session, Councilmember Painter asked if the City had regularly used these funds as part of the annual budget. Mayor Jackson said the City had not used the money annually, but sometimes rolled the money over to the next year.

**MOTION:**     *Councilmember Painter moved to approve the Utah County 2012 Municipal Recreation Grant in the amount of \$12,726.00. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland was concerned that the grant was going to be used for rodeo grounds. He had no information on what events might come to the City to use this facility, how much revenue year-round use of the facility would provide, and what future costs would be required. He wanted to know what negative effects would be caused by the public facility's competition with private arenas. He was also concerned that it would only reduce the annual losses to the City, without breaking even. He felt there were too many assumptions contained in this item and the two following items.

Mayor Jackson replied that there are no double-arena facilities in the area that this arena would compete with. She did not have a specific dollar figure regarding how much revenue the arena would bring in, but Bob Hansen, who is acting as project manager, estimates that it will bring in up to \$3,000 per month during the months the arena can be used.

*Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

15. BID AWARD – Consideration and Award of Bid to Powder River for the Construction of an Equestrian Arena.

This item was presented by Mayor Jackson. The proposed bid is for the construction of a warm-up equestrian arena at the Pony Express Regional Park. The lowest bid came from Powder River in

the amount of \$7,822.00, including delivery.

**MOTION:** *Councilmember Steinkopf moved to award a bid to Powder River for the construction of an equestrian arena in the amount of \$7,822.00. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ochsenhirt wanted this item to be considered by the Parks and Recreation Advisory Board before the Council votes on it. He was also uncomfortable with spending money on the rodeo, since the City has lost money on it.

Mayor Jackson made a distinction between the rodeo and the rodeo facility.

Councilmember Burnham asked how the City could rent out the facility without bleachers. Mayor Jackson said most of the attendees would be participants or their families and will bring their own chairs.

Councilmember Burnham asked what would happen if the City decided not to hold the rodeo. What would the resale value be? Mayor Jackson said the figures weren't available, but the City would probably get more than 50% of the initial cost. Mr. Ferre said the price of steel has been going up, so the price the City has been quoted is very good.

*Those voting aye: Richard Steinkopf. Those voting no: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, and John Painter. The motion failed with a vote of 1:4.*

Councilmembers asked what options are available, since the grant has been approved but the project has not. City Recorder Finn Kofoed responded that the funds could be rolled over or she could call the County tomorrow and see if they would consider another project with this approval.

There was discussion about how to proceed, according to parliamentary procedure. Ms. Kofoed said that the intent of the grant is to fund the reimbursement, but she didn't feel that the project itself is the primary issue. The County needed to know that that Council supported expending the funds and submitting for a reimbursement.

Councilmember Painter asked how the money could be rolled over. Ms. Kofoed said that all it required was an email to the County requesting that the funds be rolled over. A motion to reconsider or rescind the approval of the grant could be voted on at the next meeting. Another option was to approve a different project at the next Council meeting.

16. AGREEMENT – Consideration and Approval of a Ground Lease and Option to Purchase Agreement between Eagle Mountain City and SITLA.

The proposed Ground Lease and Option to Purchase Agreement is for property located south of the rodeo grounds in the Pony Express Regional Park. According to the terms of the agreement, the property may be used for the following: parking area for rodeo contestants and livestock trailers; public parking area for events; a holding and/or bedding down area for livestock; and rodeo seating area.

During Work Session, Mayor Jackson invited Elise Erler of SITLA to speak. Ms. Erler explained that the option to purchase, as now written, can be exercised at the end of the five-year contract

period. SITLA is willing to change that language to allow the City to exercise the option to purchase at any time during the contract period.

Councilmember Ochsenhirt asked what the purchase price would be. Ms. Erler responded that the price would be based on an appraisal made at the time of purchase. He also wanted to know why the City would pay rent on property it intends to purchase. Mayor Jackson replied that the City doesn't want to buy the land during this fiscal year.

Ms. Erler stated that SITLA is very concerned about environmental degradation, so the contract requires a \$5,000 reclamation bond to ensure that the land is restored to its pre-lease condition if the City chooses not to buy the land.

Since the arena project was not approved, the ground lease with SITLA is unnecessary. However, Mayor Jackson suggested that the ground be leased for rodeo parking, since the current parking situation is unsafe.

During Policy Session, Councilmember Steinkopf asked if there would be any advantage to tabling the item. Mayor Jackson replied that she didn't think so.

**MOTION:** *Councilmember Ireland moved to not approve the ground lease agreement with SITLA. Councilmember Painter seconded the motion. Those voting aye: Ryan Ireland, Nathan Ochsenhirt and John Painter. Those voting no: Donna Burnham and Richard Steinkopf. The motion passed with a vote of 3:2.*

17. MOTION

- A. Consideration and Approval of an Amendment of Lots 40-45 of Cedar Trail Village, Phase I.
- B. Consideration and Approval of an Amendment of Lots 16-22 of Pioneer Addition, Phase II.

The City Council approved the disposal of open space in Cedar Trail Villages, Phase 1 and Pioneer Addition Phase II, in 2011. Because of some complications regarding the previous process that the City used for land disposal, staff recommends that the City Council amend the plats for the specific lots that will acquire additional square footage with the disposal of the open space.

**MOTION:** *Councilmember Ireland moved to approve amendments to lots 40-45 of Cedar Trail Village, Phase I and lots 16-22 of Pioneer Addition, Phase II, subject to the conditions called for in the staff report. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The conditions in the staff report are as follows:

1. The asphalt along the trail shall be removed prior to the recordation of any deeds or record of survey, and only after the residents have paid for the property being disposed of by the City.
2. The purchase price shall be based on the City's typical standards, and that any other purchase costs shall be shared by the group.
3. All thirteen (13) property owners shall participate and purchase their portion of disposable

open space identified on the record of survey. (No remnant parcels shall remain.)

4. All transactions shall be made prior to the recordation of any deeds or record of survey.

18. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Construction Standards and Specifications for Public Improvements.

The amendment to the Eagle Mountain Construction Standards and Specifications for Public Improvements requires contractors to excavate and install their own electrical service conduit and pull rope. With this change, the Energy Department will be responsible to excavate and install the gas laterals and electrical service wire. Previously, the City contracted with Tempest Enterprises, Inc. for this service but the contract was cancelled at the contractor's request as they determined that it is not cost effective for them to continue this service.

City staff researched other cities, and found that other cities commonly have the home builder dig the electrical trench and install the conduit. The city then inspects, the home builder backfills the trench and the utility comes and pulls the wire. Gas companies normally dig the trench, install the gas line and backfill the trench.

Mr. Ferre said that he would put together a request for bids for a back-up contract for installation of gas laterals, in case there are times when the City's small Gas Department staff is unable to dig trenches when they're requested to.

**MOTION:** *Councilmember Painter moved to adopt an ordinance amending the Construction Standards and Specifications for public improvements. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

This item was presented by Energy Division Director Adam Ferre. The Tempest contract for power and gas laterals for new homes has been canceled at the request of Tempest Enterprises, Inc. With the proposed changes to how gas and electric service laterals are installed, the Consolidated Fee Schedule needs to be amended to reflect the actual cost. The electrical connection fee will be lowered from \$989.10 to \$654.16, and the gas connection fee will be raised from \$1167.96 to \$1502.90. The sum total of the gas and electric connection fees will remain unchanged at \$2157.06 but will reflect the true cost.

**MOTION:** *Councilmember Painter moved to adopt a resolution amending the Consolidated Fee Schedule. Councilmember Ochsenhirt seconded the motion.*

Councilmember Painter appreciated that the agenda summary explaining this change specified that the fee changes reflect actual costs.

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

20. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and the Lehi Area Chamber of Commerce for the Management and Maintenance of Off-premise Ladder Signs in Eagle Mountain City.

This item was presented by Planning Director Steve Mumford. The Lehi Area Chamber of Commerce is proposing an agreement that allows the Chamber to manage and maintain ladder signs in the City rights-of-way. The signs will be repaired, painted, and improved by the Chamber. Businesses, not-for-profit entities, developers, and others will rent sign space from the Chamber.

During Work Session, Councilmember Ireland asked if local businesses would have first priority for sign slats, even if an out-of-town Lehi Chamber business rented it for the previous year. Mr. Mumford said that the Chamber's agreement was written to give that preference to Eagle Mountain businesses.

Councilmember Painter asked what the cost to the City would be. Mr. Mumford said the City would pay for its own slats. Mr. Mumford calculated that the effect on the City's budget will be about \$5,000.

During Policy Session, Mayor Jackson invited Donna Milakovic, the Executive Director of the Lehi Area Chamber of Commerce, to answer questions about the proposed agreement.

Councilmember Ireland asked if the Chamber would be involved at all with the City-only signs. The City will install those ladder signs and slats, while the Chamber will repair and maintain them. The City will choose the number and locations for the City-only signs.

There is a thirty-day cancellation clause in the agreement, so if the agreement is not working for either party, it can be terminated. The intent is that the Chamber will work closely with staff.

Councilmember Steinkopf asked what rate businesses would be charged. Ms. Milakovic said that sign rental will be around \$540 annually -- \$35 per month per sign plus the set-up cost for each sign. Chamber members will not be charged the sign-up cost. Double-faced signs will cost closer to \$50 per month.

Ms. Milakovic said the Chamber will invite Eagle Mountain businesses to rent signs 90 days before other businesses will be invited. Councilmember Burnham asked what the City will do with the 15% of rental fees that it will receive. Mayor Jackson said it will go to the General Fund. The Council can determine where the money will be spent during each budget year.

**MOTION:** *Councilmember Painter moved to approve an agreement between Eagle Mountain City and the Lehi Area Chamber of Commerce for the management and maintenance of off-premise ladder signs in Eagle Mountain City. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Ireland expressed appreciation for Mr. Mumford's willingness to take time to meet with him and Councilmember Burnham on this issue.

21. AGREEMENT – Consideration and Approval of an Option to Purchase Real Property between Eagle Mountain City and Ten Thirty One Investments on behalf of Tenaska.

This item was presented by Assistant City Administrator Ifo Pili. The Agreement grants an option for Ten Thirty One Investments to purchase property from Eagle Mountain City to allow Tenaska to locate a natural gas power generation plant. The property is located south of the City's waste water treatment facility. The price would be \$80,000 an acre for approximately five acres.

During Work Session, Councilmember Ochsenhirt asked if the purchase has been verified as a compatible use for the area. He also asked if the purchaser would have to purchase water rights separately. Mr. Pili said the answer to both questions is yes.

Councilmember Ochsenhirt asked if Ten Thirty One Investments could purchase the land and put any business they wanted to on it. Mr. Pili responded that the use would have to comply with the City's zoning regulations.

During Policy Session, Councilmember Ireland said he would like to tie the transaction to building a power plant.

**MOTION:** *Councilmember Ireland moved to approve an Option to Purchase Real Property between Eagle Mountain City and Ten Thirty One Investments, Inc., for the purpose of building a natural gas power generation facility. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

*The budget discussion was continued from Work Session.*

Mr. Pili described some sources from which to pay for needed but unfunded equipment. There are funds which owe money to the General Fund. There are also remaining FY 2012 balances in some funds.

Councilmember Painter asked if the remaining fund balances could be placed in the City's reserve fund. Mr. Pili said they could. The City's reserve is currently at approximately 9%. The maximum allowable amount is 18% of the total budget.

Councilmember Burnham asked about the market compensation study. She wanted to know if the City is overpaying or underpaying employees. She wasn't sure it was a good idea to do a market salary study if the City can't fund raises. Councilmember Ireland said that employees shouldn't be given a COLA raise until after the market study is done. Mr. Pili said a market raise is different from a COLA. A COLA is tied to the Consumer Price Index.

The budget document ended with lists of capital projects items. Mr. Pili asked the Councilmembers to rate the items they feel are the highest priorities.

Councilmember Painter suggested library shelves and tree replacements.

Councilmember Burnham recommended library shelving and the Pioneer Addition park improvements, but only if the HOA donates funds, as well, and if the project is completed.

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

None.

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

None.

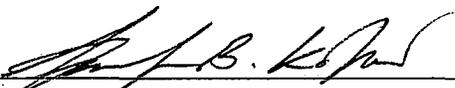
24. COMMUNICATION ITEMS

A. Upcoming Agenda Items

25. ADJOURNMENT

**MOTION:** *Councilmember Burnham moved to reconvene the Closed Executive Session at 8:53 p.m., and adjourn the Policy Session at the end of the Closed Session. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON APRIL 17, 2012.

  
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Fionndala B. Kofoed, CMC  
City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**April 17, 2012**

**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, John Painter and Richard Steinkopf. Councilmember Ochsenhirt was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Jeremy Cook, acting for City Attorney Jerry Kinghorn; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Senior Accountant; Jason Walker, Human Resources Coordinator; Chris Trusty, Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

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

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
2. DISCUSSION – FY 2012-2013 Budget, Enterprise Fund.

Treasurer presented the tentative budget for the enterprise funds. He expects the revenues over all enterprise funds will exceed expenditures by \$1M. The \$1M will go to fund balances.

Councilmember Painter questioned the doubling of the water equipment & supplies budget. Public Works Director explained that the City plans to upgrade the well maintenance procedures.

Councilmember Burnham asked why \$50,000 was budgeted for water meters. Mr. Hendrickson said it was for growth and for replacements.

Mayor Jackson explained changes in insurance costs.

Increases to the Capital Outlay fund are due to maintenance and remodeling for the Public Works and sewer buildings.

The Electric Fund has a deficit due to the most recent bond. Councilmember Ireland asked if the debt service listed in the Electric Fund covers all of the debt payments on the gas and electric bond. Mr. Hendrickson said that it only covers the electrical share.

Mr. Pili pointed out that the Gas Fund subsidizes the Electrical Fund somewhat. The City is currently doing a rate study to make the rates more accurate.

The Solid Waste Fund should transfer \$95,000 to the General Fund to cover funds owed to the General Fund.

The Storm Drain Fund will increase its transfer to the General Fund, which is closer to correct, but is still under-transferred.

Councilmember Burnham asked why materials, supplies and services seem to be underfunded. Mr. Jerome said the higher amounts were due to unexpected issues like flooding.

Councilmember Painter asked about administration charges. Mr. Jerome said the change was to reflect more accurate numbers.

Mr. Jerome will correct some errors that were found by the Council and will provide a corrected version to the Council.

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, Ryan Ireland, John Painter and Richard Steinkopf. 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, Ryan Ireland, Nathan Ochsenhirt (connected by telephone at 7:47 p.m.), John Painter and Richard Steinkopf.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Jeremy Cook, acting for City Attorney Jerry Kinghorn; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Senior Accountant; Jason Walker, Human Resources Coordinator; Chris Trusty, Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

#### 5. CALL TO ORDER

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

#### 6. PLEDGE OF ALLEGIANCE

Ashleigh O'Connor led the Pledge of Allegiance.

Mayor Jackson introduced the new Miss Eagle Mountain, McKilee Brunger; her first attendant, Ashleigh O'Connor; and second attendant, Lizzie Coltharp, who were crowned at the Miss Eagle

Mountain Pageant on April 7. McKilee introduced her platform, which is creating support for children and families affected by autism.

## 7. INFORMATION ITEMS/UPCOMING EVENTS

- **Town Hall Meeting** – April is Alcohol Awareness Month and, as part of a nationwide campaign, Eagle Mountain and Saratoga Springs' Communities That Care coalition, SAMHSA, and Parents Empowered are hosting a Town Hall Meeting on Thursday, April 19th, at 7:00 PM at Vista Heights Middle School in Saratoga Springs.
- **Spring Street Fair** – The Spring Street Fair was rescheduled due to an inclement weather forecast from last Saturday to this coming Saturday, April 21 from noon to 4 p.m. The fair will be located on Peregrine Road behind the Chevron.
- **Community Safety Program Meeting** -- A meeting will be held on Tuesday, April 24 at 6:30 p.m. at Fire Station #2 in The Ranches for members of the Community Safety Program and others who are interested in being involved. Topics include an after-action report for the Great Utah Shakeout earthquake exercise held on April 17.
- **Spring Cleaning Dumpsters** -- Dumpsters for yard and general waste will be available for the month of April. They are located by the Public Works building (2545 N. Pony Express Parkway - about 2 miles south of City Hall) in front of the wastewater treatment facility.
- **Pony Express Days** – Pony Express Days will be held May 25-June 2. Tickets are on sale now for the Pony Express Days Concert & Fireworks with Chris Cagle and Charley Jenkins, as well as the Demolition Derby and Rodeo. Tickets may be purchased online via the City website, Pony Express Days page, or in person at City Hall during business hours.

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

Sam Allen, 1914 Juniper Drive, was concerned about the lack of transparency in City financial reporting. He objected to the City mentioning Utah's low utility rates in its budget, when the City's costs are much higher. The fiscal year 2011 audit report was missing from the City's website. He questioned the fiscal year 2010 interfund transfer from the Utility Fund to the General Fund.

Mayor Jackson stated that the audit report had been filed with the State when it was due, and she would see that it was added to the website. She referred Mr. Allen to Assistant City Administrator Ifo Pili to discuss his other concerns.

David Benight, 3648 Scotsraig Drive, represented the Parks and Recreation Advisory Board. He spoke about the agenda item on the off-highway vehicle ordinance. He said that the Board has been working carefully on this issue for a year and a half. He thanked City staff for their assistance on the project and recommended the ordinance for approval.

Brandon Watters, 3965 Dodge Street, spoke about a park improvement project. The Porter's Crossing Park has a sand volleyball court which has become an eyesore and fills with water during rain storms. The HOA has spent several thousand dollars to address the problems. He asked that the City partner with the HOA to convert the volleyball court into a basketball court. The HOA will donate part of the funds for the project, which will cost a total of \$10-12K. About a dozen people in the audience were there to support this project.

Mayor Jackson referred Mr. Watters to the Parks and Recreation Advisory Board.

Toby Simmons, 1763 E. West Pinion Circle, introduced himself and said he was interested in being involved with the City. He asked why the City's utility rates are so high. He felt that if he has questions about City government, he should attend City Council meetings.

Mayor Jackson said that the City is studying utility rates right now and will hold a town hall meeting when the results of the study are available.

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

Councilmember Burnham

Councilmember Burnham thanked everyone who participated in the Great Utah ShakeOut, the statewide earthquake drill held earlier in the day. She appreciated the manner in which the budget was being discussed this year. Normally, it's been done in budget meetings, which are publicized but not as well-known as City Council meetings. This year, each section of the budget is being discussed in a City Council Work Session.

Councilmember Steinkopf

Councilmember Steinkopf appreciated the City's work on the ShakeOut. He also complimented the staff and residents for winning the annual Blood Battle blood drive sponsored by Horrocks Construction.

Councilmember Painter

Councilmember Painter recognized the Parks and Recreation Advisory Board for their efforts in developing the City's proposed off-highway vehicle ordinance. He hoped that the City will take the next step, which is emphasizing safety so that the ordinance doesn't have to be rescinded in the future.

Councilmember Ireland

Councilmember Ireland thanked those who made public comments. Public participation is crucial to City government. The budget preparation period is a particularly important time for public input.

Mayor Jackson

Mayor Jackson echoed the comments that were made. She appreciated residents who come to meetings regularly, pointing out Nikki Wickman, and know what's going on in City government.

10. PROCLAMATION – National Municipal Clerks Week, April 29-May 5, 2012.

Mayor Jackson read the Municipal Clerks Week proclamation.

**MOTION:** *Councilmember Painter moved to approve a proclamation designating April 29-May 5, 2012, as National Municipal Clerks Week in Eagle Mountain. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

11. APPOINTMENT – Interim City Treasurer.

Gordon Burt recently resigned as City Treasurer. Mayor Jackson recommended that Paul Jerome, who has been the City's Senior Accountant, be named Interim City Treasurer.

**MOTION:** *Councilmember Burnham moved to appoint Paul Jerome as Interim City Treasurer. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Mr. Jerome was not able to attend Policy Session. He'll receive the oath of office at a later date.

## CONSENT AGENDA

### 12. MINUTES

A. April 3, 2012 – Regular City Council Meeting.

During Work Session, Councilmember Steinkopf requested that his comments be amended to clarify that off-highway vehicles will not be allowed on sidewalks or pathways. It was also noted that Councilmember Ochsenhirt led the Pledge of Allegiance, not Councilmember Painter.

### 13. CHANGE ORDER

A. South Substation, Phase 1 Construction – Black and McDonald, Inc.

**MOTION:** *Councilmember Painter moved to approve the Consent Agenda, with the minutes as amended in Work Session. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

### 14. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending Chapter 2.45 of the Eagle Mountain City Municipal Code, Youth City Council.

The proposed amendment to the Municipal Code was requested by the Youth City Council. It changes the Youth City Council election date from November to June. The current code requires the outgoing Council to conduct the elections; however, some students leave for college and are not available to fulfill their responsibilities in November. This amendment would allow the outgoing Youth Council members to complete their duties before any seniors leave for college.

In Work Session, Councilmember Ireland asked how a June election would be publicized, since the students will be out of school. Mayor Jackson said it can be advertised during the last month of the school year and at the City information booth during Pony Express Days.

**MOTION:** *Councilmember Steinkopf moved to adopt an ordinance amending Chapter 2.45 of the Eagle Mountain City Municipal Code, Youth City Council. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

*Councilmember Ochsenhirt connected to the meeting by telephone at 7:47 p.m. Mayor Jackson allowed him to register a vote for item 14.*

15. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Amending the Eagle Mountain City Municipal Code, Chapter 5.05, Business Licenses.

This amendment changes the business license renewal date to the anniversary date of the license issuance rather than a June renewal for all licenses. The change will allow for renewals to be spread throughout the year, which will be more manageable and efficient on an administrative level. If current licensees wish to keep the June renewal date, they may.

**MOTION:** *Councilmember Painter moved to adopt an ordinance amending the Eagle Mountain City Municipal Code, Chapter 5.05, Business Licenses. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

The Consolidated Fee Schedule will be amended to incorporate the approved changes to the Business License renewal date. The business license fees will not change; however, the fee for the initial transition year will be prorated from July 1, 2012 to the anniversary date, unless the license holder prefers to remain with their original expiration date.

**MOTION:** *Councilmember Burnham moved to adopt a resolution amending the Consolidated Fee Schedule. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. BID AWARD – Consideration and Award of Bid to CO Building Systems for the Purchase of an 80' x 100' Steel Building.

The 80'x100' steel building bid is for the structural steel and insulation that are needed for the warehouse section of the new energy building. Typically, this type of structure is contracted separately from the rest of the project. Any structural steel that will be used in the office area is not considered part of a steel building and is therefore not part of this contract and will be presented for approval at a later date.

Councilmember Painter asked Energy Director Adam Ferre if this expense is part of those already budgeted. Mr. Ferre said it is.

**MOTION:** *Councilmember Painter moved to award a bid to CO Building Systems for the purchase of an 80' x 100' steel building in the amount of \$73,893.00 and authorize the Mayor to sign the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. MOTION – Consideration and Withdrawal of a Motion to Approve the 2012 Municipal Recreation Grant Project.

At its April 3, 2012 meeting, the City Council approved an application for County Recreation Grant funds for an equestrian warm-up arena at the Pony Express Regional Park. It has been proposed that the application be rescinded and the funds be rolled over to the 2013 budget year.

**MOTION:** *Councilmember Painter moved to withdraw a motion to approve the 2012 Municipal Recreation Grant project and request that those funds be rolled over until next year. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, for the Regulation and Operation of Off-Highway Vehicles in Eagle Mountain City.

Use of OHVs on City streets has been discussed for several years. The proposed ordinance will regulate the operation of off-highway vehicles on the streets and roads of Eagle Mountain City. The off-highway vehicles will be limited to operate on specific portions of paved trails and shall not be operated on SR 73; Ranches Parkway; Eagle Mountain Boulevard from the intersection of SR 73 to east right-of-way line of the intersection of Eagle Mountain Boulevard with Pony Express Parkway; and Pony Express Parkway. All persons operating off-highway vehicles on public streets or trails must have a valid Utah driver's license and shall not exceed twenty miles per hour. The ordinance will take effect on July 1.

Management Analyst Ikani Taumoepeau presented this item. Councilmember Ireland brought up the OHV crossing near the City Center roundabout. The Council decided to move the crossing slightly south to the access road to Overland Trails plat 3. The map of roads where OHVs are allowed will be slightly amended and returned to City Council.

Councilmember Steinkopf asked about access in the SilverLake/Kiowa Valley areas. Mr. Taumoepeau said City staff is working with landowners for access points.

Councilmember Steinkopf asked how OHV riders will know about the ordinance. Mr. Taumoepeau said notices could be placed in utility bills, the newsletter and the City website. Signage will also be installed before July 1.

Councilmember Painter asked if there would be an "OHV crossing" sign at each of the crossings. He was concerned about safety for not only OHV riders, but car drivers, as well. Mr. Taumoepeau said that would be a budget issue to be decided by the Council. Councilmember Ireland suggested that some of the City ladder sign slats could be used for OHV information.

Mayor Jackson discussed using the trail from Lone Tree to Hidden Hollow School on the south side of the road as an OHV trail. Mr. Taumoepeau said that issue has been postponed until a safe exit is determined.

Councilmember Ireland asked about crossings in White Hills. Discussion ensued, finally determining that the White Hills crossings should be reviewed by staff before the effective date of July 1.

**MOTION:** *Councilmember Ireland moved to adopt an ordinance for the regulation and operation of off-highway vehicles in Eagle Mountain City as amended during Work Session, with direction to staff to resolve the concerns in regard to the White Hills subdivision. Councilmember Painter seconded the motion.*

Councilmember Burnham thanked the City staff and Parks and Recreation Advisory Board for their hard work on this issue. Councilmember Ireland said he's spoken to several property owners, who complimented the staff on how well they worked with them on obtaining permission for off-highway vehicles on private property.

Councilmember Steinkopf asked if the ordinance should be amended to specify that off-highway vehicles will not be allowed on sidewalks. It was determined that the ordinance is sufficient as written. Councilmember Burnham reminded the Council that the ordinance doesn't apply to people plowing sidewalks.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. 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  
No comment.

Councilmember Steinkopf  
No comment.

Councilmember Painter  
No comment.

Councilmember Ochsenhirt  
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.

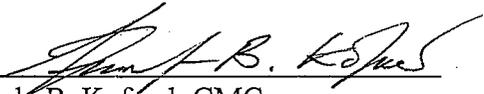
22. COMMUNICATION ITEMS  
A. Upcoming Agenda Items  
B. Financial Reports

23. ADJOURNMENT

**MOTION:**

*Councilmember Ochsenhirt moved to adjourn the meeting at 8:14 p.m. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON MAY 1, 2012.

  
\_\_\_\_\_  
Fionnuala B. Kofod, CMC  
City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 1, 2012

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, John Painter and Richard Steinkopf. Councilmember Ochsenhirt was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder ; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Interim City Treasurer; Jason Walker, Human Resources Director; Kenneth Kuaea, Management Intern; Chris Trusty, Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

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

1. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

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.

None.

2. 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, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:55 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. Councilmember Ochsenhirt was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; If Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Interim City Treasurer; Jason Walker, Human Resources Director; Kenneth Kuaea, Management Intern; Chris Trusty, Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

3. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:08 p.m.

4. PLEDGE OF ALLEGIANCE

Councilmember Burnham led the Pledge of Allegiance.

5. INFORMATION ITEMS/UPCOMING EVENTS

- **CPR Class** – There is space available in a CPR certification class offered by the Fire Department on Thursday, May 3 at Fire Station #2 in The Ranches. Cost is \$10. Contact Cpt. Conger to register (info on website).
- **Library Teen Activity** – On Friday, May 4th from 5:30 p.m. - 6:30 p.m. the Library will host a free demonstration for teens ages 12-18 by local photographer Holly Robinson.
- **Mid-Valley Park Baseball Fields Opening** – This Saturday, May 5, a brief opening ceremony will be held for the new baseball diamonds at Mid-Valley Park at 8:00 a.m. The Mayor will throw out the first pitch to kick off the scheduled games that day.
- **Youth Council Pre-election Meeting** - The Youth Council will hold a pre-election meeting on Thursday, May 17 at 4:30 p.m. in the Council Chambers to review the functions, goals and purpose of the Youth City Council. Individual youth interested in election to Youth Council office shall file a Statement of Candidacy at the pre-election meeting with the Youth Council Mayor. The election is scheduled on June 12.
- **Pony Express Days** – Pony Express Days will be held from May 25-June 2. Tickets are on sale now for the Pony Express Days Concert & Fireworks with Chris Cagle and Charley Jenkins, as well as the Demolition Derby and Rodeo. Tickets may be purchased online via the City website, Pony Express Days page, or in person at City Hall during business hours.

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

Sam Allen, 1914 Juniper Drive, commended the Council for their public service. However, he and his neighbors feel that the City government doesn't understand how hard it is for the residents to make ends meet, as shown by high utility rates and bloated personnel expenditures. He gave the Council copies of a report he wrote detailing how Eagle Mountain has not provided any documents to the transparent.utah.gov website, despite the legal obligation to do so.

7. 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 Steinkopf

Councilmember Steinkopf encouraged youth to run for election to the Youth City Council.

Councilmember Painter

Councilmember Painter expressed appreciation to the employees who put together the budget each year. They've done a very good job and every year the process becomes more clear and understandable.

Mayor Jackson

Mayor Jackson announced that Councilmember Ochsenhirt is excused because he is sick. She said the budget process has been more available to residents this year, with discussions being held during Work Sessions rather than at separate budget meetings. She also mentioned the Street Fair held last Saturday, which was more than double the size of previous Street Fairs.

**CONSENT AGENDA**

8. MINUTES

A. April 17, 2012 – Regular City Council Meeting:

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

**SCHEDULED ITEMS**

9. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Adopting the Eagle Mountain City Tentative Budget for Fiscal Year 2012-2013 and Setting a Public Hearing for Adoption of the Final Budget on June 19, 2012 at 7:00 P.M.

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. A copy of the preliminary budget is in the Recorder's Office for public review. The preliminary budget is a working document and will change before the final budget is approved.

The budget was discussed during Work Session as follows:

General Fund

Councilmember Ireland asked why the public hearing on the final budget is held at the same meeting in which the budget is approved, which prevents the Council from acting on any concerns the public might raise. The Council may hold a public hearing on an earlier date, as well as the required hearing on the date of the budget approval.

Interim City Treasurer Paul Jerome said that, at the moment, the General Fund has slightly higher revenue than expenditures. Councilmember Painter asked why the insufficient fees item was reported as revenue. Mr. Jerome explained that the City is charged fees when residents bounce

checks. The City recoups those fees from the residents and the amount is reported on the budget as revenue.

Councilmember Burnham stated that she liked the itemizations on page 4, which made it easier to track revenues and expenses.

Councilmember Painter asked about a letter the Council received about the State Liquor Fund allotment. Assistant City Administrator Ifo Pili said that he called the State and they are not ready to implement the program referred to in the letter. They'll send another when they're ready.

Mayor Jackson explained the calculations for the approved and projected budget amounts. Projected amounts are less accurate, because they are calculated from partial-year revenues, which don't come in evenly throughout the year.

Councilmember Steinkopf had a question about the Planning Department's professional and technical services line item. Mayor Jackson responded that the City has applied to MAG for a bicycle/pedestrian study. Eagle Mountain will contribute a small portion of the cost, while MAG will pay for the majority of the work.

In the Economic Development area, Councilmember Ireland asked what return on investment for its involvement in the ICSC (International Conference of Shopping Centers). Mr. Pili said that there has been very little actual return, so the City has reduced its involvement. It's not advisable to stop being involved entirely, as relationships have been established that may be useful to the City.

Councilmember Ireland asked what the Youth Council uses its allocation for. Mayor Jackson said much of the money is used for leadership training. Until now, it's been done through retreats. There's an annual youth leadership conference at Utah State University that they would like to begin attending. City Recorder Fionnuala Kofoed pointed out that the Youth Council does a great deal of work at Pony Express Days and helps with other City events. They also raise part of their own money. This year they are expected to raise \$2,000 of their \$5,000 budget.

Councilmember Painter wanted to know if the Recreation budget was increased because of officials' pay, which it is. Councilmember Ireland asked if the youth sports revenue and expenditures could be broken out by sport. Staff responded that will be done from now on.

Councilmember Painter asked what is covered by travel and training funds for the Special Events staff. Mayor Jackson responded that two staff members attend a conference for training on holding special events.

Councilmember Ireland asked why Saratoga's library is run entirely by volunteers and paid for by grants, but ours isn't. The response was that our library meets the standards for certification, which exceed what can be provided by volunteers and grants.

Councilmember Burnham asked if moving some expenses from departments to the non-departmental fund has saved money for the City. Mr. Jerome said that the office supply budget alone has saved the City a lot of money.

Councilmember Painter said that the spring cleanup dumpsters were not being emptied often enough. Mayor Jackson said that next year, perhaps the trash company can deliver extra dumpsters just before the weekends.

Councilmember Burnham asked how the City's lack of its own police force would affect the State Liquor Fund allotment. Mayor Jackson said that once the State specifies what it wants, the City will provide the information.

Councilmember Steinkopf said he doesn't see the Building Dept. wearing their budgeted city-paid clothing. Mayor Jackson said that they do.

Councilmember Steinkopf asked why professional and technical services expenditures for the Parks Department have increased dramatically. Public Works Director Chris Trusty responded that the City is having more weed killer applied and is maintaining more parks than it used to.

Councilmember Painter asked how the Fleet funds are distributed. Mr. Jerome said it's a capital item for the enterprise funds. When enterprise funds make fleet purchases, they transfer those amounts into the Fleet fund.

#### Enterprise Funds

Councilmember Ireland asked when the utility rate studies will be final and whether they will affect next year's budget. Mr. Hendrickson said next year's impact will depend on what the Council decides.

Councilmember Painter asked how the UAMPS fee is calculated. Energy Director Adam Ferre said it is based on the City's active power projects.

Councilmember Painter asked how the City sets natural gas rates. Mr. Ferre said it depends a lot on the market price and on the City's usage. Mr. Hendrickson pointed out that a gas rate study is on the agenda for this meeting.

Mayor Jackson said that the City's solid waste contractor has been very responsive to work with. There have been significantly fewer customer complaints since the change in providers.

Mayor Jackson pointed out the Pony Express Parkway Trail capital project. The City will contribute \$80,000 and received \$2.2 million. This will be a pedestrian path running from Plum Creek subdivision to Redwood Road. It is a joint project with Saratoga Springs which will require an interlocal agreement.

#### Debt Service

Mr. Jerome said that a small amount will have to be reallocated on the gas and electric revenue bonds to make the amounts balance.

Mr. Pili explained that part of the cost for increased health costs is paid for by the enterprise fund because of the administrative cost transfer.

**MOTION:** *Councilmember Ireland moved to adopt a resolution adopting the Eagle Mountain City tentative budget for Fiscal Year 2012-2013 and setting a public hearing on the final budget on May 15, 2012, at 7:00 p.m. Councilmember Steinkopf seconded the*

*motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The public hearing was scheduled for May 15<sup>th</sup>, 2012, which would allow the City Council to act on any issues or concerns that were raised by the public regarding the proposed FY 2012-2013 budget. The final budget will be adopted on June 19, 2012.

10. BID AWARD – Consideration and Award of Bid to Atlas Manufacturing for the Purchase of Structural Steel for the South Substation.

The proposed bid is for the purchase of structural steel that is necessary for the construction of the South Substation. The steel will be used to support the 138 kV busses.

**MOTION:** *Councilmember Steinkopf moved to award a bid to Atlas Manufacturing for the purchase of structural steel for the South Substation in the amount of \$121,868. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

11. BID AWARD – Consideration and Award of Bid to Codale Electric Supply for the Purchase of Eleven Potential Transformers and a 50 kVA Station Service Transformer for the South Substation.

The proposed bid is for the purchase of transformers that are needed for the construction of the South Substation.

Councilmember Painter asked what “kVA” means. Energy Director Adam Ferre said it’s a controller.

**MOTION:** *Councilmember Burnham moved to award a bid to Codale Electric Supply for the purchase of eleven potential transformers and a 50 kVA station service transformer for the South Substation in the amount of \$132,825. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

12. AGREEMENT – Consideration and Approval of a Professional Consulting Service Agreement with Sawvel and Associates for a Gas Cost of Service and Rate Study.

This agreement is for a third-party evaluation of the City’s gas system rates. The study will be conducted by Sawvel and Associates, who will conduct an evaluation of current operations, current cost of services and the City’s rates.

**MOTION:** *Councilmember Painter moved to approve a professional consulting service agreement with Sawvel and Associates for a gas cost of service and rate study and authorize the Mayor to execute the agreement. Councilmember Steinkopf seconded the motion.*

Councilmember Painter stated that this is another example of the City’s progress towards transparency. Third-party experts are being hired to evaluate gas rates with an expertise that no City employees have.

Mayor Jackson said that all of the utility rate studies will be presented to the City Council and the Public Works Board, as well as in town hall meetings with the public, before the Council makes any decision regarding rate changes.

*Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

Councilmember Steinkopf

Councilmember Steinkopf commended City staff for working hard to keep costs down for the City.

Councilmember Painter

Councilmember Painter commended the Boy Scouts in the audience for being here and working on their merit badges.

Councilmember Ireland

Councilmember Ireland – see liaison report.

Councilmember Burnham

Commissioner Burnham asked Mr. Pili, Mr. Walker, Mr. Hendrickson and Ms. Kofoed to read Sam Allen's report and be able to respond to the serious allegations it contains.

Mayor Jackson

No comment.

#### CITY ADMINISTRATOR INFORMATION

Mr. Hendrickson invited Planning Director Steve Mumford to provide information on Spring Run. Mr. Mumford invited Council members to visit the annexation site with him. In addition, the General Plan update process will utilize committees. Mr. Mumford hopes that each committee will consist of one City Council member, one Planning Commission member, a member of the relevant board or commission, and possibly interested residents.

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

Councilmember Ireland reported on last week's Planning Commission meeting. There were lots of public comments on the proposed Spring Run annexation and mining overlay zone. Animal rights will be discussed at the next meeting.

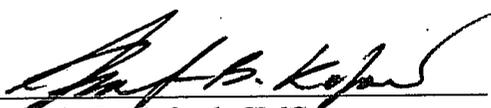
15. COMMUNICATION ITEMS  
A. Upcoming Agenda Items

16. 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, after which the City Council meeting will be adjourned. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 7:35 p.m. and the Council reconvened in a Closed Executive Session.

APPROVED BY THE CITY COUNCIL ON MAY 15, 2012.

  
\_\_\_\_\_  
Fiorhuala B. Kofoed, CMC  
City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**May 15, 2012**

**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, John Painter (arrived 4:38 p.m.) and Richard Steinkopf. Councilmember Ochsenhirt participated by telephone.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jeremy Cook, Acting for City Attorney Jerry Kinghorn; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ikani Taumoepeau, Management Analyst; Jason Walker, Human Resources Director; Steve Mumford, Planning Director; Paul Jerome, Interim City Treasurer; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

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

**1. DISCUSSION – Location of Snugz to Eagle Mountain City.**

Brandon Mackie presented information on Snugz, a promotional products company he owns, now located in Salt Lake City. The company employs 320 people. It makes products for trade shows, retail locations and exports many of the products to Canada.

Councilmember Painter asked Mr. Mackie to describe what benefit the company would bring to the City. Mr. Mackie responded that having a large employer close to where he and many of his employees live will be a benefit. Moving the company away from its current location will cause some attrition in the company and jobs will be open for local residents. The company will initially create about 75 new jobs. The facility will be about 120,000 square feet.

Mayor Jackson asked Mr. Mackie if the company would have any problems with being located near a mining operation. He said his manufacturing facility makes a lot of noise of its own, and has no customer traffic in and out of the building.

Mayor Jackson gave Mr. Mackie a letter of intent from the City and will finalize an agreement in the near future.

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

The meeting was adjourned at 5:59 p.m.

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

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. Nathan Ochsenhirt participated by telephone.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Jeremy Cook, Acting for City Attorney Jerry Kinghorn; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ikani Taumoepeau, Management Analyst; Jason Walker, Human Resources Director; Steve Mumford, Planning Director; Paul Jerome, Interim City Treasurer; Chris Trusty, Public Works Director; Dave Norman, Assistant Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

5. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:00 p.m.

6. PLEDGE OF ALLEGIANCE

Troop 1061 led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Youth Council Pre-election Meeting** – The Youth City Council will hold a pre-election meeting on Thursday, May 17 at 4:30 p.m. in the City Council chambers to review the functions, goals and purpose of the Youth City Council. Individual youth interested in election to Youth Council office shall file a Statement of Candidacy at the pre-election meeting with the Youth Council Mayor. The election is scheduled on June 12.
- **Pony Express Days** – Pony Express Days will be held May 25-June 2. Tickets are on sale now for the Pony Express Days Concert & Fireworks with Chris Cagle and Charley Jenkins, as well as the Demolition Derby and Rodeo. Tickets may be purchased online via the City website, Pony Express Days page, or in person at City Hall during business hours.
- **Foster Family Seminar** – Eagle Mountain City and Redwood Therapy and Youth Services are hosting a Foster Family Seminar on Wednesday, June 6 at 6:30 p.m. at City Hall. The seminar will include information on how a family can qualify to become foster parents, frequently asked questions on foster care and possibly a panel for questions and answers.

- **Pet Vaccine & Licensing Clinic** – On Saturday, June 16, 2012, the Utah County Sheriff's Department Animal Control will be hosting a Pet Vaccine and Licensing Clinic in Eagle Mountain at the City Center and the Ranches. This is an opportunity for Eagle Mountain residents to have the convenience of obtaining these vital and required services right here in our neighborhood.

The Clinic will be held from 10 a.m. to 12 p.m. at the City Center Fire Station located at 1680 Heritage Drive and from 1 p.m. to 3 p.m. at the Ranches Fire Station located at 3785 Pony Express Parkway. Dogs and cats will be vaccinated and dogs and cats can be licensed. A list of fees and other information is available on the City website under Events.

## 8. PUBLIC COMMENTS

Jennifer Hunt, 4096 Parker's Place, thanked the Mayor and Council and said they are doing a great job. She said that the Porter's Crossing residents are determined to see the Porter's Crossing Park basketball court improvements completed. The park will serve older children, who are underserved by City parks. The bids came in higher than the group expected. She gave copies of the bids to City Recorder Fionnuala Kofoed for distribution to the Mayor and Council. The HOA has donated \$3,000 to the project.

Councilmember Burnham, liaison to the Parks and Recreation Board, reported that the Parks and Recreation Board voted to recommend that the City donate half of the cost to the project, up to \$7,000. The other half will need to come from the HOA and/or other donors. The costs are higher than those that would be incurred for a private project because City parks have to meet a higher safety standard. If adequate funds can't be raised for the proposed project, the City could put grass in the park.

## 9. CITY COUNCIL/MAYOR'S ITEMS

### Mayor Jackson

Mayor Jackson read a statement from Gov. Gary Herbert authorizing U.S. and state flags to be lowered to half-staff in honor of Peace Officers' Memorial Day.

### Councilmember Burnham

Councilmember Burnham thanked Councilmember Ireland for suggesting that the public hearing for the fiscal year 2013 budget be moved to the meeting before the adoption of the budget. In the past it has been held just before the adoption of the budget, which prevented the Council from being able to act on the public's comments.

### Councilmember Steinkopf

Councilmember Steinkopf thanked everyone for attending the meeting and looked forward to their comments.

### Councilmember Painter

No comment.

### Councilmember Ochsenhirt

Councilmember Ochsenhirt was happy to be here. (His telephone connection was still working.)

Councilmember Ireland

No comment.

10. INTRODUCTION – Utah County Sheriff’s Office introduction of Volunteers In Police Service (VIPS).

Chief Deputy Monson, Lt. Eric McDowell and Sgt. Jeff Jones introduced the Volunteers In Police Service Program and its first six participants. The program empowers citizens to be an active part of community safety. The current participants are Josh Rich, Kirk Flora, Chris Trainor, Brian Beazer, Steve Eaton, Vincent Liddiard and Zel Adams.

**CONSENT AGENDA**

11. MINUTES

A. May 1, 2012 – Regular City Council Meeting.

12. FINAL PAYMENT

A. Smith Ranch Park Landscaping – Terra Works, Inc.

13. DEVELOPMENT AGREEMENT

A. Eagle Point Townhomes Plats A & B—*This item was removed from the agenda at the request of the applicant.*

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

**SCHEDULED ITEMS**

**PUBLIC HEARING**

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2012-2013 Budget. This is not an action item – the final budget will be adopted on June 19, 2012.

This item was presented by Management Analyst Ikani Taumoepeau. 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 1, 2012. The City Council held the public hearing at the May 15 meeting and will adopt the final budget, as proposed or with amendments, at the June 19, 2012 City Council meeting. The final budget will be the document that governs the City’s expenditures for FY 2012-2013.

Eagle Mountain spends \$378 per capita, which is a decrease from previous years. The largest expenditures in the budget are for the police, fire, roads and executive departments. The largest sources of revenue are property, sales and use taxes. Retirement expenditures grew due to a State mandate. Administration reduced costs through moving some employees into a new Special Events department. Recreation programs have been expanded, which will be paid for by registration fees, not taxes. The library is increasing its hours and services. Nondepartmental expenses cover computer purchase and repairs, software, postage, etc. In public safety, two of the officers received classification increases, which entailed higher pay rates. Street maintenance is

partially covered by the B & C road funds, which have decreased. The City has more parks now and is increasing maintenance to them, which translates into higher costs. Fleet costs will be reduced by surplussing more vehicles than will be purchased. A cost of living increase is recommended for employees, who have not had a raise in three years.

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

Marion Cline, 1952 Revere Way, represented the Pioneer HOA, which proposes to match City funds to install a playground at Pioneer Park. She encouraged the City to participate in this project.

Brice Bitter, 1326 Falcon Lane, thanked the Council for putting out the budget document. However, he felt that the document was inaccessible. It couldn't be either searched or highlighted. It lacked explanations of specific budgets. He asked what the storm drain fund was for. He offered to help automate the document.

Mayor Jackson explained some of the budgeting process. She encouraged Mr. Bitter to contact the Finance Dept. and meet with them to discuss his questions on the budget. Public Works Director Chris Trusty explained the uses of the storm water fund.

Oliver Brown, 1988 Sunrise Drive, thanked the Mayor and Council for budgeting in such a way as to keep the City out of debt. He had also been unable to search the budget. He said the City should pay itself first, meaning that the City should put money away for emergency purposes. He also felt that the City could save money by having fewer employees. He said that economic development should not be cut.

Mayor Jackson explained the reserve fund.

Nikki Wickman, Fort Hill Road, urged the Council to budget for road maintenance. She felt that roads easily create happy or angry citizens.

Sam Allen, 1914 Juniper Drive, objected to the City's use of paper time sheets. He felt that this constituted an "honor system" that couldn't be audited. He said he'd been told that City employees take City vehicles during the work day to run personal errands. He also said that he has been told that there is a problem with excessive overtime. He had a friend, a professional auditor, who said the audit was unacceptable. He recommended that the City buy time clocks.

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

15. **PUBLIC HEARING**  
ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City Utah, Amending the Eagle Mountain City Development Code, Adding Chapter 17.55 Extractive Industries Overlay Zone and 17.10.030 Definitions for “Asphalt and Concrete Production” and “Earth Products Extraction.”

This item was presented by Planning Director Steve Mumford. The proposed amendment to the Development Code adds Chapter 17.55, Extractive Industries Overlay Zone, which would allow earth products extraction and asphalt and concrete production under certain regulations. Chapter 17.10.030 adds definitions for “asphalt and concrete production” and “earth products extraction.”

During Work Session, Mr. Mumford explained that the zone is designed to provide locational control over extraction, promotes site reclamation and provides buffering and protection for neighbors. It exists simultaneously with the base zoning of the property. After the mining activity is completed, the overlay can be removed through a rezoning process.

A new mining operation will have to submit an application, reclamation plan and bond to the City before any work begins. If a site is regulated by the State Division of Oil, Gas and Mining (DOGM), the City will accept the plan and bond required by the State. Reclamation must be completed before one year has passed after cessation of operations. Existing operations will not be affected by this overlay.

Mayor Jackson invited Andy Bettingfield of SITLA to speak. He said that SITLA approves of the conditions of the overlay zone, particularly the one that grandfathers in existing mining operations.

Clay Peck, of Peck Rock Products, asked about the 1320-foot buffering. Would that prevent anyone from encroaching any closer to his existing operation? Mr. Mumford responded that the buffer applies to new mining operations not being placed too close to existing developments. New developments adjacent to an existing operation will have to be zoned with whatever buffering is deemed appropriate at the time. The intent is not to disturb existing operations.

Cole Peck, of Peck Rock Products, distributed a letter he wrote to the Council. He was concerned that other development is already too close to endure drilling and blasting.

During Policy Session, Mr. Mumford explained that any application for a new mining operation would require approval from the Planning and Public Works Departments. These departments would work closely with the State DOGM in regulating the mines.

Councilmember Painter asked how this ordinance will benefit current mine operators and future operators, businesses, developers and residents. Mr. Mumford responded that it will put notification requirements in place and add regulations for berming and buffering. Traffic studies will be required for new mining operations, and operators will be required to help pay for any additional traffic control that will be needed. In addition, if an operator abandons a project, there will be a bond in place to provide reclamation.

Mayor Jackson pointed out that this ordinance was precipitated by a particular location, but it will be effective in protecting any other area that could be mined in the future.

*Mayor Jackson opened the public hearing at 8:23 p.m.*

Elise Erler, SITLA, stated that SITLA owns subsurface mineral rights in some land that's subject to an annexation to be voted on this evening. She said the proposed regulation provides a lot more certainty for the extractive industry. She commended the City and staff for working on this issue. She also commended them for looking to the Division of Oil, Gas and Mining for expertise.

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

**MOTION:** *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City Utah, amending the Eagle Mountain City Development Code, adding Chapter 17.55 Extractive Industries Overlay Zone and 17.10.030 Definitions for "Asphalt*

*and Concrete Production” and “Earth Products Extraction.” Councilmember Ochsenhirt seconded the motion.*

Councilmember Steinkopf encouraged the mining operation owners to manage their truck traffic carefully.

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

16. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving the Spring Run Annexation and Master Development Agreement.

This item was presented by Planning Director Steve Mumford. The resolution formally approves the proposed agreement. The agreement confirms the zoning approved by the master development plan, allows a maximum of 1,016 residential units in the development, and lots adjacent to Meadow Ranch will be required to be a minimum of 10,000 square feet. A trail buffer and pocket park will also be located adjacent to Meadow Ranch. An 11-acre school site is included, as well as a fire station site. Future codes will apply to development. The developer has agreed to erect a “Welcome to Eagle Mountain” sign. Community improvements are required, which at this point is planned to be a recreation center, but may be another public facility.

Councilmember Painter asked how \$500,000 could pay for a recreation center. Mayor Jackson said that the money would go towards a recreation center, on a small scale, but not complete it. Mr. Mumford said the language referring to a recreation center could be removed. Councilmember Ireland pointed out that whatever this language says, no future council is bound to using the money for a particular amenity.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving the Spring Run Annexation and master development agreement. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**PUBLIC HEARING**

17. ORDINANCE – Consideration and Adoption of an Ordinance Approving the Spring Run Annexation Petition to Eagle Mountain City, Utah, Amending the General Plan and General Plan Map 2 of Eagle Mountain City, Establishing Zoning Regulations for the Lands in the Spring Run Annexation and Approving the Master Development Plan for the Spring Run Annexation.

This item was presented by Planning Director Steve Mumford. A petition for annexation was received by the City Recorder’s Office on June 16, 2010 to annex approximately 240 acres. The property, known as Spring Run, is located on the northeast corner of Eagle Mountain, on the north side of SR 73. The petition was certified on July 13, 2010 and no protests were received by the City during the 30-day protest period. The City Council will also consider an amendment to the Eagle Mountain General Plan, an amendment to the Land Use Element of the General Plan (Zoning) and General Plan Map 2 for Spring Run.

*Mayor Jackson opened the public hearing at 9:07 p.m.*

Elise Erler, SITLA, explained that SITLA owns mineral rights under 60 acres of the annexation. Those rights are leased to the Peck brothers, who have subleased them to Staker Parson.

Andrew Bedingfield, SITLA, said that the Pecks have had the lease for about 15 years and it's a significant revenue generator for the school trust fund. The lease lasts for the next 20 years. As long as there is material to be mined, SITLA will extend the lease. SITLA opposes the annexation. They would prefer to remain in County jurisdiction. If the annexation is approved, they would like the extractive industries overlay to extend to the land above their mineral rights.

Clay Peck, Peck Rock Products, clarified some issues with bonding and DOGM. The County controls sand and gravel operations. Hard rock mining is under DOGM's jurisdiction. Last year, there was extraction going on, but no City permit. The Pecks would prefer to remain with the County. They do appreciate the extraction amendment. What they want is to protect their rights.

Dack Maxfield, Staker Parson Company, said the company has invested several million dollars in this operation. They want to protect their rights. Staker Parson opposes the annexation as they would prefer to stay in County jurisdiction. The cost of doing business increases as other uses encroach on their operation. Their concern is the front of the property, which will be zoned Mixed Use Commercial. They would prefer that all of the property be zoned Industrial.

Jim Allred, the applicant for the annexation, stated that from the beginning, the applicants for annexation wanted to have the mining operation continue. They would like the property to be a business park someday.

*Mayor Jackson closed the public hearing at 9:16 p.m.*

Mayor Jackson pointed out that previously, the annexation included a residential use, which has been eliminated.

Councilmember Ireland asked about the slope elevation. The current mining operation is level with SR 73. The long-term plan is to remove the remaining hill and make that land even with SR 73. He also said that all of the opposition to the annexation is to the development in the center of the annexation. That will continue whether the annexation is approved or not. He felt that, since the development will go forward either way, he didn't see how the annexation could be a problem.

Councilmember Painter asked for clarification from the opponents of the annexation. Dack Maxfield of Staker Parson said they oppose the annexation because they're doing well under the County's jurisdiction and don't want to fall under the City's regulations.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the Spring Run Annexation petition to Eagle Mountain City, Utah, amending the General Plan and General Plan Map 2 of Eagle Mountain City, establishing zoning regulations for the lands in the Spring Run Annexation and approving the master development plan for the Spring Run Annexation. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

*The meeting was recessed for ten minutes.*

18. BID AWARD – Consideration and Award of Bid to Staker Parson Companies for the 2012 Eagle Mountain Boulevard Chip Seal Project.

The proposed bid is for the Eagle Mountain Boulevard Chip Seal Project, which is part of the City's ongoing street maintenance. The project came in approximately \$84,000 below the budgeted amount. Mayor Jackson proposed amending the FY 2012 budget and using the remaining funds for other road projects.

Councilmember Burnham asked whether the chip seal will cover the crack sealing that's being done right now. Public Works Director Chris Trusty said the crack seal fills in the larger fissures in the road surface, and the chip seal coats the entire surface.

**MOTION:** *Councilmember Painter moved to award a bid to Staker Parson Companies for the 2012 Eagle Mountain Boulevard Chip Seal Project in the amount of \$191,360.00 and authorize the Mayor to sign the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. BID AWARD – Consideration and Award of Bid to Ward Engineering for the Pony Express Parkway Survey Services Project.

The proposed bid will cover surveys for two projects, the construction of a trail from the Plum Creek subdivision in Eagle Mountain to Redwood Road in Saratoga Springs, and the installation of a pipeline from the CWP pump station to the City's water system. Since the projects overlapped, they were combined to make more effective use of the budgeted funds.

**MOTION:** *Councilmember Steinkopf moved to award a bid to Ward Engineering for the Pony Express Parkway Survey Services Project in an amount not to exceed \$14,385.01 and authorize the Mayor to sign the agreement. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

20. BID AWARD – Consideration and Award of Bid to PSOMAS for Professional Consulting Services for the Design of a Pump Station and a Waterline Connection to the Central Water Project (CWP).

The purpose of this project is to evaluate the design and size of the pump station and the size of the associated pipeline, which are necessary for the City to access water from the CWP. The engineer will then prepare construction drawings and specifications in order to bid these projects out for construction starting later this year. Ward Engineering's bid was significantly below the budgeted amount for the project.

Councilmember Ireland asked how this project could be bid without the information that the survey work will provide. Mr. Trusty responded that the City provided detailed requirements to the bidders and gave preference to those that met with the City Engineering staff on-site.

**MOTION:** *Councilmember Painter moved to award a bid to PSOMAS for professional consulting services for the design of a pump station and a waterline connection to*

*the Central Water Project (CWP) pipeline in the amount of \$220,000.00 and authorize the Mayor to sign the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

21. MOTION – Consideration and Approval of an Amendment to the Conditions of Approval for the Amended SilverLake Master Development Agreement.

This is an applicant-proposed resolution for the payment of park fees-in-lieu for SilverLake Phases 6 and 7. The City Council approved an amended and restated SilverLake Master Development Agreement on August 2, 2011 with the condition that the accounting of water rights and payment of fees-in-lieu for SilverLake Phases 6 and 7 be resolved before the agreement can be executed.

The property is in the process of being purchased. The purchasers are requesting that the City release the lien and consent to the use of the 56.34 acre-feet of water to meet the water policy of prior phases. They also request that they be allowed to pay the park fees-in-lieu as building permits are pulled rather than all at once.

Mr. Richard Mendenhall of WPI Enterprises, the firm purchasing the property, answered questions from the Mayor and Council. The park fees-in-lieu will be paid as building permits are pulled, unless lots don't sell within the first three years. If that is the case, \$47,500 will be due at the beginning of the third year and continue yearly until the total of \$380,000 is paid. WPI will also settle the bank's claim on the disputed water rights.

City staff was directed to work out a way to account for all fees-in-lieu paid in connection with these two phases. Mr. Mumford said that Eagle Mountain properties is required to account for fees paid, and similar information could be added to the SilverLake checklist. Ms. Kofoed suggested modifying the impact fee spreadsheet.

**MOTION:** *Councilmember Ireland moved to approve an amendment to the conditions of approval for the Amended SilverLake Master Development Agreement, with direction to staff to create a system to track payments of park fees-in-lieu; no approvals, permits or recording shall be granted unless the park fees-in-lieu are paid as agreed. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

22. AGREEMENT – Consideration and Approval of an Agreement with Rocky Mountain Power for the Transfer of Electrical Assets in Eagle Mountain City.

Eagle Mountain City will enter into an agreement with Rocky Mountain Power (RMP) to purchase certain RMP facilities within Eagle Mountain's municipal boundaries. Meters and facilities located in the White Hills and Pole Canyon areas and RMP's main 12.5kV main feeder will not be included in the transfer and will remain with RMP. The purchase price for the facilities is \$400,000. In addition, there will be a disconnect fee of no more than \$10,500.

Within ten days after the agreement is executed, RMP will meet with the City to determine when the transfer will take place. The transfer will need to be completed within one year.

The copy of the agreement that the City has is lacking the easements and a list of the facilities the City will purchase. The Mayor asked that the motion stipulate that all these documents must be included in the agreement before she signs it.

**MOTION:** *Councilmember Steinkopf moved to approve an agreement with Rocky Mountain Power for the purchase and transfer of electrical assets in Eagle Mountain City in the amount of \$400,000, plus up to \$10,500 for a disconnect fee; all required documents must be included and approved by City staff and the City Attorney before the Mayor signs the agreement. Councilmember Painter seconded the motion.*

Mr. Hendrickson commented that this process has gone on for fourteen years. Mayor Jackson said that the document should state that facilities in White Hills and Pole Canyon are not included in this agreement.

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

23. MOTION – Consideration and Approval of a Letter of Understanding Stating the Eagle Mountain City Council’s Neutrality Regarding Rocky Mountain Power’s Proposed Future Legislation.

The proposed letter states the current Eagle Mountain City Council’s neutrality regarding Rocky Mountain Power’s proposed future legislation that addresses electric utility services in incorporated areas and reimbursement for value of facilities in incorporated areas. Rocky Mountain Power requested that Eagle Mountain City support legislation that they will propose. Since the Mayor and Council don’t know what the legislation will state, nor can they bind future Mayors and Councils, they are affirming the City’s neutrality, instead.

Councilmember Ireland asked for clarification regarding who the motion is binding. Mayor Jackson responded that the letter binds only the current Mayor, Council and staff.

Councilmember Burnham objected to having to remain neutral if RMP presented a bill that she felt strongly about. Mayor Jackson said that the City works with UAMPS and UMPA, which will be able to oppose the legislation. City officials can discuss the issue; they only have to refrain from officially stating a position for or against any future RMP legislation. Since the City will never incorporate again, it has no real effect on the City.

**MOTION:** *Councilmember Painter moved to approve a Letter of Understanding stating the Eagle Mountain City Council’s neutrality regarding Rocky Mountain Power’s proposed future legislation regarding the treatment of incorporation of existing facilities. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. 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 Ireland  
No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

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.

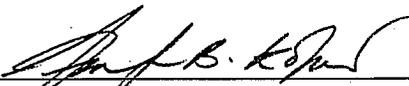
Councilmember Steinkopf encouraged people to support the Senior Council in their work on Pony Express Days. They'll be judging the baby contest, running a booth at the carnival and riding a float in the parade.

26. COMMUNICATION ITEMS  
A. Upcoming Agenda Items

27. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 10:19 p.m. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JUNE 19, 2012.



\_\_\_\_\_  
Fionnuala B. Kofod, CMC  
City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 19, 2012

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, John Painter and Richard Steinkopf. Nathan Ochsenhirt and Ryan Ireland participated by telephone.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jeremy Cook, Acting City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ikani Taumoepeau, Management Analyst; Jason Walker, Human Resources Coordinator; Steve Mumford, Planning Director; Paul Jerome, Interim City Finance Director; Chris Trusty, Public Works Director/City Engineer; Dave Norman, Assistant Public Works Director; Adam Ferre, Energy Department Director; Steve Olsen, Energy Department; Angie Ferre, Special Events Director; Sarah Douglass, Special Events; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

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

1. PRESENTATION – Wastewater Rate Study by Cody Deeter, Lewis Young Robertson & Burningham.

The City's sewer rates are currently different in the North and South Service Areas (The Ranches and City Center). The North Service Area is served by Timpanogos Special Service District (TSSD) and the South Service Area is served by the City's own wastewater treatment plant. Mr. Deeter provided information for the Council to consider when deciding if they want to continue having two different sewer rates. The sewer bonds are set up as though it is all one system. Mr. Deeter stated that keeping the rate schedules separate will increase costs to the residents.

Public Works Director Chris Trusty said that it is reasonable to assume that the South Service Area will grow and costs will increase. Costs in the North Service Area will increase as TSSD continues to raise its rates.

Mr. Deeter said that bonding agencies expect cities to have adequate funds in reserve. The minimum expectation is 180 days' worth of cash on hand. The preferred amount is 365 days' worth of cash on hand. The minimum acceptable debt ratio is \$1.25 for every dollar of debt.

Mr. Deeter recommended that the City raise its rates annually, by an amount corresponding to the Consumer Price Index. He recommended that the City charge one rate for the entire City system.

2. PRESENTATION – Pony Express Days Preliminary Report.

Interim Finance Director gave a preliminary report on the financial results of Pony Express Days. The City budgeted for \$327,000 in revenue and \$350,000 in expenses, for a net loss of \$27,000. Actual revenue and expenses were less, resulting in a net loss of \$17, 408.22. Approximately

\$10,000 in 2011 Pony Express Days expenses were paid from the 2012 budget, so the actual net loss for the 2012 event was \$9,880.

Mayor Jackson recognized Angie Ferre and her staff, who only became a Special Events Department in February and did a remarkable job in a short amount of time.

Councilmember Painter asked Mr. Jerome to provide a detailed report of the expenses. Councilmember Steinkopf asked for the attendance numbers at the rodeo. Mayor Jackson said those items can be reported, but it will take some time before it can be completed.

Councilmember Painter complimented the Special Events Department for reducing the net loss to the City so significantly.

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.

*These items were postponed and discussed at the end of the Policy Session.*

A. OHV Update Report—Ikani Taumoepeau

All the information in this presentation is on the City website, so it is accessible to the public. The OHV ordinance will take effect on July 1. The slogan on each trail marker is, "Protect Your Privileges." OHVs can legally be driven on residential streets, but only at approved crossings on major roads. At present there are trailhead signs, but the team is waiting for grant money to come in during September so they can install kiosks with maps on them. There are also signs in areas where OHVs commonly trespass. The signs will be installed by July 1. The City is working on an agreement with UDOT to allow OHVs to cross SR 73.

B. Quint Fire Truck—Chief Andrus

Chief Andrus brought up an opportunity for the City to buy a Quint five-function ladder truck. NAFD guidelines state that engines should be taken out of service after 25 years. The Fire Dept. has two trucks that are older than that. Lone Peak has a 2001 Quint for sale for \$250,000. It would require about \$25,000 in equipment. Lone Peak would like to sell it by August.

Ifo Pili suggested taking \$100,000 out of the Fleet reserve fund and \$150,000 out of the General reserve fund. The money could also be borrowed from the gas fund and paid back over time. A property tax increase is also a possibility, if a remote one.

Mayor Jackson said that her standard as to looking at a possible solution is whether Ifo thinks it is a viable possibility. He thinks options through carefully and only presents ideas he believes are usable. She also said the City needs to start putting money in the Fire Department fleet fund.

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.

*This item was removed from the agenda.*

The meeting was adjourned at 6:20 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. Nathan Ochsenhirt and Ryan Ireland participated by telephone.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jeremy Cook, Acting City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Ikani Taumoepeau, Management Analyst; Jason Walker, Human Resources Coordinator; Steve Mumford, Planning Director; Paul Jerome, Interim City Finance Director; Chris Trusty, Public Works Director/City Engineer; Dave Norman, Assistant Public Works Director; Adam Ferré, Energy Department Director; Steve Olsen, Energy Department; Angie Ferre, Special Events Director; Sarah Douglas, Special Events; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

6. CALL TO ORDER

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

7. PLEDGE OF ALLEGIANCE

Dakota Dunn led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

Mayor Jackson and the City Council presented a plaque to City Administrator John Hendrickson, who will be retiring next month. This is his last City Council meeting.

Mayor Jackson announced that our long-time City Attorney, Jerry Kinghorn, recently passed away due to cancer.

- **Youth Council Meeting** -- Thursday, June 21 at 4:30 PM in the City Council chambers. Students in grades 9-12 who reside or attend school in Eagle Mountain, Cedar Fort, Fairfield, White Hills, or Saratoga Springs are eligible to participate in the Youth Council.
- **Babysitting Safety Class** -- Saturday, June 23 from 1:00 PM to 4:00 PM at the Eagle Mountain Fire Station #2 in The Ranches (3785 E. Ranches Pkwy.). The class is free. Pre-registration is required. Registration info is located on the events page of the City website.
- **Town Hall Meeting** – The City will hold a town hall meeting on Wednesday, June 27 at 7 p.m. in the City Council chambers to present information and answer questions about the new OHV ordinance.
- **City Offices Closed** – The city offices and library will be closed on Independence Day, July 4, and on Monday, July 23 and Tuesday, July 24 for the Pioneer Day holiday.

- **Adult Summer Reading** -- Thursday, July 12 from 7:00 to 8:30 PM, the library is offering an adult summer reading series. The July meeting will focus on biography/memoir. Share a recently read biography & write your own "six-word memoir." Also, learn about aromatherapy and what you can do for stress & relaxation.

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

Darin Seamons, 4589 Heritage Drive, said he is in favor of the expansion of Pioneer Park. As a health and physical education teacher, he feels that it would help combat the rise in childhood obesity. Mayor Jackson responded that the budget for capital projects will be approved tonight, but the specific projects to be funded will be decided at a later date.

Sam Allen, 1914 Juniper Drive, spoke about the upcoming budget. He brought a 35-page report he wrote called "The Eagle Mountain Utility Scandal." He said he's found many irregularities in the City's financial reporting, hiring, payroll, etc. He didn't feel that the City Council has responded to his concerns. He asked if the new budget changes the Mayor's salary. He told the Council members that if they vote for the budget, they are proving that they are part of the problem. Mayor Jackson responded that the mayor's salary is set by City ordinance. She said that the transparency issue is taking time to solve because the state website is geared towards a different accounting system than the one that Eagle Mountain uses.

Marion Cline, 1952 Revere Way, spoke in support of the Pioneer Park upgrade. She wanted the Council to keep it in mind when the capital projects list is approved. Mayor Jackson thanked her for the amount of work she's done on this project.

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

Councilmember Ochsenhirt

Councilmember Ochsenhirt said he wished he could be at the meeting in person.

Councilmember Ireland

Councilmember Ireland appreciated Ms. Kofoed's help with the phone connection so he and Councilmember Ochsenhirt could participate in the meeting.

Councilmember Burnham

Councilmember Burnham thanked those who are attending the meeting. She wished more people would attend the meetings when the budget is approved, since it's probably the most important meeting of the year.

Councilmember Steinkopf

Councilmember Steinkopf thanked everyone for being at this meeting, and thanked those who participated in Pony Express Days.

Councilmember Painter

Councilmember Painter said the City staff is amazing. The City just had a very successful Pony Express Days, which is a reflection of the quality of the staff. He appreciated John Hendrickson's work and how well he has trained Ifo Pili. The budget process is difficult, but improving. He said

that accusations of scandal or personal agendas are ludicrous. To suggest that anyone who approves of the budget is part of a scandal is wrong.

Mayor Jackson

Mayor Jackson said that she works with the staff every day and sees how they want to fix things that they see needing improvement. The training that Mr. Pili has received has prepared him for his new job. The City provides staff improvement opportunities regularly. Pony Express Days is an example of how the staff has cut spending and is an opportunity to showcase the community's strengths.

11. APPOINTMENTS

- A. Planning Commission – Wendy Komoroski (term to expire December 2013)
- B. Youth City Council

Mayor Jackson reported that the Planning Commission Chair, Tom Maher, is resigning after serving for eleven years on the Commission. She recommended that Wendy Komoroski be appointed to the Planning Commission. The Youth City Council appointments are the result of the annual Youth City Council election.

**MOTION:** *Councilmember Painter moved to appoint Wendy Komoroski to the Planning Commission and Darrick Twede (as Youth Mayor), Dakota Dunn, Weston Dastrup, Jason Olson and Kelsey Backus to the Youth City Council. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Wendy Komoroski, Darrick Twede, Dakota Dunn, Weston Dastrup and Kelsey Backus. Jason Olson was unable to attend the meeting and will receive the oath of office at later date.

**CONSENT AGENDA** 

12. MINUTES

- A. May 15, 2012 – Regular City Council Meeting.

13. FINAL PAYMENT

- A. South Substation – Black & McDonald, Inc.

14. AGREEMENT

- A. Incubator Participant Agreement – M42X Innovations, Scott Holdsworth

15. DEVELOPMENT AGREEMENT

- A. Eagle Point Townhomes Plats A & B

During Work Session, Councilmember Steinkopf questioned the timeline for constructing the clubhouse. In Policy Session, Mayor Jackson discussed the issue. She said the developers have been contacted and are willing to move the construction deadline to October, 2013. The development agreement was permitted to remain on the Consent Agenda.

16. RESOLUTION

A. Appointment of Ifo Pili as Representative to Utah Valley Dispatch SSD Board

17. BOND RELEASE – Entering Warranty

A. Mid Valley Road

**MOTION:** *Councilmember Painter moved to approve the Consent Agenda, noting the change made to the Eagle Point Townhomes development agreement, moving the deadline to October, 2013. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**SCHEDULED ITEMS**

**PUBLIC HEARING**

18. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Adopting the Final Amendments to the Fiscal Year 2011-2012 Budget.

This item was presented by Interim Finance Director Paul Jerome. Utah State Code requires 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, 2012. The amended budget should cover all eventualities so that the City will not be cited for budgetary non-compliance.

During Work Session, Interim Finance Director Paul Jerome explained that the City Administrator and the Finance Director review every purchase order against the budget. Budget amendments are made using funds that come in over budget. Those funds are deposited into General Fund line items that will not have additional expenditures, like banking fees. This leaves those funds available for emergency expenditures from the General Fund. Amendments are also required for unbudgeted revenues such as library grants, whose expenditures match the revenues. Unused balances are rolled over into the next fiscal year's budget.

Councilmembers asked a number of questions about how budget amendments are calculated and expended. A specific concern was an expenditure of over \$100,000 connected with a lawsuit and covered by an increased City Council contingency fund.

Other funds being amended include the following: The Capital Projects Fund covers funding of physical facilities such as parks, trails and the sewer treatment plant. Enterprise funds are more like business funds than governmental funds, and include expenditures for CWP water and the new Business Incubator Fund. The Debt Service Fund pays for City bonds and SIDs.

During Policy Session, Mr. Jerome gave a brief recap of his Work Session presentation.

*Mayor Jackson opened the public hearing at 7:42 p.m. As there were no comments, 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 2011-2012 budget. Councilmember Steinkopf seconded the motion. Those voting aye: Donna*

*Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.  
The motion passed with a unanimous vote.*

19. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Fiscal Year 2012-2013 Budget.

This item was presented by Interim Finance Director Paul Jerome. The tentative budget was accepted by the City Council on May 1, 2012. In compliance with State Code, the City Council held a public hearing on the proposed budget on May 15, 2012. The City Council will adopt the final budget, as proposed or with amendments, and the final budget will be the document that governs the expenditures for FY 2012-2013.

Mr. Jerome made a detailed presentation during Work Session. The first item involved in the budget adoption is the certified tax rate. The certified tax rate, which is calculated every year by the County Assessor's Office, changes according to changes in property values. The recalculation guarantees that residents pay essentially the same amount every year, so cities can count on a steady amount of tax revenue, plus any growth. Thus, if property values go up, the rate goes down. If values go down, the rate goes up. The calculation is done by the County, not the City. This year the rate will increase by approximately two percent.

The fiscal year 2013 budget shows excess revenues over expenditures of approximately \$92,000. These funds will be transferred to the Capital Projects Fund and will be allocated by the City Council.

Councilmember Painter discussed the certified tax rate with Mr. Jerome. He felt that the certified tax rate should not be going up.

Since the preliminary budget, \$135,000 was transferred from the solid waste fund to the General Fund. This was owed from previous years.

There were a couple of employee salary adjustments, correction of an error on Medicare payments, and an administrative transfer for an employee who was listed in the wrong department. The Council travel budget was increased by \$2,000. It had been decreased by that amount last year.

There were additional revenues in the enterprise funds. There was an additional expenditure to cover money owed to the General Fund. There will also be an expenditure for the purchase of some Rocky Mountain Power facilities. The Debt Service Fund only had a minimal change of \$1,700.

Mr. Pili reported that a new Business Incubator Fund was created, and all the Economic Development funds were moved from the General Fund to the new fund. The plan is for this to be a self-sustaining fund.

During Policy Session, Mr. Jerome gave a brief recap of his Work Session presentation. Mr. Hendrickson pointed out that in the Water Fund, the City failed to budget for the purchase of CWP water. The amount required is available in the bond funds and should be included in the final budget approval.

Mayor Jackson requested that the list of proposed capital projects be posted in the Recorder's Office.

There was extensive discussion of the certified tax rate during Policy Session.

Councilmember Painter asked if the online copy of the budget could be made searchable. Mr. Jerome said the final, approved budget will be searchable when it's posted.

The public hearing for this item was held at the City Council meeting on May 15, 2012.

**MOTION:** *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the fiscal year 2012-2013 budget. Councilmember Steinkopf seconded the motion. Those voting aye: Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Donna Burnham, Ryan Ireland. The motion passed with a 3:2 vote.*

Councilmember Burnham stated that she didn't vote against the budget because she wanted the Mayor's salary cut. She voted against it because of the certified tax rate. Councilmember Ireland stated that he voted against it as he was opposed to the tax increase.

A correction needs to be made to the budget to account for the CWP water take-down. It will be handled by a budget amendment.

## 20. PUBLIC HEARING

ORDINANCE – Consideration of an Ordinance of Eagle Mountain City Utah, Amending the 2012 Capital Facilities Plan. (No action will be taken, public hearing only)

This item was presented by Public Works Director Chris Trusty. The Capital Facilities Plan is intended to identify infrastructure needs for the next thirty years, to prioritize these needs, and to estimate their costs. It should be updated every two to three years. Included in this plan are system improvements, for which the City can collect impact fees, and system deficiencies, for which impact fees cannot be collected. This document is also referred to as the Impact Fee Facilities Plan as it outlines facilities for which impact fees can be charged. The plan will be adopted at a later date.

The demographic projections have changed to reflect recent, slower growth rates. Also, the Pole Canyon area was removed from the report because improvements there are expected to be constructed through an SAA.

Mr. Trusty highlighted specific projects from the written plan, including a new fire station to be built in 2014.

Councilmember Painter asked when the plan was updated. Mr. Trusty replied that the plan was entirely updated in 2003. Sections have been updated since then.

*Mayor Jackson opened the public hearing at 8:28 p.m.*

Tiffany Ulmer, 1420 E. Harrier St., asked that the City notify residents if there is any change in water pressure, as there are a lot of failing sprinkler systems.

Brittany Peterson, 7615 Silver Creek Way, thanked the Council for all that they do. She said that she built her home in 2010 and there have been a number of drainage issues. The staff has been

very responsive. She's had an issue with a neighbor because her street is the lowest in the subdivision and the neighbors' homes flood on rainy days. She asked if her pipe issues had to do with the Capital Facilities Plan. Mr. Trusty said the CFP refers to larger pipes. Pipes on lots are generally issues between neighbors. Mr. Trusty said he would come and look at her property and see what he can help her with.

*Mayor Jackson closed the public hearing at 8:33 p.m.*

## **PUBLIC HEARING**

### 21. MOTION – Consideration and Approval of the Disposal of Significant Land in the Pioneer Addition Subdivision.

This item was presented by City Recorder Fionnuala Kofoed. Eagle Mountain City received a 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 City Council approval before it can be disposed.

Ms. Kofoed said that the City has processed public land disposals since 2003. Last year, it was realized that if a property was foreclosed, the bank wouldn't take property that it didn't have interest in or property not identified on an original deed. Some homes have gone through foreclosure and the land that the City disposed of remains in the name of the property owner who was foreclosed on. Consequently, some parcels have been left unmaintained. The City has tried using plat amendments in the disposal process. It works better, but amended and re-amended plats could make accurate title searches virtually impossible. Property owners have asked for assistance with this issue, but there is nothing the City can do. It is a civil matter.

The land disposal process opens the City up to risk, but provides no benefit except that the City has less land to maintain. Ms. Kofoed has discussed the issue both with Jerry Kinghorn and Jeremy Cook, and recommends that the City discontinue land disposals until a better solution can be found. Each amendment to a plat complicates title reports, the process is expensive, and it's costing the City an inordinate amount of staff time. She recommended that land disposals only be allowed if there are safety or access issues.

Councilmember Burnham asked if the problem exists when the property is owned free and clear, without a loan. Mayor Jackson said it's only a problem when there is a loan against the property.

Jeremy Cook added that banks use the description in the trust deed when they foreclose on a property. Land disposal can lead to divided ownership in a lot.

Councilmember Ireland asked if refinancing the lot after the land disposal would take care of the problem. Mayor Jackson, a former title agent, said that it could be done, but would be very complicated, and the City wouldn't have a way to regulate it.

*Mayor Jackson opened the public hearing at 8:46 p.m. As there were no comments, she closed the hearing.*

**MOTION:** *Councilmember Burnham moved to deny the disposal of significant land in the Pioneer Addition Phase 2 subdivision and discontinue the practice of public land disposal outlined in chapter 3.30 in the Eagle Mountain City Code, as outlined in the staff report. Councilmember Steinkopf seconded the motion. Those voting aye:*

*Donna Burnham, Ryan Ireland, Nathan Ochsenschirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Ireland and Councilmember Ochsenschirt said that the City needs to find a solution for properties that aren't in the City's interest to retain.

22. AGREEMENT – Consideration and Approval of an Addendum to the Agreement with Ace Disposal, Inc. for Solid Waste Disposal and Recycling Services.

This item was presented by City Administrator John Hendrickson. Ace Disposal is proposing to change the contract to allow Ace to dispose of landfill waste at the IRL Landfill in Fairfield. Ace would pay IRL for landfill services and in turn bill the City. This would reduce the City's landfill fee from \$29 to \$16 per ton. In order to make this offer, Ace needs a five-year contract commitment from Eagle Mountain City, as that is what IRL will require from Ace.

During Work Session, Councilmember Burnham asked what effect this would have on residents' utility bills. Mayor Jackson responded that since the City hasn't analyzed exactly what financial effect this would have on the City's costs, there would be no immediate change in billing. Councilmember Ireland asked if this would affect the annual opt-in period. Mayor Jackson pointed out that neither a billing change nor an opt-in change is on the agenda, only the contract addendum.

Richard Hamic of Ace Disposal answered a question from Councilmember Painter as to what percentage landfill fees are of their entire fee to the City. Mr. Hamic said the City will pay the tipping fee to Ace, which will pay the fee directly to the landfill. Mayor Jackson said that City has been paying the tipping fee directly to North Pointe, so the payments to Ace will increase and the payments to North Pointe will be eliminated.

Councilmember Painter asked what would happen if the City failed to meet the terms of the contract. Mr. Hamic said it would be normal breach of contract penalties.

**MOTION:** *Councilmember Painter moved to extend the Ace Disposal solid waste contract for a full five years from July 1, 2012, along with the proposed rate changes, and authorize the Mayor to execute the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Nathan Ochsenschirt, John Painter and Richard Steinkopf. Those voting no: Donna Burnham, Ryan Ireland. The motion passed with a 3:2 vote.*

Councilmembers Burnham and Ireland voted "no" because of the opt-in aspect of the recycling program.

23. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Approving and Authorizing the Establishment of Development Fees for the SnugZ Manufacturing facility.

This item was presented by Assistant City Administrator Ifo Pili. Eagle Mountain City has offered a letter of commitment to provide support for the new SnugZ facility that will be located in the City. The resolution establishes a fixed amount for impact fees, connection fees and building permit fees for the proposed project. The development fees will be capped at \$300,000, in order to make Eagle Mountain competitive with other cities. The City will also provide the

offsite utilities. Mr. Pili explained that the City is providing the offsites because the cost can probably be recouped. He also said that Jeremy Cook put legal language into the agreement which protects the City by requiring the company to get started promptly on construction.

Councilmember Ireland asked if, after the Capital Facilities Plan is approved and the impact fees are reduced, how the City's fees will compare to what SnugZ is being charged. Mayor Jackson said there are no exact numbers yet.

Councilmember Ireland also asked what the difference is between the City's costs for bringing offsites to the property and how much the City can recoup later. Mr. Pili said the long-term goal is to recover all of those costs.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, approving and authorizing the establishment of development fees for the SnugZ manufacturing facility, not to exceed \$300,000. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. Those not voting: Nathan Ochsenhirt. The motion passed with a 3:1 vote, with one failure to vote.*

Councilmember Ochsenhirt's call was dropped, so he was unable to vote. He didn't reconnect the call.

Councilmember Ireland noted that his "no" vote wasn't because he objected to the project, but that he didn't feel that he had enough information to make an informed vote.

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

This amendment was presented by Jason Walker and Lauren Jackson. The proposed amendment will allow citizens to rent the City-owned soccer fields for a competitive rate. Citizens have voiced interest in renting the fields for tournament-type games that would be profitable to the citizen organizing the event. The fees will cover the expense that the events would create for the City to maintain the fields. The proposal is to rent fields on Saturdays for a four-hour block for \$65, including having lines painted.

Councilmember Ireland asked what the charge would be if there were no portable restrooms and no lines painted.

Councilmember Painter felt that the portable restroom fee was too high.

Councilmember Steinkopf said that there shouldn't be an option for no restrooms. If the soccer field doesn't have one, a portable will be required.

Councilmember Painter asked if Nolan Park would have a different rental rate.

Mayor Jackson said that the special event permit doesn't allow rental of Nolan Park. The amendment being considered is only for sports events that don't interfere with the City's recreation programs.

The next amendment was presented by Chris Trusty. The proposal is to reduce the rate for hydrant

meter rental that contractors use to access water for dust control and soil compaction within a project. The cost for water will not change.

Chief Andrus presented updates to the Fire Department fees. The fee schedule doesn't currently match the fees permitted by the State. The blasting permit fee will be moved into the Fire Department section.

**MOTION:** *Councilmember Burnham moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland asked what cost the City would incur if employees don't paint lines on the field. Mr. Walker said the fee would be \$15 for hour to cover field maintenance. Councilmember Ireland asked if the City charges the same fee to its own sports program. Mayor Jackson said a maintenance fee is included in the sports program registration. The recreation program is currently analyzing its fees.

*Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

25. MOTION – Consideration and Acceptance of the Clearview Estates Annexation Petition for Further Review.

This item was presented by City Recorder Fionnuala Kofoed. A Petition for Annexation was received by the Recorder's Office on May 11, 2012 to annex approximately 245 acres. The property is located on the west side of the North Ranch subdivision, on the north side of SR 73. The first action for the City Council is the acceptance of the Petition for further consideration. This will begin the 30-day review period for verification of the Petition and related information for certification of the Petition, after which the annexation will be noticed to interested parties for comments and protests. The Petition may be approved at a future City Council meeting upon completion of the required steps.

**MOTION:** *Councilmember Steinkopf moved to accept the Clearview Estates annexation petition for further review. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

26. BID AWARD – Consideration and Award of Bid to CraCar Construction Company for the Construction of the Energy Building.

This item was presented by Energy Division Director Adam Ferre. The proposed bid is for the construction of an energy-efficient, 4,000 square foot, single story office building with an attached 8,000 square foot shop/warehouse. The building will have a full unfinished basement and the project will also include site improvements. The building will be located adjacent to the Public Works building.

During Work Session, Mayor Jackson asked what the initial estimated cost was, if the building had been built in-house. Mr. Ferre responded that it was around \$1.2 million. Mr. Ferre invited representatives from the architect's office and the construction company. The architect described

the building. Energy efficient features include earth berming, high-value insulation, LED lighting, solar shades, and xeriscaping.

Mayor Jackson asked the project manager why his bid came in so much lower than the others. She wanted to know if any change orders were anticipated. The project manager said the company will construct the building for the agreed-upon price.

During Policy Session, Councilmember Painter asked if any of the costs would be taken from the General Fund. Mr. Ferre and Mr. Pili said that would be considered.

**MOTION:** *Councilmember Painter moved to award a bid to CraCar Construction Company for the construction of the energy building, to include the adders as outlined in the staff report, for an amount of \$1,478,575.00, and authorize the Mayor to execute the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

27. BID AWARD – Consideration and Award of Bid to Atlas Manufacturing for the Purchase of Structural Steel for the North Substation.

This item was presented by Energy Division Director Adam Ferre. The proposed bid is for the purchase structural steel for the north substation. The north substation needs to be reconfigured and upgraded before the south substation can be completed. There was one item that was omitted from the contract, so a change order will need to be processed.

**MOTION:** *Councilmember Painter moved to award a bid to Atlas Manufacturing for the purchase of structural steel for the north substation, in the amount of \$36,831.00, and authorize the Mayor to execute the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

28. BID AWARD – Consideration and Award of Bid to Niels Fugal Sons Company, LLC for Underground Natural Gas Services.

This item was presented by Energy Division Director Adam Ferre. The proposed bid is for the installation of underground natural gas laterals within the City.

**MOTION:** *Councilmember Steinkopf moved to award a bid to Niels Fugal Sons Company, LLC for installation of underground natural gas services and authorize the Mayor to execute the agreement. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

John Hendrickson

Mr. Hendrickson told the Council that they were the most enjoyable Council he had worked with in 35 years. He feels good about handing the reins to Mr. Pili.

Councilmember Burnham

Councilmember Burnham thanked Mr. Hendrickson for his service.

Councilmember Steinkopf

No comment.

Councilmember Painter

Councilmember Painter appreciated the confidence Mr. Hendrickson has in the Council.

Councilmember Ireland

Councilmember Ireland thanked Mr. Hendrickson.

Mayor Jackson

Mayor Jackson reported that she asked UDOT for directional signs on 2100 North leading to Eagle Mountain. Those signs were approved today.

30. 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.
31. COMMUNICATION ITEMS
  - A. Upcoming Agenda Items
  - B. Executive Summary of Revenues and Expenses
32. ADJOURNMENT

**MOTION:** *Councilmember Painter moved to adjourn the meeting at 10:32 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JULY 17, 2012.



Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**July 17, 2012**

**Work Session 4:30 p.m. - Policy Session at 7:00 p.m.**

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

**4:00 P.M. Groundbreaking Ceremony for the Energy Building located at 2565 Pony Express Parkway (adjacent to the Public Works Building).**

**4:30 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. John Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Finance Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Rand Andrus, Fire Chief; John Mulder, Deputy.

Mayor Heather Anne Jackson called the meeting to order at 4:39 p.m.

1. DISCUSSION – Economic Development Area.

City Administrator Ifo Pili explained that the economic development area is designed to facilitate the location of SnugZ to Eagle Mountain. The company's fees will be capped at \$300,000 and the City will provide offsite utilities, but SnugZ didn't want any tax increment incentives. Establishing the economic development area will create financial advantages for the City.

2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

A. Update on Library Trail

The City is in the process of acquiring a utility easement for the trail. Mayor Jackson said this was budgeted for in fiscal year 2012 but wasn't completed, so it will be completed in fiscal year 2013. Other projects need to be prioritized; which will be done when the capital projects list is brought before the Council in August.

Mayor Jackson mentioned that the construction work on Eagle Mountain Blvd. will begin on July 30. Eagle Mountain Blvd. will be closed sometime during that week for three days from 8:00 a.m. to 5:00 p.m.

Councilmember Ochsenhirt asked what the road construction schedule in his neighborhood will be. Mayor Jackson said she will find out after Mr. Trusty comes back from vacation.

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 Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:23 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. John Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Finance Director; David Mortensen, City Treasurer; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Rand Andrus, Fire Chief; John Mulder, Deputy.

#### 4. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:17 p.m.

#### 5. PLEDGE OF ALLEGIANCE

Ryan Ireland led the Pledge of Allegiance.

#### 6. INFORMATION ITEMS/UPCOMING EVENTS

Finance Director Paul Jerome reported that the financial files the City submitted to the state government transparency site are working. They are currently on the demo site, but will be moved to the live site tomorrow. Mr. Jerome will have fiscal year 2011 files uploaded to the state transparency site on Thursday.

Mayor's announcements:

- **City Offices Closed** – The City offices and Library will be closed on Monday, July 23 and Tuesday, July 24 for the Pioneer Day holiday.
- **Kids' Creepy Crawly Event** -- Kids ages 3-12 are invited for creepy crawly time with Miss Eagle Mountain, tomorrow, July 18 from 10 a.m. to 11 a.m. in the City Council chambers. Come see a live lizard feeding, spiders, bugs, and much more. Get your picture taken with Miss Eagle Mountain and enjoy a creepy treat after. Cost is \$5. Registration at City offices or on the City website, events page.
- **Beat the Heat Bonanza** -- As a "thank you" to all our firefighters and citizens for their efforts with the Dump Fire, we invite you to come enjoy this free event with Eagle Mountain's largest waterslide and music on Saturday, July 21 from 11:00 a.m. to 3:00 p.m. at Nolan Park. Food vendors will be on site.

- **Pony Express Relay for Life** – Support the American Cancer Society, Friday, July 27 at 5:00 PM, at Westlake High School. Teams wanted! Register on the City website. This is a fun community event, so even if you are not on a team, come participate. There will be food, a silent auction, family games, and a chili cook-off contest between the Eagle Mountain and Saratoga Springs Fire Departments.
- **CPR/CERT Classes** – The Fire Department is offering CPR and CERT classes this fall. A schedule and details are on the Fire Department page of the City website.
- **Citizens' Survey** – We are looking for more responses to our annual citizens' satisfaction survey. The deadline has been extended to August 15. It is located under News on the main page of the City website.

Mayor Jackson said that the Friends In Need animal rescue sent a letter to the City expressing thanks for all of the help they received in keeping the animals safe during the fire last month. The Mayor also presented a certificate to Linda Peterson, Public Information Director, for her excellent work in sending out information during the fire. Another example of Linda's work is a missing child report she posted on the City's Facebook page. The child was found shortly after the item was posted. Mayor Jackson also thanked the Sheriff's Office for their efforts to find the child.

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

Sam Allen, 1914 Juniper Drive, thanked Donna Burnham and Ryan Ireland for voting against the budget at the last meeting. He said he met with county officials Chris Poulson and Robert Kirk regarding the truth in taxation law. He felt that when the City transfers money from the Utility Fund to the General Fund, it sidesteps truth in taxation. He believed the rate studies the City has authorized are designed to raise utility rates. He believed that the rates had not been raised, in part, because of the comments he's been making to the Council. He said that former City Attorney Jerry Kinghorn presided over 14 years of scandals and didn't inform the City about changes in the law. He objected to the City hiring another attorney from the same law firm.

Mayor Jackson responded that the City's attorney has always informed the City about changes in the law. The problems the City had experienced with transparency requirements were caused by software issues, which are in the process of being resolved. She said she's lived in the City for 14 years and it was her experience that Mr. Kinghorn did his job in an ethical manner. She didn't appreciate Mr. Allen slandering a dead man's name for his own purposes. The City went through an open and thorough process in choosing a new attorney. In reference to the City's taxation issue, the Council works through a careful process in deciding how much money to transfer from the Utility Fund to the General Fund. Mr. Pili added that the rate studies are not designed to raise rates, nor are they due to the information Mr. Allen has provided. They're designed to make sure that the City is being fiscally responsible.

Jennifer Shimakonis, 2792 Ruby Valley Drive, was concerned about "no parking signs" newly installed in her neighborhood. She brought a petition objecting to them. She asked for a meeting, since most residents did not get to voice their opinions. Mayor Jackson said a meeting will be set up.

Rod Allred, Provo, owns land in areas contiguous to SR 73. He was concerned about a storage facility being planned for the Meadow Ranch area. He felt the nature of the facility is completely out of sync with the residential location surrounding it. The view from his property will be ten acres of flat metal roofs and six acres of graveled outdoor storage. Nearby property owners didn't

get any notice until just before the most recent Planning Commission meeting. It's apparent to him that the City doesn't have control of Sunset Drive, where the facility will be located. He's concerned about improvements to Sunset Drive.

Steve Allred, Orem, reiterated his brother's comment about the incompatibility of the storage units with the surrounding area. Despite the site approval that was given several years ago, he believed that the residential neighborhood that has grown around the area since then has made that argument unenforceable.

Karen Kast, 2327 Coyote St., had the same concerns. She had been told that the land would likely be used for a school. She was also concerned that there is no acceleration lane leading from the property onto SR 73 from Sunset Drive. The Planning Commission addressed most of her other concerns at their last meeting.

Steven Holt, 9338 Hawk Lane, owns property adjacent to the land the facility will be located on. He felt the facility is not a good fit for that location. He was concerned about increased traffic on Sunset Road. He said the neighbors have an idea of who belongs in the neighborhood and who doesn't and they don't want to invite trouble. They're concerned about increased crime.

Mayor Jackson said that she doesn't disagree with anything that's been said. However, because the storage project was already approved, the owner has been vested with legal property rights. The City will continue to go through the process. She asked Mr. Mumford when he expected the issue to come before the Council. Mr. Mumford thought that it would be sometime in September.

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

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Mayor Jackson

No comment.

9. APPOINTMENT

A. City Treasurer – David Mortensen

**MOTION:** *Councilmember Ochsenhirt moved to appoint David Mortensen as City Treasurer. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

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

## CONSENT AGENDA

10. MINUTES

A. June 19, 2012 – Regular City Council Meeting.

11. CHANGE ORDER

A. Steel for South Substation – Atlas Manufacturing

12. SITE PLAN

A. Energy Building

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

## SCHEDULED ITEMS

### PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of the City Council of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Chapter 17.85 Animal Regulations and Chapter 6.05 Animal Control. This is not an action item – public hearing only

This item was presented by Planning Director Steve Mumford. The proposed ordinance amends the Eagle Mountain Municipal Code as it relates to animal regulations and animal control. Several issues have been brought up recently by residents, including excessive numbers of dogs on small lots, goats, beekeeping and chickens. Much of the interest has to do with how many animals should be allowed on small lots. The City has received a lot of input from local groups, governments and residents. The Planning Commission has considered this issue at six meetings, and on June 12 held a public hearing, voted on new regulations and made recommendations to the City Council.

The Planning Department researched the animal regulations in a number of cities in the county.

As a reminder, the stated purpose of Chapter 17.85 (found in 17.85.020 Purpose) is *to ensure that animals may be kept within the City in a manner that does not jeopardize the health or safety of its residents or cause a nuisance.*

The new draft of Chapter 17.85 is intended to completely replace the current chapter. The following are key points and/or changes to Chapter 17.85:

- Existing animal uses compliant with the current code may be continued as a nonconforming use, unless they are discontinued for a year or more. Residents would be responsible to provide proof if necessary in the future that they qualify for the nonconforming use.
- An alternative animal management plan may be approved by the Planning Commission through the conditional use permit process to allow exceptions to the table.

- A conditional use permit would be required for any number of dogs above and beyond the amount allowed by the ordinance, specifically for breeding, showing, racing or service, and would be governed by lot size.
- Chickens would be regulated by lot size and the regulations listed in the proposal.
- Small-breed goats would be permitted on ¼ acre – ½ acre lots according to regulations listed in the proposal.
- Livestock grazing would be permitted for greenbelt tax status on vacant land (Commercial, Industrial, and Airpark Zones) of greater than 5 acres, but prohibited in June, July, and August.
- The Residential Zone livestock table was modified, changing the setback to be for shelters and structures only, from the property line rather than the neighboring buildings.
- Beekeeping regulations are included, allowing two beehives on less than ½ acre, 3-5 beehives on ½ – 1 acre, and 5+ hives on lots greater than one acre in size. Beehives are restricted in side yards under 10 feet. Other regulations are detailed in the proposal.
- Goats would be allowed on a minimum of ¼ acre, dehorned females only.

Regulations for other animals are specified, as well. Odors, noise and other nuisances must be kept to an absolute minimum.

Councilmember Burnham asked about people who keep chickens and sell the eggs. Mr. Mumford said they should get a business license. Although chickens are regulated by lot size, they fall under the nuisance ordinance if they cause noise or odors that bother the neighbors. Roosters won't be allowed on residential lots. Chickens will only be allowed for egg production, not meat production.

Councilmember Ochsenhirt objected to goats and chickens in small lots.

Mayor Jackson said the table of allowed animals doesn't match the regulations described by Mr. Mumford. The labeling will be changed to make it clearer.

The proposed beekeeping regulations were written with input from the Utah County Beekeepers Association, the Sheriff's Office, the State Beehive Inspector for Utah County and the State Entomologist. Beekeepers have to be licensed by the state and have the license attached to each hive. One concern about beekeeping is the possibility of bees swarming. The Utah County Beekeeping Association keeps a database of all beekeepers in the county. They have a list of beekeepers willing to collect a swarm and take it away.

*Mayor Jackson opened the public hearing at 8:13 p.m.*

Tiffany Ulmer, 1320 Harrier St., said she finds goats to be a public nuisance on small lots, especially because of the noise. She's not happy that a goat brought into the subdivision illegally is still there. Referring to Mr. Mumford's presentation, she said the chart will apply only to areas without HOAs. Those subdivisions are a mix of lots larger and smaller than ¼ acre. Neighbors who can't have more animals will have to put up with the nuisances associated with them.

Ronnie Turner Detelj, 1334 Harrier St., said she's allergic to bees. She doesn't want them approved. She also said she drove into her subdivision one day and was startled by the noise and smell coming from goats in the neighborhood. She brought a copy of the Eagle Park CC&Rs. They prohibit nuisances and noxious activities, as well as sheds, coops, barns, poultry and livestock. Pets must be kept under control. She particularly objected to goats.

Ryan Ferre, 1389 Osprey Way, thanked the Council for passing an animal ordinance. He felt it will protect his privileges to own animals.

Dayna Koch, 1520 Kestrel Way, owns the goats in Eagle Park. She invited any of the Council to visit her home. There is minimal noise and smell. The goats are less dangerous than dogs, as they have no top teeth or horns. Many cities consider pygmy goats as pets. The Koches use the milk from their goats for their child who is allergic to cow's milk. In closing, she thanked the Council for the work they do.

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

Councilmember Ochsenhirt said this is the first person he's heard who has supported goats. He didn't feel that goats are pets. They're farm animals, usually loud and obnoxious. He felt that a quarter acre is too small a lot to house goats.

Councilmember Burnham said that allowing goats will open the door to many other animals, like miniature horses and pot-bellied pigs. People moving into a residential subdivision don't expect to move into a farm area. There are areas in the City that do allow farm animals, so the rights of people who don't want to live in a farm area should be respected, as well.

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City Utah, Adopting the Economic Development Fund Budget Amendment.

This item was presented by City Administrator Ifo Pili. An Incubator Fund was created during fiscal year 2012 to collect and expend funds for the Business Incubator Development Program (BIDP). The proposed amendment combines the Economic Development Budget from the General Fund with the Incubator Fund to create a separate Economic Development Fund. The purpose is to make the incubator program self-sustaining and to put the economic development initiatives into one budget that won't come out of the taxpayers' pockets. The proposed budget includes the allocation of funds for marketing and recruitment services. The revenue sources for the fund will not be taken from taxes or any current sources of General Fund revenues.

**MOTION:**        *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the Economic Development Fund budget amendment.  
Councilmember Ochsenhirt seconded the motion.*

Councilmember Ireland asked Mr. Pili how much of his time he spends on economic development. Mr. Pili responded that it varies depending on what the current projects are. Part of the reason he's recommending a consultant is that the City administration has lost a position because no one will be hired to fill the position left open by the staff reassignments caused by John Hendrickson's retirement. Councilmember Ireland requested a personnel line item be placed in the budget.

Councilmember Ochsenhirt asked about the increase in each year's allocations, and whether that much money would be spent each year. Mr. Pili said the program's revenues are also expected to go up each year. The goal is to receive a return from each expenditure.

Councilmember Ireland asked whether the Enterprise Fund would return money to the General Fund for staff costs. Mr. Pili responded that these funds will be more like internal expenses, since funds returned to the General Fund can't be earmarked for economic development.

Councilmember Ireland asked Mr. Pili how much of his time is spent on economic development. Mr. Pili said it varied depending on what project is currently underway. Councilmember Ireland requested that an estimated cost of personnel be placed in the budget.

*Councilmember Steinkopf withdrew the motion.*

**MOTION:** *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the Economic Development Fund budget amendment, to include the addition of \$25,000 into personnel services on the expenditure side. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Burnham asked if the \$25,000 would later be returned to the General Fund. Mayor Jackson said it would, in a later budget amendment.

15. MOTION – Consideration of a Claim for Property Damage Submitted by Angela and Jeff Duke.

This item was presented by City Recorder Fionnuala Kofoed. Mr. and Mrs. Duke have submitted a claim to Eagle Mountain City to cover the difference between their actual costs versus a settlement for damages caused to their property by a sewer backup. Geneva Rock took responsibility for the backup; the City was found not liable. City Attorney Jeremy Cook has advised that paying an amount for which the City isn't liable will set a potentially expensive precedent. He recommended that the claim be denied.

**MOTION:** *Councilmember Ireland moved to deny a claim for property damage caused by sewer backup, submitted by Angela and Jeff Duke. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration and Approval of an Addendum to the Agreement between Eagle Mountain City and Direct Communications Cedar Valley, LLC (DCCV) for Power Ring Services.

This item was presented by Energy Department Director Adam Ferre. The proposed addendum modifies the existing monthly rate that the City bills Direct Communications for power consumption by the fiber optic network terminals (ONTs) that are utilized as part of the Direct Communications fiber optic telecom network. This addendum changes the amount the City charges DirectCom from \$500 per month to \$1500 per month.

**MOTION:** *Councilmember Ochsenhirt moved to approve an addendum to the agreement between Eagle Mountain City and Direct Communications Cedar Valley, LLC (DCCV) for Power Ring Services. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

17. AGREEMENT – Consideration and Approval of a Civil Legal Services Agreement between Eagle Mountain City and Parsons Kinghorn Harris.

This item was presented by City Administrator Ifo Pili. With the recent passing of City Attorney Jerry Kinghorn, it is necessary for the City to contract with another attorney for legal counsel. The proposed agreement secures Parsons Kinghorn Harris as the City's legal counsel and specifically, Jeremy Cook as the City's contracted Attorney. Mayor Jackson explained that a City selection committee interviewed several law firms. The committee unanimously selected Jeremy Cook of Parsons Kinghorn Harris.

Mr. Cook worked with Mr. Kinghorn for several years, so he has considerable knowledge of and experience with the City's issues.

**MOTION:** *Councilmember Ochsenhirt moved to approve a Civil Legal Services Agreement between Eagle Mountain City and Parsons Kinghorn Harris and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

18. BID AWARD – Consideration and Award of Bid to Rhet Marsing Enterprises, LLC for the Construction of Phase 2 of the South Substation.

This item was presented by Energy Department Director Adam Ferre. This second phase of construction will complete the South Substation, including the installation of equipment that has been or will be ordered for the project. Additional upgrades to the North Substation will be necessary before the South Substation can be energized and become fully operational.

RME did the construction on the City's original substation.

**MOTION:** *Councilmember Ochsenhirt moved to award a bid to Rhet Marsing Enterprises, LLC for the construction of Phase 2 of the South Substation in the amount of \$462,432.00, and authorize the Mayor to execute the agreement. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

19. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah Appointing two (2) Representatives for Eagle Mountain City (“City”) on the Taxing Entity Committee (“TEC”) of the Eagle Mountain Economic Development Project Area #2012-1.

This item was presented by City Administrator Ifo Pili. The Taxing Entity Committee determines various aspects of the proposed project area creation process, including the approval of the project area budget.

Councilmember Ireland asked if this Taxing Entity Committee is tied to this particular project or if it's a standing committee. Mayor Jackson said it's specific to the project.

**MOTION:** *Councilmember Ochsenhirt moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, appointing two (2) representatives, namely Mayor Heather Jackson and City Administrator Ifo Pili to the Taxing Entity Committee (“TEC”) of the Eagle Mountain Economic Development Project Area #2012-1. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland Nathan Ochsenhirt and Richard Steinkopf. 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 Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt wanted to put on record that he was disgusted and appalled that someone would disparage Jerry Kinghorn so soon after his passing, when he had defended the City through some very difficult times. He was very glad that the City has retained the same law firm.

Councilmember Ireland

No comment.

Mayor Jackson

Mayor Jackson wanted to make it clear that she recognized Linda Peterson specifically because so many people brought up Linda's excellent work distributing information during the fire, but all of the staff did a stellar job, as well.

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.

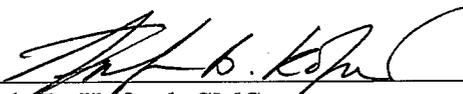
Councilmember Burnham reported that the Parks and Recreation Board is considering options for shade in Nolan Park.

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

23. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:17 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON AUGUST 7, 2012

  
\_\_\_\_\_  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**August 7, 2012**

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

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

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

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt (arrived at 4:28 p.m.), John Painter (arrived 4:31 p.m.) and Richard Steinkopf.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Michele Graves, City Librarian; Mike Hadley, City Planner; Paul Jerome, Finance Director; Chris Trusty, Public Works Director/City Engineer; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

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

**1. DISCUSSION – Impact Fees Written Analysis.**

Mr. Fred Philpott, of Lewis Young Robertson & Burningham, explained the draft written impact fee analysis. He reviewed impact fees in various areas such as utilities, transportation and parks. The analysis recommends that the City move in stages towards treating the entire City as one service area.

**2. DISCUSSION – Clearview Estates Master Development Plan.**

Clearview Estates is a 244-acre annexation including 342 units, mostly in ½ acre lots. Steve Sowby introduced himself as an engineer working for the owners, Stan and Katherine Smith. The plan includes a regional park with hiking and biking trails, as well as ten acres reserved for smaller parks.

**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. Utah State University Extension Site**

Utah State University will place an extension site at the Incubator Program office. It will be a webcast classroom setting. When there is adequate enrollment, they will build a permanent facility. The technology should be installed by January 1<sup>st</sup>.

**B. Utah Valley University Business Resource Center**

Utah Valley University posted an employee ad today for an Eagle Mountain Business Resource Center counselor. The UVU center will be downstairs from the USU classroom.

**C. Red Flag Annual Compliance Report**

The City's Red Flag resolution was enacted in 2009. This is a program required by the FTC. Each year the City must report on compliance. The City has had no issues with the program and recently implemented a written log of which employees have read the

policy. All employees who create customer accounts will be required to read the policy and sign the log.

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

The meeting was adjourned at 6:35 p.m.

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

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Mike Hadley, City Planner; Paul Jerome, Finance Director; Chris Trusty, Public Works Director/City Engineer; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

5. **CALL TO ORDER**

Mayor Heather Anne Jackson called the meeting to order at 7:17 p.m.

6. **PLEDGE OF ALLEGIANCE**

Boy Scout Troop 1069 presented a flag ceremony.

7. **INFORMATION ITEMS/UPCOMING EVENTS**

- **Pinyon Fire** – No structures have been damaged by the Pinyon Fire. It was started by a lightning strike on Sunday evening. The fire is on Camp Williams land and Eagle Mountain's Fire Department is assisting in fighting the fire. It didn't enter Eagle Mountain City, but North Ranch was threatened and the northern half of North Ranch was evacuated. The evacuation order was lifted this morning.
- **Flags at Half-Staff** – Governor Herbert has authorized the lowering of the Flag of the United States of America and the Flag of the State of Utah effective immediately, in memoriam of the victims of the Sikh Temple shooting in Wisconsin. The flags shall be flown at half-staff on all state facilities until sunset, August 10, 2012.
- **CPR/CERT Classes** – The Fire Department is offering CPR and CERT classes this fall. A schedule and details are on the Fire Department page of the City website. A babysitting

safety class will be offered on August 16. This class is free and recommended for ages 11-15.

- **Citizens' Survey** – We are looking for more responses to our annual citizens' satisfaction survey. The deadline has been extended to August 15. It is located under News on the main page of the City website.
- **Princess Tea Party** - Miss Eagle Mountain McKilee Brunger will host a princess party in the City Council chambers tomorrow, August 8, from 10-11 a.m. The event is open to ages 3-12. It costs \$5.00 and includes a princess 'tea' party, story time, a craft, and a photo with Miss Eagle Mountain. Pre-registration is required and is available online or at City Hall. Space limited to 25.
- **Farmers' Market** - A market to buy and sell local fresh produce and handmade crafts will be held on Saturdays, August 11 through September 29 from 9:00 a.m. to 12:00 p.m. in the City Hall parking lot. If you are interested in selling your produce or handmade crafts, please fill out the application on the City website.
- **Movie in the Park** - Celebrate the end of the Summer Reading Program by watching an outdoor movie on Wednesday, August 15 at the SilverLake Amphitheater, featuring Chicken Run, rated "G." Admission is free and all are invited. Doors open at 8:00 p.m. and the show starts at dusk.
- **Seniors' Health Fair** - The Eagle Mountain Senior Advisory Council will host their annual health fair at Rockwell High School on Monday, August 20 from 5:00-8:00 p.m. Admission is free for seniors. There will be free health screenings, fitness activities, and prize drawings.

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.)*

Nikki Wickman, 2766 Fort Hill Road, read a statement about water restrictions and landscape sprinklers, asking that sprinkler irrigation be restricted to the hours of 10:00 p.m. to 6:00 a.m. She gets hit with sprinkler water and goes through puddles every morning when she runs, partially due to Ranches Parkway and Pony Express Parkway being overwatered. She said that asphalt trails are Eagle Mountain's greatest asset and would like to see them completed and maintained. Mayor Jackson responded that The Ranches HOA is responsible for watering along Ranches Parkway and Pony Express Parkway. Public Works is looking into a master control to better balance the City's sprinkling system, but it would require an expensive new system.

Jennifer Hunt, 4096 Parker's Place, got a bid from a park improvement company for the improvements to Porter's Crossing Park. The HOA can't donate more than \$6,000, but the City requires the HOA to match its contribution of \$7,000. Mayor Jackson said the recommendation to the Council is from the Parks and Recreation Board. Several parks in the City Center were built with resident donations and labor. She recommended that the Porter's Crossing residents consider doing that to make up the difference.

Dayton Seegmiller, 3094 Snowy Owl Circle, represented Troop 1069. Since the park strip and the trail on Sandpiper Road have not been completed, the troop would like permission to beautify that area? He asked if the developer's bond still available and if not, who will take responsibility for improving the area? City Attorney Jeremy Cook responded that the bond is being called, as negotiations with the surety have failed. Mayor Jackson said that there is an approved landscape plan and asked the Public Works Department to provide it to Mr. Seegmiller.

Dayna Koch, 1520 Kestrel Way, spoke about her small-breed goats: should they be considered pets or livestock and should they be allowed to live on ¼ acre. She provided written information supporting her opinion that they can be pets if raised as such. Planning Director Steve Mumford researched the issue and found that a number of local cities allow goats in residential areas. Mayor Jackson said Steve is on vacation, followed by a conference, so discussion of the animal ordinance is being held off until September.

Brian Buchmiller, 1364 Owl Lane, thanked the Council for their time and service to the City. He supported Ms. Koch's request. He's never had any problems with her goats. He would like to live on a larger lot, but since he can't afford to, he would like the opportunity to raise animals on his smaller lot.

Jared Johnson, 1210 Searle Lane, also supported Ms. Koch in allowing her goats to be pets. He felt the City's focus should be on larger areas of the City, including parks, trails and the City's perimeter.

Mark Johnson, 1195 Searle Lane, thanked the Council for all they do. He supported Ms. Koch. He's been to her home and seen the goats and his grandchildren love to play with them. He thinks her research indicates that the goats are acceptable for a quarter-acre lot. Perhaps her lot could be rezoned.

Forrest Megargel, 1869 Mt. Airey Drive, has lived in Eagle Mountain for six years and has had few complaints; however, he's tired of dealing with the sprinklers on Ranches Parkway. He suggested that the City turn off the sprinklers and remove the grass. Mayor Jackson said she completely agrees with him and has had that discussion with the HOA several times. Some medians have been replaced with xeriscaping. Since the HOA is in charge of watering, she suggested that residents who disagree with their actions get on the HOA board and push for change.

Rochelle Anderson, 1487 Raptor Road, did not wish to speak, but turned in a comment form indicating that she thought the goats are an asset to the neighborhood and should be allowed to stay.

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

Councilmember Burnham

Councilmember Burnham thanked everyone who attended the meeting. She appreciated the flag ceremony and those who made comments.

Councilmember Steinkopf

Councilmember Steinkopf said this morning Fox News commended the City for doing a great job of disseminating information on the Pinyon fire.

Councilmember Painter

Councilmember Painter said it's difficult to be on the Council because those who see a problem assume that government has the power to fix it. It's difficult to differentiate between what government should do and what others should do. The Council gives a lot of thought to what should be done on various issues.

Councilmember Ochsenhirt

Councilmember Ochsenhirt appreciated all of the comments made so far. He said people get stuck on having their problems fixed, but not having their taxes raised. The volunteerism in the City is a great thing and we need to look more to that. He apologized to Ms. Koch for his comments about goats at the last meeting. He said getting caught up in the matter of goats on one lot is not the issue, it is fairness and appropriateness to all the residents. Similarly, the City Council's opinions will not affect decisions made by homeowners' associations. He appreciated the calm tone in which the comments have been made tonight.

Councilmember Ireland

Councilmember Ireland thanked everyone who attended the meeting, especially the Scouts in uniform. He informed those who made public comment that they're being recorded on video and will be on YouTube later on. He expressed appreciation for all that Public Communication Director Linda Peterson does to publish information about the City.

Mayor Jackson

No comment.

10. APPOINTMENT

A. Parks and Recreation Board

This item was removed from the agenda.

**CONSENT AGENDA**

11. MINUTES

A. July 17, 2012 – Regular City Council Meeting

12. BOND RELEASE – Out of Warranty

A. Scenic Mountain Plat A

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

**SCHEDULED ITEMS**

13. MOTION – Consideration and Approval of Additional Capital Projects for the FY 2012-2013 Budget.

This item was presented by Finance Director Paul Jerome. The City Council allocated an additional \$92,820.24 for capital improvements that was budgeted but not itemized in the FY 2012-2013 budget. During the annual budget process, the Council identified and approved specific projects from the priority/non-priority list of projects. This item specifies which projects will be funded.

City Recorder Fionnuala Kofoed presented her request for records management software. It would allow personnel to retrieve, identify and preserve information and establish a uniform file classification. It would also help with litigation risk and bring records into regulatory compliance.

City Librarian Michele Graves requested library shelving and a circulation desk. The shelving will be compliant with earthquake standards. The circulation desk will be compliant with ADA regulations and will have a book drop.

Public Works Director Chris Trusty recommended that the City match private funds for park projects in Pioneer Addition and Porter's Crossing. He recommended replacing damaged and dead trees around the City and installing more parking for the Public Safety building. He also requested a box trailer to make irrigation work more efficient and a cab for the skidsteer.

Public Communications Director Linda Peterson said that the Economic Development Board recommended updating the City's website. They believe it needs to be easier to navigate and present a better image of the City. City staff needs it to be more efficient. The current site requires that each social media outlet be updated individually, which is time-consuming for the staff. A newer website would allow simultaneous posting, as well as document management. A newer website would also improve the City's ability to provide emergency alerts.

The park projects were discussed and it was specified that the City funds have to be matched and the projects must be completed. The City has too many projects that have gone uncompleted.

Mayor Jackson proposed community theater funding. The person who would use the money already directs a growing theater program at Pony Express elementary school. She has the expertise to build \$2,000 in seed money into a thriving community theater program.

The water softener, Christmas lights and landscape lighting were proposed by Building Manager Jason Lovell. The water softener will extend the life of the appliances in City Hall.

**MOTION:** *Councilmember Burnham moved to approve capital projects for the 2012-2013 fiscal year as follows: Library, \$14,914; records management, \$13,875; Pioneer Addition Park, \$30,000; Porter's Crossing Park, \$7,000 (with the condition that both park projects have a 50% match up to the allocated amount and that both projects be completed); tree replacement, \$15,000; water softener, \$2,000; community theater, \$2,000; Public Safety Building parking, \$5,000; with the remaining amount to go to a box trailer & skidsteer cab. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a 4:1 vote. Those voting no: Ryan Ireland.*

Councilmember Ireland explained his "no" vote, saying he was not able to vote for funds for a community theater unless all avenues of sponsorship had been explored. Recreational activities need to be self-funded.

14. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Terminating the Interlocal Cooperation Agreement Establishing the Intermountain Municipal Gas Agency (IMGA) and Distribute Remaining Funds.

This item was presented by City Attorney Jeremy Cook. The proposed resolution terminates the interlocal agreement establishing IMGA. IMGA was formed in 1999 to provide natural gas services and transportation and to provide the benefit of economy of scale, economic development and utilization of natural resources. Since approximately 2007, little or no activity has been

conducted by IMGGA apart from Eagle Mountain City utilizing IMGGA to purchase natural gas, and the parties therefore feel it is appropriate to terminate IMGGA and distribute the remaining funds. The distribution amounts will be based on the cities' original contributions to the system and the costs of writing the distribution agreement.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, terminating the interlocal cooperation agreement establishing the Intermountain Municipal Gas Agency (IMGGA) and distribute remaining funds. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration and Ratification of a Professional Service Agreement with Widdison Well Turbines for Repairs to the Golf Course Well and Installation of a New Pump and Motor.

This item was presented by Public Works Director/City Engineer Chris Trusty. Emergency repairs were needed for the golf course well. This agreement ratifies the repairs and work completed by Widdison Well Turbines.

**MOTION:** *Councilmember Ochsenhirt moved to ratify a professional service agreement with Widdison Well Turbines for repairs to the golf course well and installation of a new submersible pump and motor purchased from Nickerson Company in the amount of \$47,200. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

16. BID AWARD – Consideration and Award of Bid to Specialty Electrics, Inc. for the Purchase of Control and Relay Panels for the South Substation.

This item was presented by Energy Department Director Adam Ferre. The final major equipment purchase for the South Substation is for seven custom built relay and control panels used for general monitoring and operation of the substation.

**MOTION:** *Councilmember Ochsenhirt moved to award a bid to Specialty Electrics, Inc. for the purchase of control and relay panels for the South Substation in the amount of \$117,054 for the purchase of control and relay panels for the South Substation and authorize the Mayor to execute the agreement. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. BID AWARD – Consideration and Award of Bid to Bennett Paving, Inc. for the 2012 Eagle Mountain Road Patch Improvement Project.

This item was presented by Public Works Director/City Engineer Chris Trusty. This bid is for asphalt patches on various roads throughout Eagle Mountain City. The project includes streets in Mt. Airey, Pioneer Addition, Liberty Farms, SilverLake, and Eagle Point subdivisions.

**MOTION:** *Councilmember Steinkopf moved to award a bid to Bennett Paving, Inc. for the 2012 Eagle Mountain road patch improvement project in the amount of \$64,555, and authorize the Mayor to execute the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. BID AWARD – Consideration and Award of Bid to Holbrook Asphalt Company for the 2012 Eagle Mountain Asphalt Surface Treatment Project.

This item was presented by Public Works Director/City Engineer Chris Trusty. This proposed bid is for HA5, which is an alternative to a slurry seal that is typically applied to road surfaces as part of the routine roadway maintenance. This product prevents loose aggregate littering the roadway and has received public approval in other areas where it has been used. It is anticipated that it will be a good option for the City as it evaluates alternative treatments for City roadways.

**MOTION:** *Councilmember Painter moved to award a bid to Holbrook Asphalt Company for the 2012 Eagle Mountain Asphalt Surface Treatment Project in the amount of \$78,676.79 and authorize the Mayor to execute the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. 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 Steinkopf  
No comment.

Councilmember Painter  
Councilmember Painter felt that the community theater will be part of what makes Eagle Mountain great.

Councilmember Ochsenhirt  
No comment.

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.

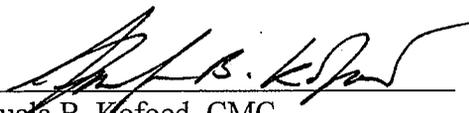
None.

21. COMMUNICATION ITEMS  
A. Upcoming Agenda Items

22. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:11 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 4, 2012.

  
\_\_\_\_\_  
Fionnuala B. Kofoed, CMC  
City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 4, 2012

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Michele Graves, City Librarian; Mike Hadley, City Planner; Paul Jerome, Finance Director; Adam Ferre, Energy Department Director; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

Mayor Heather Anne Jackson called the meeting to order at 4:12 p.m.

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

1. 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.
  - Mr. Pili introduced Richard Mendenhall, one of the new owners of SilverLake. Mr. Mendenhall said his group would like to have a meeting with Planning Commissioners and City Councilmembers to work out some contradictions in the pending development agreement before they formally bring it to the Planning Commission and City Council. City Attorney Jeremy Cook recommended that the City maintain its normal planning and approval process. Mayor Jackson suggested making it a discussion item in future Work Sessions, starting with the next meeting.
  - Assistant City Administrator Jason Walker thanked Mayor Jackson and Mr. Pili for allowing City employees to help Saratoga Springs residents impacted by Sunday's mudslide.
2. 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 Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 5:36 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Michele Graves, City Librarian; Mike Hadley, City Planner; Paul Jerome, Finance Director; Chris Trusty, Public Works Director/City Engineer; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

### 3. CALL TO ORDER

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

### 4. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

### 5. INFORMATION ITEMS/UPCOMING EVENTS

- **Farmer's Market** – A market to buy and sell local fresh produce and handmade crafts will be held on Saturdays through September 29 from 9:00 a.m. to 12:00 p.m. in the City Hall parking lot. If you are interested in selling your produce or handmade crafts, please fill out the application on the City website.
- **United Way Day of Caring** – On September 13, Eagle Mountain City is participating in the United Way Day of Caring with several different service projects. See the event listing on the City website for information on how to be involved.
- **Flu Shot & Immunization Clinic** – On Thursday, September 13, the Utah County Health Department will hold a flu shot and immunization clinic from 3:00-5:00 p.m. in the City Council chambers. Most insurance plans are accepted. For details, visit [utahcountyhealth.org](http://utahcountyhealth.org).
- **IGX Video Game Competition** – Interactive Gaming Experience is hosting a two day tournament with a variety of the latest and most popular games on September 21 from 3:30 p.m. until 9:00 p.m. and September 22 from 9:00 a.m. until 7:00 p.m. at Rockwell High School. Competitors may enter at any time and the winners and prizes will be announced at 7 p.m. on Saturday. This is a free event, with games for all ages.
- **Youth Duathlon & Clean Out the Cabinet** – On Saturday, September 29, a free youth duathlon will be held for children ages 15 and under at Nolan Park. Check in is 11:30 a.m. and the race starts at 12:00 p.m. This event is co-sponsored by Addicts to Athletes. A Clean Out the Cabinet drop-off location will also be at Nolan Park from 11:00 a.m. to 3:00 p.m. Reduce the availability of medications for abuse by properly disposing of unused medications. Clean out your medicine cabinets and bring your expired or unused medications.
- Thanks to the community for helping with the Saratoga Springs flooding clean-up.
- Thanks for residents' patience with recent road work and closures.

### 6. 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.)*

Casey Jones, 3299 Appaloosa Way, expressed appreciation for the time the Council puts in to their positions and the safety afforded him in the community, especially during the fire in June. He also spoke about keeping chickens. He compared outlawing chickens to outlawing guns. He also quoted Joseph Smith on self-government. He didn't think a law was necessary for controlling ownership of chickens. Mayor Jackson responded that the ordinance the Council is considering would not prohibit chickens, just cap the number allowed per lot.

Kim Robinson, Pleasant Grove City Councilmember, spoke on the TSSD sewer treatment plant. She said the smell emitted by the plant's composting is impeding Pleasant Grove's goals. She asked the Mayor and Council to support ending the composting.

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

Councilmember Ireland

Councilmember Ireland thanked the City's residents and staff who helped clean up the mud slides in Saratoga Springs. It was awesome to see the volunteerism.

Councilmember Burnham

Councilmember Burnham said it's great to live in an area where people help their neighbors instead of waiting for government to solve their problems.

Councilmember Steinkopf

Councilmember Steinkopf pointed out the new ladder signs directing people to various City buildings. He asked if the City had considered putting orange flags by crosswalks to make crossing safer. Mayor Jackson said it had been done, but the flags got stolen very quickly.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

No comment.

8. APPOINTMENT

A. Parks and Recreation Board – Marion Cline

**MOTION:** *Councilmember Burnham moved to appoint Marion Cline to the Parks and Recreation Board for a term ending on December 31, 2015. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Ms. Cline was not present at the meeting. She will receive the oath of office at a later time.

## CONSENT AGENDA

9. MINUTES
  - A. August 7, 2012 – Regular City Council Meeting
10. BOND RELEASE – Into Warranty
  - A. Valley View, Plat A-1
11. FINAL PLAT
  - A. Meadows Storage Subdivision – Final Plat
12. SITE PLAN
  - A. Meadow Ranch Self Storage
13. DEVELOPMENT AGREEMENTS
  - A. Valley View, Plat A-2
  - B. Valley View, Plat A-3

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

Planning Director Steve Mumford requested that items 11 and 12 be tabled pending further research.

**AMENDED MOTION:** *Councilmember Ireland moved to remove items 11 and 12 from the Consent Agenda and to approve items 9, 10 and 13. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Ireland moved to table items 11 and 12. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

### PUBLIC HEARING

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Annexing Approximately 245 Acres known as the Clearview Estates Annexation.

This item was presented by City Recorder Fionnuala Kofoed. On May 11, 2012 a petition was submitted to the Recorder's Office to annex approximately 245 acres of property located west of the North Ranch subdivision, on the north side of SR 73. The petition was certified on July 18, 2012 and no protests were received during the 30-day protest period. The City Council may annex the property after the public hearing. The General Plan amendment and Master Development Plan will be presented in a future meeting.

This annexation does not yet include a General Plan amendment or master development plan. The land will come into the City with Agricultural zoning. It will have no entitlements.

*Mayor Jackson opened the public hearing at 7:25 p.m. As there were no comments, she closed the hearing.*

**MOTION:** *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City, Utah, annexing approximately 245 acres known as the Clearview Estates Annexation. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

#### **PUBLIC HEARING**

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Code, Chapters 16.20.040(D), 16.25.040(A)(1)(t), 16.35.040(C), 17.100.060(G) for Water Rights Requirements.

This item was presented by Planning Director Steve Mumford. The City Code currently requires that water right documentation be provided along with a preliminary plat application, and that water rights or shares are dedicated to the City prior to recording a plat or obtaining a building permit. The City has purchased water from the Central Utah Water Conservancy District, and is in the process of constructing a pump station and piping to bring that water into Eagle Mountain. The rights to this water are available for purchase from the City in lieu of dedicating water rights.

During Work Session, Councilmember Painter asked if a developer could purchase water in such a way that the City would incur more infrastructure costs than it received in payment for the water. City Attorney Jeremy Cook said that infrastructure is an impact fee issue, not a water purchase issue.

*Mayor Jackson opened the public hearing at 7:26 p.m. As there were no comments, she closed the hearing.*

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain City Code Chapters 16.20.040(D), 16.25.040(A)(1)(t), 16.35.040(C), 17.100.060(G) for water rights requirements. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

16. BID AWARD – Consideration and Award of Bid to Instrument Control Company for the Purchase of Control and Relay Panels for the North Substation.

This item was presented by Energy Director Adam Ferre. The Control and Relay Panels will be used to monitor and control the new equipment for the North Substation.

**MOTION:** *Councilmember Steinkopf moved to award a bid to Instrument Control Company for the purchase of control and relay panels for the north substation in the amount of \$40,380 and authorize the Mayor to execute the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. BID AWARD – Consideration and Award of Bid to Cummins Rocky Mountain, LLC, for the Purchase of an Emergency Backup Generator for the Energy Building.

This item was presented by Energy Director Adam Ferre. The proposed bid is to purchase an emergency backup generator for the new Energy Building, which will enable the building to be 100% operational in the event of a power outage or natural disaster.

**MOTION:** *Councilmember Steinkopf moved to award a bid to Cummins Rocky Mountain, LLC, for the purchase of an emergency backup generator for the Energy Building in the amount of \$34,239 and authorize the Mayor to execute the agreement. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ireland commented that he would prefer that this item be budgeted for next year. Mr. Pili explained that other projects planned for bond funding, such as the redundant 138 kV line, have been delayed or cancelled, providing funding for projects with a quicker return on investment.

Councilmember Ireland pointed out that the generator was not part of the original plan. Mr. Ferre stated that all City buildings have generators. He also said it was preferable to use bond funds before City reserves.

Councilmember Ireland questioned whether funds would be available to build the redundant 138 kV line if other projects are funded first. Mr. Ferre responded that the projects being prioritized now are revenue-producing, which will help with alternative funding for the line. The Rocky Mountain Power (RMP) line has to be energized before a new 138 kV line could be used. The RMP line isn't ready to be energized yet.

Mr. Pili said that current ratepayers should not be responsible for the cost of projects that won't be needed yet.

Mayor Jackson stated that the City is going in a slightly different direction because there is a new City Administrator.

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

18. BID AWARD – Consideration and Award of Bid to Powell Electrical Systems, Inc., to Purchase an Operating Remote Panel for the North Substation.

This item was presented by Energy Director Adam Ferre. The operating panel is designed to remotely control the existing 12kV circuit breakers at the North Substation. This is intended to bring the North Substation up to current industry and government safety regulations. It is designed to prevent crews from being caught in an explosion in the event that a breaker was to fail while being operated. Powell is a sole-source provider.

**MOTION:** *Councilmember Ochsenhirt moved to award a bid to Powell Electrical Systems, Inc., for the purchase of an operating remote panel for the north substation in the amount of \$33,130 and authorize the Mayor to execute the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Donna*

*Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.  
The motion passed with a unanimous vote.*

19. BID AWARD – Consideration and Award of Bid to Rhet Marsing Enterprises, LLC, for the North Substation 138 kV Breaker Addition.

This item was presented by Energy Director Adam Ferre. The purpose of this project is to add a 138 kV circuit breaker to the North Substation. In the event of a problem with the 138 kV power line between the North Substation and South Substation, service will only be interrupted to a portion of the City as opposed to the entire City. This project also includes certain safety upgrades designed to bring the City into compliance with the latest federal safety guidelines.

**MOTION:** *Councilmember Ochsenhirt moved to award a bid to Rhet Marsing Enterprises, LLC, for the north substation 138 kV breaker addition in the amount of \$291,859 and authorize the Mayor to execute the agreement. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. 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

Councilmember Ireland asked that when the City has a bond discussion, a member of the Finance Dept. be present.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

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.

Councilmember Burnham reported that the Parks and Recreation Advisory Board are still considering options for shade in Nolan Park. They also want to look into a larger tank for the splash pad. The goal was to recycle the water, but at this point most of it goes into the storm drain.

22. COMMUNICATION ITEMS

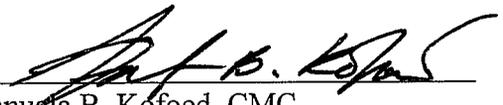
A. Upcoming Agenda Items

B. Financial Report

23. ADJOURNMENT

**MOTION:**        *Councilmember Ochsenhirt moved to adjourn the meeting at 7:54 p.m.  
Councilmember Steinkopf seconded the motion. Those voting aye: Donna  
Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.  
The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 18, 2012.



\_\_\_\_\_  
Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**September 18, 2012**

**Work Session 4:00 p.m. Policy Session directly following the RDA meeting scheduled at 7:00 p.m.**  
Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, John Painter (arrived 4:28 p.m.) and Richard Steinkopf. Nathan Ochsenhirt was excused from the Work Session.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Steve Olsen, Energy Department; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

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

Mayor Heather Anne Jackson called the meeting to order at 4:14 p.m.

1. PRESENTATION – Unified Fire Authority

Mayor Jackson recognized the Eagle Mountain City and Camp Williams firefighters in the audience. City Administrator Ifo Pili discussed the possibility and benefit of the City annexing into the United Fire Authority (UFA). Mr. Pili explained that the recent Dump Fire will cost the City \$45,000 because only 7.2% of the fire was on City land. The City is responsible for 25% of the total cost to fight the fire. The Wiley Fire a few days before that will cost the City \$250,000. Another issue is the cost of the Fire Department fleet. It will cost \$250,000 to replace the City's 1978 engine and another \$250,000 to replace the 1987 engine. Other vehicles will need to be replaced, as well, for a total of approximately \$600,000 just to bring the Fire Department fleet up to current standards. That doesn't include any preparation for the growth of the City; nor does it address deficiencies in personnel. The City's annual expense for fire services is \$1 million.

Chief Michael Jensen, UFA Chief, gave a presentation explaining the history and operation of the UFA. UFA is a hybrid of district members and individual municipal members. All of the board members are elected officials. All of the members must use the same tax rate for emergency services.

The UFA has about 550 employees and 26 stations serving about 400,000 residents. Some of the stations specialize in programs such as hazmat, wildland, high-rise, heavy rescue, water rescues, etc. The size of the agency also allows more opportunity for personnel to be promoted. All of the City firefighters would be employees of the district at their current rank and seniority.

There is a logistics warehouse, fire training and medical bureaus, a paramedic school, Fire Marshal, fleet maintenance, and station maintenance. District members also get capital improvements such as major station repairs, new apparatus and new stations.

Councilmember Steinkopf asked who decides when new stations are needed. Chief Jensen said that was a decision made by the City Council and the UFA together, based on an optimum response time of no more than eight minutes.

The City Council would have to adopt a resolution requesting annexation into the UFA. Every property owner in the City would be sent a notice that the City is considering joining the UFA. The district board would hold a public hearing to receive public comments, followed by a 30-day protest period. After the protest period, the district board would meet to decide whether to annex Eagle Mountain. The annexation would then be submitted to the Lt. Governor's Office.

Councilmember Ireland asked how the district works with a multi-jurisdiction fire like the Machine Gun Fire. Chief Jensen said that wildland fires have their own administrative system, primarily led by UFA staff. Mayor Jackson said that the communication problems with the Pinyon Fire were much better than that of the Dump Fire. Chief Jensen said that UFA can handle anything up to a Type 3 fire on its own.

Mayor Jackson asked how much control the City would have of its firefighters if it joined UFA. Chief Jensen said the City would have more control because all of the UFA resources would be available to the City.

Councilmember Burnham asked what Dispatch agency the City's 911 calls would go to. Chief Jensen said that Utah Valley VEC would connect to the Salt Lake County system. Chief Andrus said the Utah Valley system sometimes has trouble with the signal having to go over the mountain from Spanish Fork, especially when it's the one on fire. The Salt Lake signal would be more direct.

Mayor Jackson pointed out that public safety also includes the Sheriff's Office. It's important that the Fire Department and Sheriff's deputies be able to communicate with each other.

Chief Jensen said that the bills for fires and other catastrophic events would go to the UFA, not to the City.

## 2. DISCUSSION – SilverLake Development/Richard Mendenhall

Richard Mendenhall is one of the new owners of the unimproved section of the SilverLake subdivision. There was a detailed discussion regarding Mr. Mendenhall's proposal that 50-foot lot frontages be allowed for some of the cottage homes. Cottage homes would be defined as homes on lots smaller than 5,400 sq. ft. Fifty-foot lot frontages were brought to the Council in the past as a code amendment and the Council rejected them. He asked what percentage of the development should be cottage homes vs. single family homes. Mr. Mumford said that the definition of cottage homes in the Development Code would have to be met. The Development Code allows 50-foot lot frontages if the other requirements for cottage homes are met. The other requirements include additional open space.

Mr. Mendenhall felt that traffic lights should be a joint responsibility of the City and the developer, not of the developer alone. Mr. Trusty said that might be eligible to be installed through impact fees.

Councilmember Ochsenhirt stated that an 8,000 sq. ft. lot can't be considered a large lot and a 4,000 sq. ft. lot shouldn't even be considered. Mr. Mumford said that the average lot size now in SilverLake is 7,500 sq. ft.

Councilmember Steinkopf objected to the 50-foot lot frontage.

Councilmember Painter said that Eagle Mountain is designed for larger lots.

Councilmember Burnham felt that that development lacked variety. She suggested adding townhomes to the mix of housing styles.

3. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

*Because of time restraints the Agenda Review did not take place.*

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 Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:15 p.m.

*A Redevelopment Agency meeting was held prior to Policy Session.*

**POLICY SESSION – CITY COUNCIL CHAMBERS (directly following the RDA meeting scheduled at 7:00 p.m.)**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; Steve Olsen, Energy Department; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

6. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:27 p.m.

7. PLEDGE OF ALLEGIANCE

Boy Scout Troop 1083 presented a flag ceremony.

## 8. INFORMATION ITEMS/UPCOMING EVENTS

- **Farmer's Market** - A market to buy and sell local fresh produce and handmade crafts will be held on Saturdays through September 29 from 9:00 a.m. to 12:00 p.m. in the Eagle Mountain City Offices Parking Lot. If you are interested in selling your produce or handmade crafts please fill out the application on the City website.
- **IGX Video Game Competition** - Interactive Gaming Experience is hosting a two day tournament with a variety of the latest and most popular games - September 21, from 3:30 p.m. until 9:00 p.m. and September 22 from 9:00 a.m. until 7:00 p.m. at Rockwell High School. Competitors may enter at any time and the winners and prizes will be announced at 7 p.m. on Saturday. This is a free event, with games for all ages.
- **Seniors Activity – Preparing for Winter** – The Seniors will host a presentation featuring safety tips for winter on Monday, September 24 at 5:00 p.m. in the council chambers.
- **Exceptional Kids Club** – The Exceptional Kids Club's monthly activity will be a reptile show with Scales and Tails on Tuesday, September 25 from 3:30 to 5:00 p.m. at the Nolan Park Pavilion.
- **Youth Duathlon Cancelled & Clean Out the Cabinet** – Saturday, September 29, the free youth duathlon organized by Utah County has been cancelled. A Clean Out the Cabinet drop-off location will be at Nolan Park from 11:00 a.m. to 3:00 p.m. Reduce the availability of medications for abuse by properly disposing of unused medications. Clean out your medicine cabinets and bring your expired or unused medications.
- **Co-ed Volleyball** – Eagle Mountain City is offering a new co-ed volleyball program for ages 16 and up. Registration is open now through October 3 via the City website or at City Hall. More details on the City website.

Mayor Jackson presented awards to Deputy Garrett Dutson and Deputy B.J. Eccles for their response to information provided by an anonymous eight-year old who reported a crime. The girl wishes to remain anonymous to prevent retaliation. Mayor Jackson plans to make additional such public involvement awards.

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.)*

Michael Clouse, 2009 Weeping Willow Way, asked if there is a way to re-open the local shooting area, which has been closed since the fires this summer. He teaches shooting to Boy Scouts and that area was a good place for them to practice. Mayor Jackson responded that the City doesn't own the property. BLM owns the property and prohibited shooting there. BLM has contacted the City regarding setting up a shooting range there. She suggested that Mr. Clouse contact the owners of Wasatch Wing and Clay to see if they will let him take the Boy Scouts there for their shooting activities.

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 welcomed the Boy Scouts in the audience. She mentioned that she attended the Utah League of Cities and Towns conference and made some good connections with other cities. She felt that it's important to learn from other cities.

Councilmember Steinkopf

Councilmember Steinkopf was pleased that there was a flu shot clinic in the City last week.

Councilmember Painter

Councilmember Painter welcomed the Boy Scouts and leaders.

Councilmember Ochsenhirt

Councilmember Painter welcomed the Boy Scouts and leaders. He encouraged the Scouts to seek elected office.

Councilmember Ireland

Councilmember Ireland thanked those mowing the weeds along the public rights-of-way. He was also pleased to see progress on the Library Trail.

Mayor Jackson

Mayor Jackson welcomed Boy Scout Troops 1083 and 1061.

**CONSENT AGENDA**

11. MINUTES

A. September 4, 2012 – Regular City Council Meeting

12. RESOLUTION – DECLARATION OF SURPLUS PROPERTY

A. Lawn Maintenance Equipment

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

Councilmember Painter asked where the funds would go. Mr. Trusty said that they would go towards the purchase of the trailer that was approved with the City budget but not fully funded.

**SCHEDULED ITEMS**

**PUBLIC HEARING**

13. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the General Plan and General Plan Map 2, and Approving the Master Development Plan for Clearview Estates.

This item was presented by Planning Director Steve Mumford. The City Council will consider the approval of the Master Development Plan and amendment to the Eagle Mountain General Plan, and General Plan Map 2 for Clearview Estates that was recently annexed into the City.

The piece of the property that was part of the City before the rest was annexed has been zoned Mixed Use Residential. The proposal is to zone all of the property Rural Residential. Lots will be a minimum of half an acre. Lots adjoining North Ranch will be a minimum of one acre. The Equine Overlay Zone will be applied to the property.

The developers will have to provide a water tank if the existing water tank is inadequate.

Mayor Jackson invited the applicant to speak. Steve Sowby represented the applicants. He thanked Steve Mumford for the summary of the project. Mr. Sowby reported that the applicants changed the plan according to the recommendations of the Planning Commission. He requested that the City allow them to meet the \$2,000/acre improved open space requirement by dedicating natural open space or water rights to the City for fair market value, as the Development Code specifically allows that.

Councilmember Ireland asked how much of the \$2,000 per buildable acre (\$488,000) he would like to have covered by natural green space. Mr. Sowby responded that it would be \$238,000.

Councilmember Ochsenhirt asked about septic systems. Mr. Sowby stated that each septic system would have to be approved by the County before the lot could be sold.

*Mayor Jackson opened the public hearing at 8:11 p.m. As no comments were made, she closed the hearing.*

Councilmember Steinkopf brought up the county road mentioned on the plat. He noted the ½ acre horse properties and stated that he didn't feel that ½ acre lots were adequate for horses.

Mayor Jackson said that the road would be changed from a county road to a city road when the plat is approved.

Councilmember Ochsenhirt said that the use of septic tanks for the entire subdivision is a disaster waiting to happen. Septic systems were never intended to be close together like this. This design amounts to a 300 acre leach field.

He also felt that allowing over \$200,000 for natural open space depletes parks money. He suggested negotiating the amount.

Councilmember Ireland stated that one of the concerns the City has had in the past is providing enough fields for team sports for the kids. That's the purpose of community parks. Natural open space is important, but it doesn't replace improved parks. He also asked whether the 100 foot right-of-way for SR 73 is sufficient, or should the City maintain a wider right-of-way? Mr. Mumford said he was concerned about that and would like to discuss a wider right-of-way with the applicant.

Councilmember Ireland asked why no property was reserved for a school. Mayor Jackson said that a school was planned for in the EDA area, east of Meadow Ranch, so there's not likely to be a need for a school in this location. Councilmember Ireland also felt that if there's an equestrian overly, the City should require the applicant to improve the equestrian trails and the HOA to maintain them. Otherwise they become a dumping ground.

**MOTION:**        *Councilmember Ireland moved to table the Clearview General Plan, General Plan Map 2 and the Master Development Plan for Clearview Estates resolve the concerns, particularly the SR 73 right-of-way. Councilmember Ochsenhirt seconded the motion.*

Councilmember Painter questioned the interpretation of section 17 of the Development Code.

Councilmember Steinkopf restated his objection to having a septic tank on each lot.

Mayor Jackson asked if the Council could deny the subdivision over the septic tank issue. Mr. Trusty said that installing a sewer system would require a lift station, which has its own set of problems.

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

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain Project Area #2012-1 Plan, as Approved by the Redevelopment Agency of Eagle Mountain City, as the Official Economic Development Project Area Plan for the Eagle Mountain Economic Development Project Area, and Directing that Notice of the Adoption be Given as Required by State Statute.

This item was presented by City Administrator Ifo Pili. The proposed ordinance adopts the Eagle Mountain Economic Development Project Area #2012-1 Plan (the “Plan”) for the Eagle Mountain Economic Development Project Area #2012-1 (the “Project Area”) as the official Plan for the Project Area.

There was no discussion on this item.

**MOTION:** *Councilmember Burnham moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain Project Area #2012-1 Plan, as approved by the Redevelopment Agency of Eagle Mountain City, as the official economic development project area plan for the Eagle Mountain Economic Development Project Area, and directing that notice of the adoption be given as required by state statute. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

15. MOTION – Consideration and Approval of an Amended Development Agreement for Heatherwood on the Green.

This item was presented by Planning Director Steve Mumford. The proposed amendment to the Heatherwood Development Agreement changes the timing for the completion of open space improvements.

The Heatherwood Homeowners’ Association proposed that the required amenities be phased. Brian Haskell represented the Heatherwood Homeowners’ Association. Heatherwood no longer has a developer to build the amenities. The Homeowners’ Association met and wrote new CC&Rs. They have a new developer and are prepared to install the amenities, but they need to build as the funds come in.

Mr. Haskell requested that 20 building permits be issued so that construction of the amenities can begin. As the second phase of the work begins, they would like another 36 building permits released.

Councilmember Ochsenhirt asked when they expect to have the pool and clubhouse. Mr. Haskell said they would be built during the development of Plat B.

Councilmember Ireland asked how the association would assure that all the amenities would be completed. Mr. Haskell said the money is being set aside in a separate fund. Councilmember Ireland asked if the total fund of \$400,000 would be enough to build the amenities required by the Development Code, or should the homeowners' association be collecting more money from each homeowner?

Councilmember Steinkopf asked that "clubhouse" be more specifically defined. Mr. Haskell responded that the residents would decide at the time and then bring the plan to the City Council.

Mayor Jackson pointed out that this item only refers to Phases 1, 2 and 3.

**MOTION:** *Councilmember Ireland moved to approve an amended development agreement for Heatherwood on the Green Phases 1, 2 & 3, phasing the improvements as outlined in Table 1, with the stipulation that the improvements have to be started before releasing the permits for the next phase and the improvements have to be finished before commencing the subsequent phase. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

Mayor Jackson explained that, rather than set up a separate account for each realtor who needs temporary power to show a home, this resolution provides a general procedure. It establishes a fee for realtors to turn utilities on for three business days. If the request is made for the utilities to be activated on a Friday, then Saturday and Sunday would count as one business day and their 3-day period would run from Friday through Monday. Of the \$75, \$50 covers turn-on and shut-off, and \$25 covers the usage.

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

17. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Municipal Code Chapter 3.20, Purchasing Policy.

This item was presented by City Attorney Jeremy Cook. The ordinance amends and clarifies the Purchasing Policy and updates bid amounts that require competitive bidding to the amount specified by state law.

Mr. Cook stated that the main issues were confusion about approval requirements and about the amounts that trigger the various purchasing processes.

The definition of "contract" now specifies any written agreement for supplies, services or construction.

The new policy increases the amount requiring City Council approval to \$40,000. There is no longer an exception for purchases.

Purchases and agreements under \$1,000 can be approved by the City Administrator or department head and the approval may be delegated to employees. \$1,000 to \$5,000 must be approved by the City Administrator or department head. \$5,000 to \$40,000 must be approved by the City Administrator. If the City Administrator and the Assistant City Administrator are gone, the Mayor will sign contracts that need to be executed immediately.

The proposed policy allows the City Administrator to enact additional safeguards, such as two signatures on credit card bills.

City Recorder Finn Kofoed emphasized that the City staff works hard to do things the right way the first time, but the policy has always been confusing.

Councilmember Painter asked that changes like this always be provided in redlined copies. He was concerned that the approval amount was raised so much, which is a loss of control for the City Council. Mr. Cook said that the \$40,000 is found in the Municipal Procurement Code for building improvements. The proposed policy takes that number and makes it general to reduce confusion.

No purchase or contract can be broken up to avoid reaching the approval amount and any sole source contract over \$40,000 will need to be advertised.

Ms. Kofoed recommended that the City Council table the ordinance to allow department heads additional time to review the policy.

**MOTION:** *Councilmember Ireland moved to table an Ordinance of Eagle Mountain City, Utah, amending the Municipal Code Chapter 3.20, Purchasing Policy. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

18. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Consenting to the Provisions of the Rural Economic Development Loan and Grant Program.

This item was presented by City Administrator Ifo Pili. The United States Department of Agriculture Rural Development Rural Business & Cooperative Service (USDA-RD-RBCS), through the Rural Economic Development Loan and Grant Program (REDLG), has available an economic development program of financial assistance to rural utility providers in the form of zero-interest (0%) loans to assist in business and community development to eligible organizations. The resolution authorizes Eagle Mountain City to act as the intermediary to obtain funding through the REDLG.

This is a pass-through from the City to Direct Communications. Direct Communications is responsible for the payments. The \$1M no-interest loan is for an additional Direct Communications office building. The City has virtually no office space. UVU, USU, and DWS will be opening offices in the existing Direct Communications office building, which leaves even less available space.

Councilmember Painter said that this discussion is similar to the one regarding the lobbyist. The

City shouldn't take money just because the Federal government is offering it. He asked if it was the role of government to act as a banker.

Councilmember Ireland asked Councilmember Painter if the fact that it's a loan, rather than a grant, changes his opinion. Councilmember Painter said the government is not a bank.

Councilmember Ireland noted that Section E of the resolution commits the Council to matching funds. Mr. Pili explained that there are two programs, a \$1M loan and a \$300,000 revolving loan fund paid for by a grant. The match is for the revolving loan fund. The revolving loan fund is an optional add-on to the larger loan.

Mr. Cook said that the resolution will have to be changed slightly before it can be signed.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, consenting to the Provisions of the Rural Economic Development Loan and Grant Program for the loan but not the grant, with the stipulation that the wording of the resolution be changed as recommended by the City Attorney. Councilmember Burnham seconded the motion.*

Councilmember Ochsenhirt asked Mr. Pili how important this item is to the City's economic development. Mr. Pili responded that, even though it goes against many people's strongly-held beliefs about not accepting money from the Federal government, there is no private funder interested in job creation in Eagle Mountain. Mr. Pili is interested in getting jobs into the City, period. This is a workable solution.

*Those voting aye: Donna Burnham, and Ryan Ireland. Those voting no: Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion failed with a vote of 2:3.*

**ALTERNATE MOTION:** *Councilmember Painter moved to adopt a Resolution of Eagle Mountain City, Utah, consenting to the Provisions of the Rural Economic Development Loan and Grant Program, with the changes recommended by the City Attorney. Councilmember Ochsenhirt seconded the motion. Those voting aye: Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Donna Burnham, and Ryan Ireland. The motion passed with a vote of 3:2.*

**CITY COUNCIL/MAYOR'S BUSINESS** – This time is set aside for the City Council's and Mayor's comments on City business. **NO COMMENTS**

Councilmember Ireland

Councilmember Ireland said that all of the Planning Commission items were covered.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Painter

No comment.

Mayor Jackson

No comment.

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

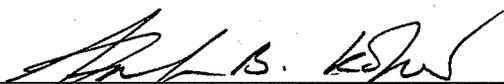
None.

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

21. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 10:12 p.m. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON OCTOBER 2, 2012.



Fionnuala B. Kofoed, CMC  
City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 2, 2012

Work Session 4:00 p.m. Policy Session 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: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. John Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; David Norman, Assistant Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

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

1. DISCUSSION – Purchase of a dump truck and pump truck for Public Works.

Public Works Director Chris Trusty reported that truck #19 needs replacement, as it requires constant maintenance. He proposed purchasing a ten-wheel dump truck, which would hold three times as much as truck #19, which would cut down considerably on trips to get fuel material that needs to be hauled. The pump truck is getting constant maintenance, as well, and doesn't have enough hauling capacity for the City's needs. It's also not efficient at cleaning storm drains.

City Administrator Ifo Pili said that these purchases were discussed during the last round of budget allocations, but the General Fund wasn't the correct source for the money. It should come from B & C road fund reserves, enterprise funds and the fleet fund. The City has money available either for a purchase or a lease option. The specific costs will be an agenda item at a future meeting.

Councilmember Ireland asked how a contribution from B & C road funds would affect road maintenance projects. Mr. Pili said the proportionate share of the B & C funds won't affect street maintenance. Mr. Trusty said the City is spending so much now on repeated trips and repairs that the new equipment will be a financial advantage.

Councilmember Ireland asked how long it will take from approval to receiving the trucks. Mr. Trusty responded that there is a six-month lead time.

2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

**12B. 2012 Eagle Mountain Surface Treatment Project**

Mayor Jackson said she was impressed with how the contractor tried to minimize the impact of road closures on residents. Councilmember Ireland said the same about how access was made available to bus stops.

### 13 & 14. Meadow Ranch Storage

Planning Director Steve Mumford presented the latest information on the Meadow Ranch storage subdivision and site plan. He met with the applicants last week and discussed the road rights-of-way and the trail west of Sunset. The applicants agreed to acquire the rights-of-way and to build a trail west of Sunset.

Mayor Jackson asked if there's any way this project can be denied. Mr. Mumford said it could be, but a denial would likely cause litigation. City Attorney Jeremy Cook said there are entitlements, but they're a little unclear because the agreements weren't executed.

Councilmember Painter was not present at the meeting, but sent a comment with Mayor Jackson saying he liked the change in the fencing but disliked the proposal for trees. Mr. Mumford said one of the conditions of approval is that the landscaping plan must be approved by the Parks Dept. foreman.

### 15. Golf Course

Mr. Pili reported that the City accepted the donation of the golf course three years ago, with the intent of selling it to a private business as soon as possible. The company which has been managing the golf course is now prepared to buy it. Without having spent any taxpayer dollars on acquisition or maintenance, the City will realize about \$1.2 million from the sale.

City Attorney Jeremy Cook explained the financial arrangements for the purchase. The purchase price is contingent on the new owner making money. If the golf course stops operating, the City will have the ability to go in and take over the maintenance of the course.

Councilmember Ireland asked if the wholesale price of water is unique to this agreement, rather than the normal commercial rate. Mr. Pili said the City doesn't have a commercial rate, although he thinks it should. The residential rate would be prohibitive. The City will retain ownership of the well, and the buyer has agreed to maintain it.

Councilmember Ireland asked about electric rates. If the golf course is watered during peak hours, it could raise the City's peak electrical usage, because turning the well pump on is the main use of electricity. The golf course will be charged a wholesale electric rate for the well. The rate will be determined and added to the consolidated fee schedule. Mayor Jackson recommended that the purchase agreement specify that the wholesale rate only applies to operating the well during off-peak hours. Some councilmembers recommended that the wholesale electric rate only continue until the golf course becomes profitable.

Councilmember Burnham asked how much money is left in the golf course enterprise fund. Mr. Pili replied that the only money left is from the cell tower lease agreements.

Councilmember Steinkopf asked why the agreement says \$550 thousand and the Council is discussing \$1M. Mayor Jackson explained that the City sold a maintenance shed on the golf course for \$500,000.

Mr. Cook said that there is a map that depicts what the golf course believes may be future development area. It is called out in the easement that it may be developable in the future. The City has not made any representation that it will allow development, but the request may be made in the future.

16. Annexation petition for the Salt Lake Valley Fire Service Area.

Councilmember Ireland asked what the City's intent is in dealing with the property tax rate. Mr. Pili said it must be lowered by at least the amount the City saves by not paying for the Fire Dept.

Chief Michael Jensen of the Salt Lake Valley Fire Service Area (UFA) said that if the City requests annexation, UFA will have to send out a notice saying that belonging to the UFA will raise property taxes by \$43 per \$200,000 home value. A public hearing follows the notice. After the public hearing, there is a 30-day protest period. If enough protests are received, the issue goes to a ballot.

Discussion ensued regarding whether the City's property tax rate should be lowered to offset the fire district tax, and if so, how much. Discussion was also held as to whether the district tax should be offset by eliminating the 6% utility fee or possibly other fees. Mr. Pili said it would be workable to reduce the fees, but not entirely eliminate them.

Councilmember Ochsénhirt objected to calling \$200,000 an average home value. He wondered what taxpayers' response to a tax increase will be. He felt it would be very negative. He didn't think the residents would consider the improvement in fire services.

Councilmember Ireland recommended that property tax be nearly the same as it is now and transfer fees be reduced. He felt that cutting property tax too far now would require the City to go through the truth in taxation process later.

Councilmember Burnham was concerned that the residents would think the City was taking money from them rather than funding necessary services.

Councilmember Burnham asked if the plan suggested by Councilmember Ireland would hurt commercial businesses. Chief Andrus said that joining the district will decrease their property insurance costs significantly.

Chief Jensen said that, since good fire protection raises property values, it makes sense to tie fire costs to property tax.

Chief Jensen mentioned that if Eagle Mountain joins the district, the district board will change the name to something that includes Eagle Mountain.

Mr. Pili stated that the 6% utility fee may need to remain in order to provide law enforcement, library services, and other services that come from the General Fund. If the Council eliminates the fee, Eagle Mountain will be the only city in the county without it. He felt that rates can be reduced with a combination of several fee adjustments. Mayor Jackson was concerned that there needs to be some form of revenue to cover the costs of parks and other services expected by the citizens.

Councilmember Steinkopf asked what amount the citizens would accept as a tax increase. Mayor Jackson responded that the Council needs to make it clear to the residents that if they don't accept the total \$250,000 tax increase, they will have a \$1M increase just to cover basic costs of keeping fire service equipment current and to cover wildfire costs. That doesn't include future wildfire expenses.

17. RESOLUTION – Agreement with the Utah Division of Water Quality for a Planning Advance to Fund a Facilities Plan.

Mr. Trusty explained that the White Hills sewer system does not meet City standards. Although the City doesn't own the sewer system yet, it eventually will because the area has been annexed. This grant will fund an evaluation of the system that the DWQ requires before it will consider approving a project loan. As stated in the Special Grant Provisions, "This Planning Advance is anticipated to lead to a request for a project. If this study does not lead to a project, then this advance must be expeditiously repaid at the completion of the study. Otherwise, this advance will need to be repaid using loan proceeds."

18. BID AWARD – Playground Equipment for the Pioneer Park.

Councilmember Burnham asked how the funds for the playground equipment would be allocated between the City and the HOA. Mr. Trusty said the volunteer labor was not included in the financial calculations. The City is paying half of the total funds.

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 beginning of the meeting.*

Mark Ridley, owner of Ridley's grocery stores, came to Work Session to discuss building a grocery store in Eagle Mountain. Mr. Ridley operates 18 stores in five states, including two in Orem. The store will be located in the Porter's Crossing area. It will include a full-service Ace hardware store. Groundbreaking is expected possibly as soon as March, and the store should open in the fall. It will employ 70 – 80 people.

Mr. Pili stated that Ridley's will receive the same CDA incentive package as was offered to Coop's Market.

Mr. Pili also told the Council that the Planning Dept. will make a presentation to the Council soon on a proposed master plan for downtown Eagle Mountain. An SAA for a Ranches Parkway Extension and other infrastructure has been proposed by developers north of SR 73. Among other construction, a school is expected to be built in that area.

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 Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

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

## POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. John Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Paul Jerome, Finance Director; Chris Trusty, Public Works Director; David Norman, Assistant Public Works Director; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

### 5. CALL TO ORDER

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

### 6. PLEDGE OF ALLEGIANCE

Steve Conger led the Pledge of Allegiance.

### 7. INFORMATION ITEMS/UPCOMING EVENTS

- **Farmer's Market** - A market to buy and sell local fresh produce and handmade crafts will be held on Saturdays through October 27 (weather permitting) from 9:00 a.m. to 12:00 p.m. in the City Hall parking lot. If you are interested in selling your produce or handmade crafts please fill out the application on the City website.
- **Trick or Treat Village** – The 2<sup>nd</sup> annual Trick or Treat village will be held at Nolan Park on Saturday, October 27 from Noon to 4 p.m. Get your cauldron going to fix up a tasty pie for the pie contest and conjure up a costume for your pup for the dog costume contest. Come and jump on the bounce house, learn how to monster mash, play games, hear spooky stories, vote for your favorite scarecrow, and get some candy from local businesses! Register for the contests on the City website, Events page. Admission to the event is FREE.
- **Jr. Jazz Registration** -- Registration for the 2013 Jr. Jazz season is open now through November 5, with a late registration period from November 6-13. Register on the City website, Sports Programs page, or in person at City Hall. Please note, if you are eligible to receive discounts, you must register at City Hall.

### 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.)*

Derek Twede, 7594 N. Swansea Court, the Youth City Council Mayor, reported on the Youth City Council. The Youth Council is very involved right now with preparations for the Trick or Treat Village. They helped with the United Day of Caring and the Exceptional Kids' Club. They plan to make Youth Council better known, so more youth want to be involved.

Fred Peeples, 7572 Kidwelly Court, asked about the proposed annexation to the fire service district. He wanted to know if a "yes" vote tonight will lock the City into the annexation, or whether the application can be withdrawn later. He also asked whether the income from the sale of the golf course could be used to alleviate some of the Fire Department's funding problems. He

wanted to know whether the savings in Fire Department expenses from the annexation would be reflected in the residents' tax bills. Mayor Jackson explained that if the Council requests annexation, the fire district will hold a public hearing, followed by a 30-day protest period. The City Council may withdraw the application at any time.

Alicia Hill, 1457 Falcon Lane, works with the Fire Department. Last summer, we saw what can happen with fires. She encouraged residents to become educated about fire issues. The City has already incurred significant debt from last summer's fires. She felt that paying taxes directly to the fire district will be more transparent than having all of our taxes go into different City funds.

Jeremy Alvernal, 3835 E. Pinehurst Dr., had an issue with Sheriff's Office deputies. Deputies park in the left-hand turning lanes by the islands on Ranches Parkway, which makes it more dangerous to turn. He has called the Sheriff's Office a couple of times to ask that deputies stop parking there, but nothing has been done.

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 thanked everyone who attended the meeting, especially the firefighters, the Boy Scouts and the Scout leaders. He appreciated the Youth Council. He encouraged residents to be involved.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham appreciated those attending the meeting, including the Scouts and the Youth Council. She appreciated the time the firefighters took to answer her questions about the proposed UFA annexation. She also thanked the representatives of UFA for providing information on the proposed annexation in an objective manner.

Councilmember Steinkopf

Councilmember Steinkopf said that he is the liaison from the City Council to the Youth City Council. The Youth Council has had outside people come in to make presentations. He has been told more than once what a well-organized group it is.

Mayor Jackson

Mayor Jackson thanked the Youth City Council advisors for serving the youth. She explained to Mr. Peeples that the funds coming from the sale of the golf course wouldn't be available until the golf course was profitable and couldn't be of use to the Fire Department. The contract requires that the payment be delayed until the golf course is successfully running under its new ownership.

10. PRESENTATION

- A. Miss Eagle Mountain Mckilee Brunger

Ms. Brunger reported on her platform, autism awareness. There are 66 Eagle Mountain children, ages 0-3, with autism who participate in the Kids on the Move program. Kids on the Move also has a program for older children called Bridges. Mckilee organized a 5K to raise money towards

the scholarship fund. She thanked the Youth Council for help with the Family Fun Carnival at the 5K. There was also a Kids' Fun Run during the 5K event. The 5K netted a total of \$2,193.84. Mckilee presented a check to a representative from Kids on the Move, who said that there is a philanthropist who will match the donation. Mckilee thanked the City Council for their support.

## CONSENT AGENDA

11. MINUTES
  - A. September 18, 2012 – Regular City Council Meeting
12. FINAL PAYMENT
  - A. Eagle Mountain Boulevard Chip Seal Project
  - B. 2012 Eagle Mountain Surface Treatment Project
13. FINAL PLAT
  - A. Meadows Storage Subdivision – Final Plat
14. SITE PLAN
  - A. Meadow Ranch Self Storage – Site Plan

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

## SCHEDULED ITEMS

### PUBLIC HEARING

15. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Authorizing The Ranches Golf Course Purchase Agreement.

Mayor Jackson presented this item. The City acquired the golf course in July, 2009, as a donation from the owners, because it was losing over \$300,000 dollars a year. Vanguard has leased and successfully operated and maintained the golf course since July, 2009. The City has determined that private ownership of the golf course is in the best interests of the City and the public.

*Mayor Jackson opened the public hearing at 7:32 p.m. As no comments were made, she closed the hearing.*

**MOTION:** *Councilmember Ireland moved to approve a Resolution of Eagle Mountain City, Utah, authorizing The Ranches Golf Course purchase agreement, with two additional stipulations: that they operate the well during off-peak hours, and that the wholesale electricity rate they pay to operate the well will expire after ten years. Councilmember Burnham seconded the motion.*

Councilmember Burnham stated that she and Councilmember Ireland voted against the acquisition of the golf course. She is happy to now relinquish it.

Councilmember Ochsenhirt said he was happy because he voted for it, and a net gain for the City is the resolution he was hoping for.

Mayor Jackson said finding the right management company was not easy. Vanguard is the company that manages the golf course at Thanksgiving Point.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

16. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Authorizing the Mayor to File a Petition for Annexation into the Salt Lake Valley Fire Service Area for the Providing of Fire and Medical Services.

This item was presented by Mayor Jackson. The proposed resolution is the first step in the process for Eagle Mountain City to be annexed into the Salt Lake Valley Fire Service Area (UFA) for fire and medical services. Eagle Mountain property owners will be notified, by mail, of a public hearing regarding the annexation if the City Council adopts the resolution. The public hearing would be followed by a thirty (30) day protest period before the district board could approve the annexation.

Mayor Jackson explained that the City planned to purchase a fire engine to replace an aging vehicle. The costs incurred by the City for the wildfires last summer made that impossible. In addition, the City is unable to afford to replace other aging equipment. The total cost of meeting those expenses would be over \$1M. The City has been considering joining a fire district for years, but has been unable to find other cities interested in forming a district. The Salt Lake district is willing to annex Eagle Mountain. The district will replace the City's equipment that is out of date, as well as making up staffing deficiencies and maintaining facilities. Joining the district will raise the City's ISO rating to 3 from the present 6/9, which will reduce insurance rates both for the City and the residents. Taxes will go up for fire services no matter what. They will go up \$1M without joining the district, and \$250,000 if the City joins.

If the City is accepted for annexation, the district board will consider changing the name to reflect that there is membership outside of Salt Lake Valley.

Chief Michael Jensen, Chief of the Unified Fire Authority, explained the timeline for annexation. If the City Council approves a resolution approving the annexation at this meeting, the district board will send out a letter to all Eagle Mountain residents announcing a public hearing to be held in City Hall. The public hearing starts a thirty-day protest period.

Mayor Jackson said residents may wonder while this annexation is being handled so quickly. Chief Jensen responded that the district accepts new members twice each year, January 1 and July 1. Starting July 1 means the fire season will already have started.

The City's firefighters will become employees of the fire district, retaining their seniority and remaining stationed in Eagle Mountain. The firefighters will have much more opportunity for advancement and specialization because of the size of the organization. Chief Andrus would be the Area Commander for Eagle Mountain, Herriman and Riverton. He would also be the Utah County Area Commander. The City will exercise significant local control over its fire service.

Mayor Jackson said that the property tax rate will rise a maximum of \$43.00 per year per each \$200,000 of home value. All property taxes will be dedicated specifically to public safety.

Councilmember Ochsenhirt asked if all future changes in the property tax rate will be made by the fire district. Mayor Jackson responded that they would. The fire district would go through the same truth in taxation process that the City would.

Councilmember Burnham said she thought that the tax increase is a good investment; however, taxes should be lowered elsewhere to eliminate any increase in costs to the residents.

Mayor Jackson explained that in Work Session, Councilmember Ireland proposed that the 6% utility fee could be eliminated. Councilmember Ireland said that it's important that the City not take in any more money than is required to provide services. He felt that property tax is a more transparent way to fund City government than administrative fees.

Councilmember Ochsenhirt stated that the \$43.00 number is not realistic, because most homes in Eagle Mountain are worth more than \$200,000. He hoped residents will understand that this annexation will provide better protection to the residents, and better protection costs a little more money. He asked those attending the meeting to educate their neighbors about this issue.

Councilmember Steinkopf said that public safety is so important, that this may limit some new services, such as soccer fields, but is worth the cost.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, authorizing the Mayor to file a petition for annexation into the Salt Lake Valley Fire Service Area for the providing of fire and medical services, and direct staff to reduce the property tax rate the minimum amount possible under state statute and reduce fees to the enterprise funds to offset the tax increase. Councilmember Ochsenhirt seconded the motion.*

The Council discussed what exactly the tax rate should be. Mr. Pili asked that City staff be given the autonomy to do an analysis to find the best way to minimize the costs to the residents. Councilmember Ireland responded that the motion didn't specify which fees to reduce, just that the net effect raise costs to taxpayers only as much as the cost of the new fire service.

Councilmember Burnham didn't want to artificially lower utility rates.

Mayor Jackson said that the net effect needs to be raising revenues only enough to pay for fire service, without specifying a percentage change in taxes. The percentage can be specified in a later vote. However, if the Council votes for the current motion, they will be locked into an 88.54% change.

Councilmember Ochsenhirt asked whether the amount needs to be included in the motion. Mayor Jackson said it does not.

City Recorder asked for a clarification of the motion. Mayor Jackson said that the motion was for a minimum adjustment to the tax rate, which is 88.54%. Councilmember Ochsenhirt pointed out that the difference in tax rates being considered is too small to be a significant issue.

Councilmember Burnham was concerned that the motion might artificially reduce utility rates. Councilmember Ireland reiterated that the intent of the motion is to raise revenue only enough to cover the increased cost of fire services.

Councilmember Ireland said that 100% of property taxes are currently going to public safety. He wanted the City's operating expenses to come from property taxes, not administrative transfers.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Authorizing the Mayor to Execute an Agreement with the Utah Division of Water Quality for a Planning Advance to Fund a Facilities Plan.

The Utah Water Quality Board authorized a planning advance to Eagle Mountain City. This planning advance will allow Jackson Engineering to complete an evaluation of the White Hills sewer system and to provide alternatives to correct the existing system deficiencies. Once alternatives are identified, further funding will be sought to finance the preferred treatment alternative. The planning advance is a zero-percent interest loan from DWQ, which will be repaid either directly or by rolling it into the principal of a sewer improvement loan.

Councilmember Ireland asked if the City will need to have an agreement with the sewer district that ties this payment to them. Mayor Jackson said that the City could request a letter from the White Hills sewer district to that effect.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, authorizing the Mayor to execute an agreement with the Utah Division of Water Quality for a planning advance to fund a facilities plan for the White Hills sewer system and authorize the Mayor to execute an agreement once she has received a letter from the White Hills Sewer District. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

18. BID AWARD – Consideration and Award of Bid to Sontagg to Purchase Playground Equipment for the Pioneer Park.

Eagle Mountain City Council approved up to \$30,000 in matching funds to be used to purchase and install playground equipment in Pioneer Park. The Request for Proposals included construction supervision during the installation, with volunteer labor being offered by the Pioneer Addition Homeowners' Association. All bids were opened and presented to the Parks and Recreation Board on September 13, 2012. The proposals were also reviewed by the Pioneer Addition HOA.

**MOTION:** *Councilmember Ochsenhirt moved to award a bid to Sontagg in the amount of \$55,900 to purchase playground equipment for Pioneer Park, with the stipulation that \$30,000 be transferred to the City from the HOA. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

Public Works Director Chris Trusty stated that the award of bid was conditional upon the playground equipment be delivered and installed by mid-November.

Mayor Jackson asked Marion Cline, who spearheaded this project, to put together a ribbon-cutting ceremony for this project.

19. BID AWARD – Consideration and Award of Bid to Kenny Seng Construction for the Library Trail Project.

Eagle Mountain City solicited bids for the construction of a trail along Pony Express Parkway from Eagle Mountain Boulevard to Trailhead Road, and along Trailhead Road to Stagecoach Run. This trail will allow residents pedestrian access to City Hall and the Library without having to contend with vehicular traffic.

**MOTION:** *Councilmember Ireland moved to award a bid to Kenny Seng Construction for the Library Trail Project in the amount of \$25,526.84 and authorize the Mayor to sign the contract. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. 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 Burnham

Councilmember Burnham thanked the Mayor and Council. It is a privilege to work with them. They handle even difficult discussions respectfully. She also thanked the City staff.

Councilmember Steinkopf

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt congratulated Marion Cline on the success of the Pioneer Park project, which she spearheaded. He was also excited about the Library Trail project.

Councilmember Ireland

Councilmember Ireland said the Planning Commission meeting included a long discussion about the permissible height for a flag pole. He felt flag pole height merits a discussion in a future City Council meeting.

Mayor Jackson

Mayor Jackson told the audience that Mark Ridley attended Work Session to discuss his plan to bring a grocery/hardware store to the City.

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

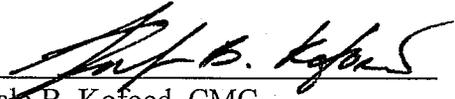
A. Upcoming Agenda Items

23. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:50 p.m. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham,*

*Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON OCTOBER 16, 2012.



Fionnuala B. Kofoed, CMC  
City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**October 16, 2012**

**Work Session 4:00 p.m. Policy Session 7:00 p.m.**

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

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

**ELECTED OFFICIALS PRESENT:** Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. John Painter was excused.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Kent Partridge, Building Official; Steve Olsen, Energy Department; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 7:02 p.m.

**1. DISCUSSION – Use of 2011 Gas and Electric Bond Proceeds.**

Laura Lewis, of Lewis Young Robertson & Burningham, the City's financial advisor, and Randy Larsen of Ballard Spahr, the City's bond counsel, discussed what projects could be funded by the money remaining in the 2011 Gas and Electric bonds. Rocky Mountain Power is not prepared to allow Eagle Mountain to hook up the 138 kV line. Approximately \$8.3M remains in the bond proceeds. Tax laws require a reasonable expectation of spending the proceeds within three years. One option is to pay off the bonds early. Ms. Lewis recommended against that. Bond investors expect a return on a regular basis for the expected life of the bond. The City could purchase securities and have them held by a trustee, which could pay the bond until the call date. Ms. Lewis recommended against that also, because the City could only invest the money at 1.4%, but the City will incur interest at 4.4%. The differential is negative arbitrage. As long as the City has additional projects to complete, the excess bond funds should be used to complete those.

Gas and electric bond funds may not be used to fund water and sewer projects or operations and maintenance. Allowable uses include some projects found in the Capital Facilities Plan: purchasing capital facilities from Rocky Mountain Power, extending gas and electric lines to new customers, replacing existing lines, construction of new substations, etc.

Mr. Larson explained that State law allows the City expand the funded projects. Council should vote to approve the expansion of the project into other capital projects. He recommended that the Council hold a public hearing before voting, although it is not required. If a small amount remains unspent, it may be used towards the next interest payment.

Councilmember Ochsenhirt asked how the City will have funds to pay for additional projects when bond funds have been expended on previous projects. Mayor Jackson explained that if the City pays off the bond in the ten-year project period, the funds will be gone. If the City pays the bond in the twenty-year call period, the funds will be there.

Mr. Pili said the City can build the 138 kV line that was planned for the bond, but there's no need for it at the moment, so there's no visible return on investment at this point. If the City expends the funds on projects that create revenue now, it will be easier to pay the bond back in ten years.

Councilmember Ochsenhirt requested that option in writing. He wanted clear accounting of which revenue from projects funded by the bond is used to pay for additional projects.

Mr. Pili listed the projects that the excess funds can be used for right away. They can be funded by the bond or by other City funds. The first is to use bond proceeds rather than other City funds to pay for the purchase of Rocky Mountain Power facilities. Another is the asphalt plant, Snugz, the Staker Parson pit, and power lines along SR 73. These projects were going to be paid by City reserves and impact fees. They will produce enough revenue to pay off the bond in between five and ten years.

Councilmember Painter asked why the City was sure that Rocky Mountain Power would be ready to transfer their facilities 15 months ago, and now they're not. Steve Olsen explained that Rocky Mountain Power did not inform the City in a timely manner that they had decided to delay the project. Mr. Pili said that at that time, a large data center was considering locating in Eagle Mountain and needed a lot of energy available very quickly.

Councilmember Ireland pointed out that the excess funds add up to almost \$6M, not \$4.5M.

Mayor Jackson stated that in the next meeting, the Council will hold a public hearing. Staff will general a cash flow analysis.

2. DISCUSSION – Special Assessment Area for Ranches Parkway Extension.  
*This item was moved to the beginning of the meeting.*

City Administrator Ifo Pili explained that a special assessment area was requested by the Allred brothers and RCA, owners of land north of Ranches Parkway. It would extend Ranches Parkway and wet and dry utilities to their property, as well as to a potential elementary school site. The value of the proposed special assessment bond would be \$3M. Normally, the ratio of SAA value to collateral value is 3:1. Mr. Pili will require the applicants to place collateral at a 5:1 ratio, or \$15M in land value, as security, which they have agreed to. The Ranches Parkway extension is currently on the Capital Facilities Plan. Having the SAA pay for the project would allow it to be removed from the CFP.

Councilmember Painter asked on what time period of the Capital Facilities Plan the work would be done. Public Works Director Chris Trusty answered that it would be in the one to ten year range.

Mayor Jackson reported that Alpine School District has made offers on two properties in the SAA area. They will choose one at the next board meeting.

Councilmember Ireland asked how the bond is paid back. Mr. Pili said that the work is paid for by the bond immediately, then the funds are paid back by the landowners. The City only pays if an owner defaults, after which the City sells the collateral to recoup the costs.

Ms. Lewis stated that State law allows for several methods of assessing costs to property: market value, taxable value, lot, acre, front footage or equivalent residential units. One or a combination can be chosen based on what is most fair to the owner of each piece of property.

Councilmember Ochsenhirt asked if State law requires the City to set assessments for each property at the formation of the assessment area or if the numbers change as property is developed. Ms. Lewis replied that assessments are set in the beginning.

Councilmember Ireland asked what the property owners think of the assessment area. Mr. Pili said that the property owners requested it.

3. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

#### 14B. Granite Construction Asphalt Operation.

The asphalt operation will be located north of the mountain, which will shield it from residents' view.

Councilmember Ochsenhirt asked if the primary access to the plant would be the new Mt. Airey extension. Planning Director Steve Mumford said the applicants are working with BLM to obtain access across their land. If they can't get that, they will use the Mt. Airey Drive access. Trucks also use a dirt road that travels around the hill.

Scot Hazard, 9258 Deerfield Circle, one of the applicants, said that at their meeting last week, the Planning Commission asked how long it would be until gravel trucks could stop turning left on SR 73. Mr. Hazard said that the company has been trying to obtain an easement from BLM for several months. Mayor Jackson offered to help with that approval. The Commission recommended that asphalt trucks not be allowed to run on SR 73 during peak hours between 4:30 and 6:00 p.m. Mr. Hazard said he checked Hadco's safety logs and they have never had a traffic accident since the pit has been in operation.

Steinkopf said, while accidents haven't actually happened, the trucks are dangerous and upset motorists.

Mayor Jackson asked the Council to think about whether they were willing to hold up the project over traffic concerns.

Councilmember Ireland asked what percent of the gravel excavation will go to the asphalt plant. Mr. Olsen said the plant expects to use 200-300,000 tons per year. Hadco needs to double their gravel production to supply the asphalt plant. Councilmember Ireland asked how long the hill will last at that excavation rate. Mr. Hazard estimated 12 to 20 years.

#### 14C. SnugZ

The SnugZ plant will be fairly well hidden from view by a hill. Councilmember Ochsenhirt asked if there will be a traffic light at that intersection. Mayor Jackson stated that traffic doesn't warrant it yet. UDOT will do a warrant study sometime in the future.

Councilmember Painter asked if water rights documentation has been submitted yet. City Attorney Jeremy Cook responded that an agreement is being drafted. Mr. Hazard said he expects to use water already banked with the City. He is waiting for a water right number from Patterson Construction.

#### 15. Bid Awards

Steve Olsen of the Energy Department said all the bid awards are being driven by the asphalt plant project. The owners have requested power and gas to their site by January, which is a very aggressive schedule. Because an 8" gas line has to extend all the way from their facility to the power corridor, staff decided to wrap in the Snugz, Staker Parson and SR 73 projects, as well.

Mr. Pili stated that all the projects were bid together. Mr. Olsen said the project will be awarded to one electrical contractor, with materials awards to a couple of suppliers. The separate bid awards were to facilitate expending the money from the appropriate funds.

Councilmember Ireland asked if payback from the asphalt plant will be guaranteed, or if the risk of ordering the materials is too high. Mr. Olsen said any materials purchased can be used on other projects. The amounts of materials can also be reduced based on these bids.

#### 16. Capital Facilities Plan

Mr. Trusty said a few changes have been made. References to a recreation center were removed and levels of service in transportation were redefined. There are no significant wait times at any intersections. Improvements don't have to be made until the level of service gets down to a level of C. The name of the Cedar Valley Freeway was made consistent and population projections have been reduced.

#### 17. Impact Fee Analysis

Mr. Trusty stated that there have been no major changes to the impact fee analysis for several years. Lewis & Young was hired to do an entirely new analysis. Lewis & Young considered SIDs and reimbursement agreements. Impact fees in the North Service Area dropped by 17%, those in the South Service Area by 27%. Once the reimbursement agreements are paid off, those fees will drop off. The City will no longer collect future facilities fees for the Fire Department, because of the City's annexation into the Unified Fire Authority.

Councilmember Painter asked why the fees were going down, compared to what the City used to require. Mr. Trusty responded that the City is redefining what is required for each subdivision, using a more system-wide approach. These are maximum fees. Some actual fees will be lower, depending on whether property is located in an SID or not.

#### 18. Clearview Estates Annexation

Steve Mumford, City Planning Director, explained that the number of lots has been reduced to 331. The developer will deed a 150' right-of-way to the City. The value of the land will be credited to the developer against the community improvement requirements.

Councilmember Ochsenhirt was very concerned about having a septic system on each lot. He didn't think the ground would be able to absorb the sewage. In the event of flooding, residents will look to the City to take responsibility for the damage. City Attorney Jeremy Cook said that State law allows septic systems, although each lot needs to be tested. The City can't prevent the systems unless it pays for a sewer line to be built out to that area. Mr. Cook believed that the real risk is to the developer.

Councilmember Painter asked if anyone has evaluated the cost of extending the sewer line to the subdivision. Mr. Trusty said it would have to include a lift station, which would raise the cost.

Steve Sowby, the engineer representing the landowners, said it would cost over \$400,000 dollars to extend the line. He said there has never been a problem in Eagle Mountain with a failed septic tank. The conditions for failure (the wrong soil and high groundwater) don't occur in the City.

Councilmember Painter pointed out that the City has had unusual weather in the last several years which has caused State-approved systems to fail. Mr. Sowby said no weather condition can affect septic systems. The risk is on the developer. Mr. Painter responded that developers have changed frequently, which makes it difficult for the City to collect on those obligations.

Mr. Sowby said that if the City were to choose to extend the line, the developer would probably be amenable to that in exchange for increased density.

#### 19. Budget Amendment

This amendment funds a new dump truck and pump truck for the Public Works Department. The money will come from a combination of reserve and fleet funds that are already in the City's accounts.

Councilmember Ireland asked what benefit comes from doing this now if the dump truck won't be available for snow plowing this winter. Mr. Trusty said putting it off to the next budget year will make the truck unavailable until the following December because there is a six-month lead time before the truck can be delivered. The truck will be used for hauling year-around, so snow plowing season isn't the only consideration.

Councilmember Steinkopf asked if a bigger truck will be able to turn in small roundabouts. Mr. Trusty said only pickup trucks are used in those. Councilmember Steinkopf asked if the Public Works Department will retain the old truck. Mr. Trusty said they will, because it has very little surplus value and might be helpful for backup.

Councilmember Ireland asked the life expectancy of the pump truck and the return on investment of purchasing the truck vs. contracting the work out to TSSD. Mr. Trusty said the life will be as much as 40 years. It will be assigned to one person, which is the best way to ensure proper use & maintenance.

Mr. Trusty explained that TSSD only cleans City sewer lines because the City is part of their system. The district will no longer be able to provide that service. No other company will do it. Without the truck, only trunk lines will be cleaned. Other lines may be cleaned, but not on the recommended two-year rotation.

#### 22. Unified Fire Authority Tax Increase

Mayor Jackson stated that staff has calculated what the reduced property tax rate will be. The utility rate reductions need additional analysis. The analysis will be complete by the next City Council meeting. The UFA sent a letter stating that the exact tax increase per \$200,000 home value will be \$45.19.

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.

None.



- **Jr. Jazz Registration** – Registration for the 2013 Jr. Jazz season is open now through November 5, with a late registration period from November 6-13. Register on the City website, Sports Programs page, or in person at City Hall. Please note that if you are eligible to receive discounts, you must register at City Hall.
- **Fall Clean-Up Dumpsters** – Dumpsters will be provided at the City Public Works building from October 27 to November 4 for Eagle Mountain residents to use. Get your yards prepared for winter and get rid of the waste close to home.
- **Bag the Leaf** – Help keep our storm drains clear. The City is offering free garbage bags for leaf disposal. Residents may get up to five bags per household. Bags are available for pick-up at the Public Works building and at the fire station in the Ranches through November 16.

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.)*

Nikki Wickman, 2766 Fort Hill Road, said Pony Express Parkway is not a safe street because it is too narrow. She has nearly been hit in crosswalks on Pony Express. The City may regret its decision not to widen the road, if a child gets hit by a vehicle. The administration is trying to attract more residents and businesses, and that requires more traffic safety. She also expressed concern about the toxins produced by the proposed asphalt plant.

Eric Hales, 9217 Mt. Airey Drive, thanked Asst. Public Works Director Jeff Weber for coming out the same day he called about a trip hazard in the sidewalk. Jeff had his crew fix it within 24 hours. Mr. Hales wanted to know when the rest of the street would be fixed. He thanked the Fire Dept. for their help with classes for the Boy Scouts.

Mr. Trusty said the rest of the road patches should be done early next week.

Mayor Jackson stated that when the transfer of the Fire Dept. to the UFA is complete, the City plans to continue the community involvement that the Fire Dept. has had all along.

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 Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked those who attended the meeting, especially the Boy Scouts from his neighborhood.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

Councilmember Steinkopf reminded everyone about the Trick or Treat Village on the 27<sup>th</sup>. The Youth Council will be doing an open house and other activities.

Mayor Jackson

Mayor Jackson asked residents to watch out for people in crosswalks. Pedestrians in crosswalks have the right of way.

11. OATH OF OFFICE

- A. Fire Fighter Jesse Johnson

Fire Chief Rand Andrus administered the oath of office to Mr. Johnson.

**CONSENT AGENDA**

12. MINUTES

- A. October 2, 2012 – Regular City Council Meeting

13. FINAL PLATS

- A. Spring Run Business Park, Plat A1  
B. Rock Creek, Phase 3

14. SITE PLANS

- A. Utah County Communications Site  
B. Granite Construction Asphalt Operation  
C. SnugZ

15. BID AWARDS

- A. 8" Gas Line to Granite Construction Asphalt Operation  
B. Power Line to Granite Construction Asphalt Operation  
C. Electrical Materials for 2012 Electric Main Feeders and Gas Lines  
D. Highway 73 Power Line Extension  
E. SnugZ Gas Line Extension  
F. SnugZ Power Line Extension  
G. Staker Parson Power Line Extension

Councilmember Painter was concerned that the asphalt plant may be approved without careful study of toxic fumes it will produce. He requested that it be removed from the Consent Agenda.

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda, with the amendment of consolidating the seven bid awards into three agreements. Councilmember Ochsenhirt seconded the motion. Those voting aye: Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Donna Burnham and John Painter. The motion passed with a vote of 3:2.*

The bids were combined into the following three agreements: Main feeders for the asphalt plant, SR 73, SnugZ and the Staker Parson gravel pit were awarded to Pine Valley Electric. Electrical materials were awarded in two agreements, one with Codale Electric Supply and one with HD Power Supply.

Mayor Jackson invited Chris Faulbeher, a representative of Granite Construction, to discuss the air quality issues of the asphalt plant. He said the company has never violated air quality standards at its Cottonwood Heights plant. The company has been operating in Cottonwood Heights since the 1960s, with the current plant having been built in the 1990s.

## SCHEDULED ITEMS

### 16. PUBLIC HEARING

#### ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the 2012 Capital Facilities Plan.

The Capital Facilities Plan is intended to identify infrastructure needs within Eagle Mountain City, to prioritize these needs, and to estimate their costs. Included in this plan are system improvements, for which the City can collect impact fees, and system deficiencies, for which impact fees cannot be collected. This document is also referred to as the Impact Fee Facilities Plan as it outlines facilities for which impact fees can be charged.

*Mayor Jackson opened the public hearing at 7:36 p.m.*

McKay Edwards, SITLA, found a minor error in the impact fee analysis, which may have come from the Capital Facilities Plan. The Parks section refers to SITLA's park land as 58 acres, however SITLA has 110 acres, valued at \$10,000/acre, for a total reimbursement agreement of \$1.1M.

*Mayor Jackson closed the public hearing at 7:38 p.m.*

Councilmember Ireland commented on page 84 in the Capital Facilities Plan, table 8.3, which is probably the place that Mr. Edwards said caused the error in the Impact Fee Analysis. Councilmember Ireland asked Mr. Trusty if there should be more line items to reflect that acreage. Mr. Trusty said that the Capital Facilities Plan has correct information, but the Impact Fee Analysis should be corrected.

Councilmember Ireland prefaced his motion by saying that he hoped the City would treat the Capital Facilities Plan as a living document and update it regularly.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the 2012 Capital Facilities Plan. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

### PUBLIC HEARING

#### 17. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Approving the Impact Fee Enactment.

The proposed ordinance revises impact fees charged to Eagle Mountain builders when issuing a building permit. Impact fees are a one-time charge to new developments for the purpose of raising revenue for new or expanded public facilities necessitated by that development. Impact fees cannot be used to increase an existing level of service, and all fees must be spent within 6 years of being collected. Impact fees cannot be used to correct existing system deficiencies. However, impact fees can be collected for existing debt service on facilities which have excess capacity for which the development will receive a benefit.

The City's financial advisor, Laura Lewis, explained details of the impact fee analysis. It covers

culinary water, sewer, storm drains, transportation, parks, public safety and electric services. The State does not allow cities to charge impact fees on natural gas services, probably because only a handful of cities own natural gas services.

Ms. Lewis stated that the Capital Facilities Plan is the basis for the Impact Fee Analysis. Most of the projects evaluated for the IFA were in the six to ten year range. For electric service, the projects evaluated were in the five-year time period. The impact fee finance plan costs have been reduced. Neighborhood park costs have been removed, and firefighting costs were also removed because of the impending consolidation with the Unified Fire Authority.

Ms. Lewis said if the City decides that any major changes in projects or growth in the future should trigger amendments to the Capital Facilities Plan.

Councilmember Steinkopf asked about footnote 2 in the sanitary sewer section. Ms. Lewis said that the North Service Area fee has two components; one charged by the City and one charged by the sewer district (TSSD). The South Service Area doesn't have the TSSD component. Since the TSSD fee is a pass-through and doesn't come to the City, it was included only as a footnote.

Mr. Trusty commented on Mr. Edwards' statement on the Mid Valley Park reimbursement agreement(s). Mr. Edwards mentioned three, but Mr. Trusty only had record of one. That one covers three separate improvements. The first was the only one that was included in the impact fee analysis. The Capital Facilities Plan and Impact Fee Analysis will need to be amended.

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

McKay Edwards, SITLA, repeated his earlier comment for the record, as it applied to both the Capital Facilities Plan and the Impact Fee Analysis: He found a minor error in the impact fee analysis, which may have come from the Capital Facilities Plan. The Parks section refers to SITLA's park land as 58 acres, however SITLA has 110 acres, valued at \$10,000/acre, for a total reimbursement agreement of \$1.1M.

Elise Erler, SITLA, discussed the supply buy-in for culinary water, table 4.6, CWP distribution-related costs. She wondered if the same cost should be charged to all the ERCs in the City, or just to those that benefit from CWP water.

Mr. Trusty responded that the City is moving to a more system-wide impact fee structure. Because the CWP water is intended to allow for future growth, it's appropriate to pay for it through impact fees.

Steve Sowby, engineer for Clearview Estates, said Energy Director Adam Ferre told them that the City will need to extend the power line from Ranches Parkway to north of SR 73 just to meet current power needs in that area. Mr. Sowby noted that the project is not listed in the CFP or IFA and asked that it be included in both. Mr. Trusty pointed out that it is listed in table 11.5 of the IFA.

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

Councilmember Ireland said that the direction from the City for neighborhood parks is that they be maintained by HOAs. He doesn't think every development needs an HOA. This doesn't address those who don't have an HOA. Mr. Trusty stated that neighborhood parks can't be covered by

impact fees because they haven't been in the past. Developers can still be required to build parks. Mayor Jackson said the City will have to maintain some of them.

**MOTION:** *Councilmember Ireland moved to table an Ordinance of Eagle Mountain City, Utah, approving the impact fee enactment. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

## **PUBLIC HEARING**

18. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the General Plan and General Plan Map 2, and Approving the Master Development Plan for Clearview Estates.

This item was presented by Planning Director Steve Mumford. The City Council will consider the approval of the Master Development Plan and amendment to the Eagle Mountain General Plan, and General Plan Map 2 for Clearview Estates that was recently annexed into the City. Clearview Estates is located west of North Ranch. This item was tabled from the September 18<sup>th</sup> City Council meeting.

The project is proposed to have 331 units on 287 acres. The minimum lot size will be ½ acre, with one-acre lots adjacent to North Ranch.

At the last meeting, the Council requested 150 feet of property along SR 73 for a future right-of-way expansion. The applicants are willing to deed the property to the City, and request that the value of the property be credited to the community improvement requirements for the project.

Mayor Jackson asked if this application can be denied based on the septic systems. City Attorney Jeremy Cook said it could not. The State doesn't restrict septic systems based The City can require the applicants to construct a sewer system if the City sewer system is extended to within 300 feet of the subdivision.

*Mayor Jackson opened the public hearing at 8:23 p.m.*

Steve Sowby, the engineer representing the applicants, stated that the applicants need specific guidance on four items. He asked for development credits to be broken into two parts, one for the linear park and one for the other natural open space. Mr. Sowby stated that the only choice the developers have for the linear park is to deed the property to the City in exchange for development credits, due to neither the applicants nor the City having the cash to pay for the land right now. The third item is the trail. If the City accepts the open space, it has a say in the construction of the trail.

He said that if the sewer line is extended, it will automatically include North Ranch, Meadow Ranch, Sage Valley and part of Cedar Pass Ranch, because what applies to this development also applies to those. The fourth item was that the development agreement be brought forward and be approved at the next City Council meeting.

Kamrun Hermanson, a resident of North Ranch, asked if the sewer line goes past North Ranch, would the City put in the sewer line or would that be required of the residents. Mayor Jackson explained that the City is responsible for the main line and residents are responsible for the laterals connecting their homes to the main line.

Mayor Jackson closed the public hearing at 8:27 p.m.

Mayor Jackson told Mr. Sowby that, as to not having any say about the trail, any trail must meet the City's Development Code standards. Councilmember Ireland pointed out that submission of a trail plan is a condition of approval. Councilmember Ochsenhirt wondered why the City would invest money in the corridor along the state road, thereby giving up money for parks and other improvements.

Mayor Jackson pointed out that if the City had an adopted General Plan outlining SR 73 becoming a freeway, then this corridor improvement would automatically be required of the developer. Because that is not adopted, the City has to negotiate the issue.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the General Plan and General Plan Map 2, and approving the master development plan for Clearview Estates, subject to the conditions in the staff report and two others: that they do the community improvements as to the \$2000 per buildable acre, as outlined in the Code, and that they comply with option #1, that they preserve the property, not planning development for that property, and receive payment by UDOT in the future when it requires the additional right-of-way. Councilmember Steinkopf seconded the motion.*

Councilmember Burnham asked who UDOT would purchase the land from; which would be the original owners, Stan and Katherine Smith.

Councilmember Steinkopf asked if wording could be placed into the agreement guaranteeing that the City is not liable for failure of any septic system. City Attorney Jeremy Cook said there is language on the plat to that effect.

Councilmember Painter asked if there is any plan in the future to extend the sewer line to the area. Mr. Trusty said the line would not be extended in that direction, because lift stations are a problem.

Councilmember Burnham asked if the developer has the option to improve the corridor land and get credit for it, or if it is to remain unimproved because it will eventually be paved. Councilmember Ireland said that the intent of his motion is that the land remains in native vegetation.

*Councilmember Ireland amended his motion to include an additional condition: that the 150' right-of-way along SR 73 remain native vegetation until UDOT purchases the property. Councilmember Steinkopf accepted the amendment.*

Councilmember Painter asked if changing the land use means the application will need to be brought back again. Councilmember Ireland said they have met the requirement for improved open space.

Mr. Mumford stated that the Planning Dept. will work closely with the applicants on how the improvement funds will be used.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a vote of 4:1.*

**PUBLIC HEARING**

19. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2012-2013 Budget.

The proposed amendment to the FY 2012-2013 Budget is for the purchase of a 10 wheel dump truck and a Vac-Con pump truck for Public Works. Funding for the equipment will be taken from the storm water, sewer, B&C roads, and street budgets.

Councilmember Painter asked if the City would be eliminating any projects next year because of the money being spent on these trucks. Mr. Trusty said it wouldn't.

*Mayor Jackson opened the public hearing at 8:45 p.m. As there were no comments, she closed the hearing.*

Discussion ensued on whether to finance the equipment or buy it outright.

**MOTION:** *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Fiscal Year 2012-2013 budget to include the purchase of a dump truck and pump truck, with an option of financing the purchase for a period not to exceed five years; prepayment to be allowed if analysis shows that it is feasible. Councilmember Painter seconded the motion.*

Councilmember Burnham said that she felt the Council was elected to make decisions, and this motion doesn't do that. She wanted a clear decision that limits debt as far as possible.

Councilmember Ochsenhirt called the question, then rescinded the motion to call as other members wished to continue the discussion.

Mayor Jackson explained that the question might be handled through a substitute motion.

Councilmember Ireland made a substitute motion to table.

Councilmember Ochsenhirt rescinded the motion to adopt.

Councilmember Ochsenhirt moved to table.

Councilmember Ochsenhirt rescinded his motion to table.

Mr. Pili clarified that he wasn't asking to take the Council's power to decide. He wanted to find the best options for the purchase and bring them back for a vote.

Mayor Jackson stated that the amendment can be tabled, the bids can be approved, and the budget amendment can be brought back at a later time.

**MOTION:** *Councilmember Ireland moved to table the budget amendment. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan*

*Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Painter said the Council would prefer that Mr. Pili come back with a recommendation that confines the debt for the purchase to City funds borrowing from one another, rather than the City borrowing from an outside source.

20. AGREEMENT – Consideration and Approval of a Purchase Agreement for a 10 Wheel Dump Truck.

The purchase of a 10 wheel dump truck would allow the City to retire truck number 19 and replace it with a larger, more efficient vehicle. The new truck will have three times the load capacity and will result in a third of the fuel costs, mileage and personnel costs to operate the vehicle.

**MOTION:** *Councilmember Painter moved to approve a purchase of a ten-wheel dump truck cab and chassis through the State contract in the amount of \$108,634, and a dump body and plow from Legacy Equipment Co. in the amount of \$84,250 and authorize the Mayor to sign the contracts. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

21. AGREEMENT – Consideration and Approval of a Purchase Agreement for a Vac-Con Pump Truck.

The pump truck will be used to perform several functions related the cleaning and maintaining of below ground utility systems. It can remove debris pipes and manholes with a vacuum system, as well as loosen debris and flush piping system. The City will also use the pump truck to haul sludge from the wastewater treatment facility.

**MOTION:** *Councilmember Painter moved to approve a purchase agreement with Marrott Sales for a Vac-Con pump truck in the amount of \$345,187 and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

22. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Adopting a Reduced Property Tax Rate of 0.001477% (Effective July 1, 2013).

With the recommendation from City Council to join the Unified Fire Authority, the City must reduce its property tax rate by at least 11.46%. This would reduce the City's rate from 0.001668 to 0.001477. Due to the fact that the new rate for UFA will not be recognized by our residents until August and paid in November, it is appropriate to adjust the rates on the next fiscal year budget.

There will also be a reduction in the utility rate; however, that reduction is still being analyzed and will be brought to the Council at a future time.

Councilmember Ireland pointed out that 11.46% is the minimum tax reduction allowed by law.

Mr. Jerome explained that UFA will not begin collecting taxes until next year's tax rates are

assessed in November, 2013. The County will disburse those funds to UFA sometime during December or January for calendar year 2014.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, adopting a reduced property tax rate of 0.001477 (effective July 1, 2013). Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Ireland clarified that the number in this motion is not a percentage.

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

Councilmember Steinkopf

Councilmember Steinkopf said it's been a great night.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

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.

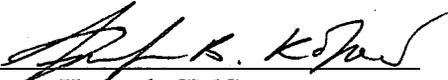
25. COMMUNICATION ITEMS

A. Upcoming Agenda Items

26. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:22 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON NOVEMBER 20, 2012.



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Fionnuala B. Kofoed, CMC  
City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 20, 2012

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

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

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Kent Partridge, Building Official; Adam Ferre, Energy Director; David Mortensen, City Treasurer; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Eric McDowell, Sheriff's Deputy.

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

Mayor Jackson presented a plaque to Asst. Public Works Director David Norman for earning the Utility Management Certification from the Rural Water Association.

She also signed off on an Eagle Scout project recently, in which mile markers were posted on the Pony Express running/walking trail.

1. PRESENTATION – Outrage Youth Group, signs for the Skate Park.

Outrage is an anti-tobacco youth group in Utah County. James Johnson of the group presented the Mayor and Council with signs to be posted in the skate park, reminding skaters to stay away from tobacco.

2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

Item 16. Budget Amendments

Budget amendments for purchase of a dump truck and pump truck were tabled at the last meeting so that the City Administrator and Finance Department could work out the details of financing vs. outright purchase of the vehicles. Mr. Pili proposed that the pump truck be financed and the dump truck be purchased outright. Zions Bank is willing to finance the pump truck for an average of 1.03% over five years. The City earns approximately 1.3% on its funds annually. If the Council prefers, the City can afford to purchase the pump truck without financing it.

Councilmember Steinkopf asked if there is a penalty for prepayment. Mr. Pili said there is not.

Item 17. Pony Express Townhomes

This project is located north of the Porter's Crossing Town Center area. It's just south and west of the Saratoga Springs city boundary. The north area of the site is unbuildable due to the slope of

the natural wash. The project has only one access road. Although the City generally requires secondary access for a project of this size, a second road was unworkable on this parcel, so the developer is proposing a 72-foot wide primary access.

Councilmember Painter asked if this design would create a precedent. Chief Andrus said the design complies with the letter of the International Fire Code, although it is not preferable as far as safety is concerned; however, it doesn't set a precedent.

Councilmember Steinkopf asked if the driveways gave enough room for residents to back out without risk of hitting a neighbor's vehicle. Mr. Mumford said the driveways are designed with adequate space to ensure safety.

Councilmember Ochsenhirt asked if a traffic study has been done. Mr. Mumford said one is not required. Tig Brown, the developer's representative, said the only requirement he was given was a left-turn lane. Mayor Jackson pointed out that the condition given was a choice of a left-turn lane or a traffic study. Mr. Brown said the developer has also provided a large easement to be available for the planned widening of Pony Express Parkway, as well as a temporary right-turn lane.

#### Item 18. Purchasing Policy

City Attorney Jeremy Cook stated that the purchasing policy revision is designed to clarify the requirements for bidding and for Council approval of contracts. Any contract worth over \$40,000 will have to be approved by the City Council, except for public utilities equipment and supplies, which are budgeted each year. These items have a narrow installation window each summer. Those will have to be approved if they cost \$125,000 or more. Items that aren't budgeted for will have to be approved by the Council if they cost over \$10,000.

As far as bidding goes, any materials purchases over \$40,000 will have to go through a formal sealed bid process. Items under \$40,000 will require three documented price quotes. It's difficult to get sealed bids from vendors for projects or materials under \$40,000. Quotes are often good for only seven days. Some of the more specialized equipment is only available from one or two vendors in the state.

#### Item 19. Energy Building Furniture

Energy Director Adam Ferre said the initial quote was for \$67,251.02. The quote has changed to \$67,453. About \$61,000 worth of furniture will be purchased under the State contract. Approximately \$6,300 is for upgrades to make the furniture more durable. The change in the quote is to extend the reception desk to the wall to improve the receptionist's security.

#### Item 20. Bleachers International Bid Award.

The original agenda summary for this item said that the contract will be for 2,326 seats. The actual number of seats is 3,006. If the City were to choose to purchase the bleachers, Bleachers International offered to apply the rental amount to the purchase price. The rented bleachers will be in place from March through June, or until after the next budget is approved. If the purchase is approved, the installed bleachers will remain in place.

The rodeo won the Best Small Rodeo Award in the Wilderness Circuit for the second year in a row.

Councilmember Steinkopf suggested that the City purchase one section of bleachers each year. Mayor Jackson said that Great Western offered a plan for a phased purchase of bleachers.

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.

Administration is considering a bond parameters resolution to reallocate some bond funds to accelerate the payback of some of the City's projects.

Mayor Jackson reported that, since the City proposes to annex to the Salt Lake Valley Fire Service Area, the Unified Fire Authority Board met today and approved the annexation. The 30-day protest period is going on, but no protests have been received so far. If the City joins, the name of the district will be changed, possibly to the United Fire Area.

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

The meeting was adjourned at 5:35 p.m.

### **POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Kent Partridge, Building Official; Adam Ferre, Energy Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Eric McDowell, Sheriff's Deputy.

5. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:08 p.m.

6. PLEDGE OF ALLEGIANCE

Kevin Graves led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- **Turkey Trot** – The 5<sup>th</sup> annual Turkey Trot will be held on Thanksgiving morning. Registration is free and is available on the City website, Events page. Check in begins at 7:15 a.m. and the event starts at 8 a.m. at Hidden Hollow Elementary. The route is from Hidden Hollow to the Eagle Park entry (across from City Hall). Prizes will be given for fastest times, most family members participating, best Thanksgiving-themed costume and more.
  - **Christmas Tree Lighting Event** – The traditional Christmas tree lighting event will be held on Friday, December 7 at 6:30 p.m. Join us in lighting our tree and City Hall building, with a little help from Santa Claus. Free photo opportunities with Santa will be offered after the ceremony (bring your own camera). For information on the gingerbread house and elementary kids' essay contests, please visit the Events page of the City website.
  - **Santa on the Fire Truck** -- Santa gets a lift from the EM Fire Department to visit neighborhoods in Eagle Mountain and throw candy to the children on Saturday, December 8. Please note, the fire truck will not be attempting to go down dead-end streets, and may not be able to drive down every street in the city due to time restrictions. Listen for sirens and watch in your neighborhood for the fire truck. Proceed safely to the area where the fire truck is. Please have your children stay on the sidewalk and wait for Santa to throw the candy. Please do not allow them to run into the street.
  - **Pony Express Days Holiday Sale** – Get Pony Express Days tickets at a great discounted price for the holidays, only \$5 each for the PRCA Rodeo, Demolition Derby, and Chris Cagle Concert & Fireworks. Tickets are available on the City website, Pony Express Days page.
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.)*

None.

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 asked that residents park cars off the street when snow is predicted so that snow plows can get through, and asked that they help their neighbors keep their snow shoveled. He also mentioned that UTA buses have been using engine brakes in neighborhood boundaries. That's too much noise for residential areas.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham asked for residents' patience as she doesn't feel well and may have to leave early.

Councilmember Steinkopf

Councilmember Steinkopf said the Youth Council will be helping with the Turkey Trot. They will also be involved with Santa on the Fire Truck. He mentioned the HEAT program, which helps low-income, elderly and disabled people to pay their heating bills.

Councilmember Painter

Councilmember Painter said he has received feedback in appreciation of the OHV ordinance, acknowledging that it's a beginning step and hoping it will be extended to allow street-legal ATVs on all City streets. He also hoped that the sign replacement program will replace the City's damaged ladder signs on a regular schedule.

Mayor Jackson invited Bonnie ElHalta, President of the Lehi Area Chamber of Commerce, to speak on sign replacement. Ms. ElHalta said there will be a regular replacement and maintenance program, either quarterly or semi-annually.

Mayor Jackson

Mayor Jackson said the turnout for the election was awesome and she hoped that would be repeated next year for the municipal election. She said the City is continuing the process of joining the Unified Fire Authority.

10. APPOINTMENTS

- A. Economic Development Board – Kevin Graves (replacing Jon Celaya)
- B. Planning Commission – Bonnie ElHalta (replacing Daniela Camacho)

**MOTION:** *Councilmember Painter moved to appoint Kevin Graves to the Economic Development Board to complete a term ending on December 31, 2014, and to appoint Bonnie ElHalta to the Planning Commission to complete a term ending on December 31, 2013. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Finn Kofoed administered the oath of office to Mr. Graves and Ms. ElHalta.

**CONSENT AGENDA**

11. MINUTES

- A. October 16, 2012 – Regular City Council Meeting

12. BOND REDUCTION

- A. Eagle Point Townhomes

13. FINAL PAYMENT

- A. Library Trail – Kenny Seng

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

**SCHEDULED ITEMS**

14. PUBLIC HEARING

ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the 2012 Capital Facilities Plan.

This item was presented by Public Works Director Chris Trusty. The 2012 Capital Facilities Plan was adopted at the October 16, 2012 City Council meeting. It has since been updated to more accurately reflect reimbursements identified in the master development agreement with SITLA for Mid Valley Park, and to add needed infrastructure for the Clearview Estates subdivision, north of SR 73. Also included are costs for an electrical line on Mid Valley road, and all current reimbursements have been reconciled to reflect the remaining capacities on those systems.

*Mayor Jackson opened the public hearing at 7:27 p.m. As there were no comments, she closed the hearing.*

Councilmember Painter asked if the plan will be scheduled to be updated every two to three years. Mr. Trusty said the plan is to update it every two years, unless City growth dictates an adjustment to that schedule.

**MOTION:** *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the 2012 Capital Facilities Plan. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

#### **PUBLIC HEARING**

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Approving the Impact Fee Analysis.

This item was presented by Public Works Director Chris Trusty. This document assigns a dollar amount to the facilities detailed in the Capital Facilities Plan. The proposed ordinance revises impact fees charged to Eagle Mountain builders when issuing building permits. Impact fees are a one-time charge to new developments for the purpose of raising revenue for new or expanded public facilities necessitated by each development. Impact fees cannot be used to increase an existing level of service, and all fees must be spent within 6 years of being collected. Impact fees cannot be used to correct existing system deficiencies. However, impact fees can be collected for existing debt service on facilities which have excess capacity for which the development will receive a benefit. This item was tabled from the October 16, 2012 meeting for minor corrections and to include infrastructure for the Clearview Estates subdivision.

There is a minor error in the impact fee analysis, which can be covered in the motion.

Because the impact fees are being reduced rather than raised, the City will allow the impact fee analysis to take effect before the 90-day statutory time limit.

*Mayor Jackson opened the public hearing at 7:32 p.m. As there were no comments, she closed the hearing.*

**MOTION:** *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the update impact fee analysis and making the new impact fees effective on December 3, 2012; with the stipulation that the fees reflect correctly the changes shown on the table on page 21 throughout the entire document. Councilmember Steinkopf seconded the motion.*

Councilmember Painter asked if the impact fee analysis reflects the slowdown in growth and the

increase in infrastructure, while covering the increases with this lower fee amount. Mr. Trusty responded that the costs are covered, mostly by adjusting projects previously scheduled in one to five years to be constructed in the six to ten year period.

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

## **PUBLIC HEARING**

### 16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Fiscal Year 2012-2013 Budget.

This item was presented by City Administrator Ifo Pili. The proposed amendment to the FY 2012-2013 budget is for the purchase of a dump truck and a pump truck for Public Works. This item was tabled from the October 16, 2012 City Council meeting.

Mr. Pili discussed options for either financing the vehicles or purchasing them outright. Staff recommends financing the pump truck, as the interest charged will be less than the interest the City makes on existing funds.

Councilmember Painter asked Mr. Pili to reiterate why the City needs these vehicles. Mr. Pili referred the question to Mr. Trusty. He explained that the City's pump truck is used to haul sludge and to keep the storm drain pipes cleaned out on a regular schedule. It's so old and requires so many repairs that any costs are excessive. The new dump truck is three times bigger than the old dump truck, which will make hauling more efficient. The cost savings in fuel and staff time will recoup the cost of the truck in less than a year.

Councilmember Painter asked why the cost is being partially paid by the water fund. Mr. Trusty said it will only be used for snow plowing for half the year. During the other half, it will be used for water projects.

Councilmember Ochsenhirt asked Mr. Pili why the CWP purchase was included in this amendment and why it wasn't budgeted earlier. Mr. Pili said that the CWP purchase was inadvertently left out of the regular budget process, so it made sense to bundle it into this amendment.

*Mayor Jackson opened the public hearing at 7:49 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 Fiscal Year 2012-2013 budget for the purchase of a pump truck, a dump truck and paying the contractual obligation for CWP water; and do it by financing the pump truck and also pursuing options for financing the dump truck. Councilmember Steinkopf seconded the motion.*

Councilmember Steinkopf asked about the financing option stated in the motion. Mayor Jackson explained that it enables the staff to finalize financing options, without the City being obligated to any one option.

Councilmember Ireland asked if the water bond has been available, waiting for this allocation. Mr. Pili said it has.

Councilmember Ochsenhirt asked if the motion gives Mr. Pili the option to purchase the dump truck, or only to find an option for financing. Mayor Jackson responded that Mr. Pili will evaluate the options for financing the truck.

Councilmember Painter clarified that his motion is to finance the pump truck, get a bid on the dump truck, and finance the dump truck if that saves the City money, or else buy it outright.

Mr. Pili suggested that if the City can finance the dump truck for less than 1.3%, that would be the thing to do; otherwise, purchasing outright would be the right option.

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

17. PONY EXPRESS TOWNHOMES

- A. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Rezoning the Pony Express Townhome Project from Agricultural to Residential – Public Hearing.
- B. FINAL PLAT - Consideration and Approval of a Final Plat for Pony Express Townhomes.
- C. SITE PLAN – Consideration and Approval of a Site Plan for Pony Express Townhomes.

This item was presented by Planning Director Steve Mumford. The proposed ordinance rezones the property from Agricultural to Residential for a 46-unit townhome project. The property is located on the north side of Pony Express Parkway, northwest of the SilverLake development. The northern one-third of the property is unbuildable due to a natural wash. This proposal includes a final plat and site plan approval for the townhome project.

Rezone

Councilmember Painter asked what Saratoga's plans are for future development on the adjoining property. Mr. Mumford said that the land was approved to be residential years ago.

The site plan and final plat were recommended for approval by the Planning Commission. The developer provided more than double the required improved open space.

Access for this narrow piece of land was problematic. Chief Andrus approved a double-wide primary access road, as no secondary access was workable.

*Mayor Jackson opened the public hearing for the rezone at 8:05 p.m. As there were no comments, she closed the hearing.*

**MOTION:** *Councilmember Steinkopf moved to adopt an Ordinance of Eagle Mountain City, Utah, rezoning the Pony Express Townhome project from Agricultural to Residential. Councilmember Painter seconded the motion.*

Councilmember Painter felt that approving this plan, with the concessions from City standards, is forcing the issue. City Attorney Jeremy Cook said the development meets the code. Not accepting this plan will deny the owners the possibility of developing the land.

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a 4:1*

vote.

Site Plan

Councilmember Painter asked about fencing. Mr. Mumford said that all open space will be fenced with a split rail fence.

Councilmember Ochsenhirt asked about buffering between the commercial and residential areas. Mr. Mumford said buffering is required of any incoming commercial project.

Councilmember Burnham asked if the developer is prepared to inform new residents that the development is adjacent to commercial property, so they're not surprised and upset when the commercial development is built. Mayor Jackson asked the developer to take care of that.

Councilmembers Steinkopf and Painter asked about the unfenced back yards. Mayor Jackson pointed out that the townhome owners won't own the property behind their homes, only the homes and driveways.

Councilmember Ireland said that the Planning Commission would have preferred having a fence to separate the wash from the park to help keep children out of the wash.

Mayor Jackson asked if a perimeter fence is required in the code. Mr. Cook said he didn't think so. The residents can petition the homeowners' association to install a fence. Mayor Jackson thought that the City could require a fence if necessary for safety.

Tig Brown, the developer's representative, said he had no objection to putting a split rail fence on top of the berm, even though it's not required. Regarding the wash, he said one of the selling points of the property is the clear view to the east, which a fence would impair.

Councilmember Painter asked about the monument sign at the entrance. Mr. Brown said it would typically be placed on the median between the two halves of the street. He would like to place it on the berm in front of the project, where it will not restrict sight lines. Mayor Jackson suggested placing it in the median and keeping it very small.

**MOTION:** *Councilmember Burnham moved to approve a final plat for Pony Express Townhomes, with the conditions stated and with the additional condition that a split rail fence be installed on both sides of the development along Pony Express Parkway. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a 4:1 vote.*

**MOTION:** *Councilmember Painter moved to approve a site plan for Pony Express Townhomes, with the conditions stated and with the additional condition that a split rail fence be installed on both sides of the development along Pony Express Parkway. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: John Painter. The motion passed with a 4:1 vote.*

The conditions stated in the staff report are as follows:

1. The applicant will be required to dedicate land for the right-of-way for Pony Express Parkway according to the Future Land Use and Transportation Corridors Map.
2. The applicant shall improve the right-of-way to provide a left turn lane on Pony Express Parkway or provide a traffic study showing that a left turn lane is not needed.
3. The development agreement shall include a provision for a transportation fee-in-lieu for Pony Express Parkway improvements.
4. The asphalt shall taper out on Pony Express Parkway on both sides of development.
5. The owner shall submit plans to the City for approval if there are going to be any modifications to the natural wash at any time.
6. A monument sign at the entrance is required for the project.
7. An easement for the future water line and asphalt trail along the entrance to the project is required.
8. Fencing along the open space areas and the wash is required.
9. The final landscape plan shall be reviewed for approval by the City Parks Foreman.
10. The asphalt trail along the frontage shall be shown on the plans.

18. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Municipal Code Chapter 3.20, Purchasing Policy.

This item was presented by City Attorney Jeremy Cook. This ordinance amends the Purchasing Policy, adding definitions and increasing bid amounts that require competitive bidding to the amount specified by State law. This item was tabled from the September 18, 2012 City Council meeting.

**MOTION:** *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Municipal Code Chapter 3.20, Purchasing Policy. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

19. MOTION – Consideration and Approval of a Purchase Agreement through the State Contract for Furnishings for the Energy Building.

This item was presented by Energy Director Adam Ferre. This proposal is for the interior furnishings for the new Energy Building. Henriksen/Butler holds the Utah State contract for the procurement of office furniture.

Councilmember Painter asked what process the City used to go above the permitted amount for the furniture purchase. Mr. Ferre said the City had to do a change order for the difference. The approximately \$6,000 extra allows for higher-quality, more durable furniture.

Two Councilmembers questioned the \$200 change in the price. Mayor Jackson suggested that the motion be for up to the proposed contract price and let Mr. Ferre negotiate the final price.

**MOTION:** *Councilmember Ochsenhirt moved to approve a purchase agreement through the State contract for furnishings for the Energy Building up to an amount of \$67,453.64 and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion.*

Councilmember Painter asked what the limit was for purchasing furniture through the State contract. Mr. Pili said it's not a question of amount, but of specific items that are available through the State contract. Upgraded items cost extra. Mr. Ferre said that under the City's purchasing policy, he had to get three bids for the upgraded items.

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

20. BID AWARD – Consideration and Award of Bid to Bleachers International for Bleachers for the Pony Express Days Rodeo.

This item was presented by Special Events Director Angie Ferre. The 4<sup>th</sup> Annual Pony Express Rodeo, a Professional Rodeo Cowboy Association (PRCA) certified rodeo, is scheduled on May 24-27, 2013. The City plans to rent seating for 3,006 people from Bleachers International to accommodate seating at the event.

Councilmember Painter asked if any proceeds from use of the bleachers for other events will be dedicated to paying the rental or purchase costs of the bleachers for next year. Ms. Ferre said she hoped so. Since most rodeos are planned a year in advance, it wasn't likely that there would be much rental income.

Ms. Ferre is looking into developing a 4H program in Eagle Mountain.

**MOTION:** *Councilmember Painter moved to approve an award of bid to Bleachers International for the rental of 3,006 bleacher seats, including transportation, set-up and removal costs, and authorize the Mayor to sign the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. The motion passed with a 4:1 vote.*

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

Councilmember Steinkopf

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Mayor Jackson

Mayor Jackson stated for the record that during Closed Session, the professional competence of an individual was discussed. She clarified that the title of the ordinance approved in item 15 should read, "An Ordinance Adopting an Impact Fee Enactment; Imposing a Culinary Water, Sanitary Sewer, Transportation, Storm Drain, Police, Parks and Recreation and Electrical Impact Fee; Providing for the Calculation and Collection of Such Fee; Providing for Appeal, Accounting and Severability of the Same; and Other Related Matters.

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

None.

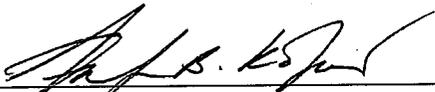
23. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

24. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:52 p.m. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON DECEMBER 4, 2012.



Fionnuala B. Kofoed, CMC  
City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

December 4, 2012

Work Session 5:30 p.m. Policy Session 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: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. Mayor Jackson was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Kent Partridge, Building Official; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Eric McDowell, Sheriff's Deputy.

Mayor Pro Tem Ochsenhirt called the meeting to order at 5:37 p.m.

**5:30 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

1. 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. Audit Report Update

Finance Director Paul Jerome reported that the City's auditor is behind due to computer issues at his office. He expects to have the audit available next week. He will send a copy to each Council member and make himself available for questions through the end of the month. The State requires the audit to be submitted by the end of the year. However, it is allowed to be submitted before City Council approval, which won't be possible until the first meeting in January.

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

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

The meeting was adjourned at 5:41 p.m.

## POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Kent Partridge, Building Official; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Eric McDowell, Sheriff's Deputy.

### 3. CALL TO ORDER

Mayor Pro Tem Nathan Ochsenhirt called the meeting to order at 7:16 p.m.

### 4. PLEDGE OF ALLEGIANCE

Ridge Raven led the Pledge of Allegiance.

### 5. INFORMATION ITEMS/UPCOMING EVENTS

- **Christmas Tree Lighting** – The traditional Christmas tree lighting event will be held on Friday, December 7 at 6:30 p.m. Join us in lighting our tree and City Hall building, with a little help from Santa Claus. Free photo opportunities with Santa will be offered after the ceremony (bring your own camera). Donations are also being accepted that night for the Fraughton family who recently lost their wife and mother after a car accident. Information on donations needed is available on the City website.
- **Santa on the Fire Truck** -- Santa gets a lift from the EM Fire Department to visit neighborhoods in Eagle Mountain and throw candy to the children on Saturday, December 8. Please note, the fire truck will not be attempting to go down dead-end streets, and may not be able to drive down every street in the city due to time restrictions. Listen for sirens and watch in your neighborhood for the fire truck. Proceed safely to the area where the fire truck is.
- Please have your children stay on the sidewalk and wait for Santa to throw the candy. Please do not allow them to run into the street.
- **FrontRunner Free Rides Saturday** – UTA is offering a free roundtrip ticket on their new FrontRunner line this Saturday, December 8 from 10 a.m. to 10 p.m. with a packaged food donation. Information is available in the News section of the City website.
- **Pony Express Days Holiday Sale** – Get Pony Express Days tickets at a great discounted price for the holidays, only \$5 each for the PRCA Rodeo, Demolition Derby, and Chris Cagle Concert & Fireworks. Tickets are available on the City website, Pony Express Days page.
- **City Offices Closed** – The City offices will be closed on December 12 from 11:30-4:30 for staff training, and December 24-26, 31, and January 1 for the holidays.

### 6. 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.)*

None.

7. 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 everyone for attending, making special mention of the Scouts. She thanked those who will be appointed to boards and commissions this evening for being willing to serve the City.

Councilmember Steinkopf

Councilmember Steinkopf thanked everyone who participates with the City, both staff and volunteers. He wished everyone a merry Christmas and happy new year. The Christmas Tree Lighting will be held on December 7, which is Pearl Harbor Day. He hoped everyone would remember the importance of that day.

Councilmember Painter

No comment.

Councilmember Ireland

Councilmember Ireland said that next Saturday is Free Fare Day for the new Frontrunner light rail system. Starting on the following Monday, the express bus from Eagle Mountain to Salt Lake will be discontinued and replaced by a bus route from Eagle Mountain to the American Fork Frontrunner station. It will run three times in the morning and three times in the evening.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone attending the meeting, especially the Scouts. He wished everyone merry Christmas and happy new year.

8. APPOINTMENTS

- A. Library Board – Debora Bond, 2-year term
- B. Parks & Recreation Board – Adonna Geddes and David Benight, 3-year terms
- C. Public Works Board – Robert Clegg and Branden Reall, 4-year terms
- D. Youth Council Advisory Board – Robert and Alicia Hill, 1-year terms
- E. Senior Council Advisory Board – Joyce Hauber, 4-year term
- F. Yellow Ribbon Committee – Marie Frandsen, 1-year term

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

The oath of office was administered to Mr. & Mrs. Hill and Mr. Clegg by City Recorder Fionnuala Kofoed. The others were unable to attend the meeting and will receive the oath of office at another time.

**CONSENT AGENDA**

9. MINUTES

- A. November 20, 2012 – Regular City Council Meeting

The wording on the impact fee item was corrected in the November 20 City Council minutes and any reference to a SITLA reimbursement agreement was changed to the master development agreement.

10. 2013 CITY COUNCIL MEETING SCHEDULE

The Council discussed cancelling the April 2 meeting because the Alpine School District spring break was scheduled that week, but decided to leave it on the schedule and cancel it, if desired, in March.

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

**SCHEDULED ITEMS**

**PUBLIC HEARING**

11. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Authorizing the Amendment of the Second Supplemental Indenture of Trust to Change the Description of the 2011 Project; Authorizing the Execution by the City of Other Documents Required in Connection Therewith; Ratifying the Publication of a Notice of Public Hearing on the Amendment to the Project Description; and Related Matters.

This item was presented by City Administrator Ifo Pili. The proposed resolution amends the project list stipulated in the original 2011 Gas and Electric Revenue bond. There has been a shift in gas and electric project priorities due to the changes in growth patterns in certain parts of the City. The acquisition of previously owned Rocky Mountain Power facilities, economic development projects and the construction of the Energy Building have also contributed to the amendment to the list of proposed projects. Different funds are being used for various projects, placing the debt burden appropriately on existing residents or new residents.

*Mayor Pro Tem Ochsenhirt opened the public hearing at 7:38 p.m. As there were no comments, he closed the hearing.*

Councilmember Painter asked Mr. Pili what kind of bond was used for building City Hall. Mr. Pili said it came from the original gas and electric bond. Councilmember Painter asked if that bond is still being paid off. Mr. Pili said it is. Councilmember Painter was concerned that the City might end up constructing too many buildings.

Councilmember Ireland asked if the resolution should reflect the actual amount of the bond, \$11.5M, not the originally-proposed amount.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of Eagle Mountain City, Utah, authorizing the amendment of the Second Supplemental Indenture of Trust to change the description of the 2011 project; authorizing the execution by the City of other documents required in connection therewith; ratifying the publication of a notice of public hearing on the amendment to the project description; and related matters; and verifying and updating the total bond amount in the resolution from \$12.8M to the actual amount of \$11.5M. Councilmember Burnham seconded the*

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

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

This item was presented by City Administrator Ifo Pili. The proposed resolution amends the Consolidated Fee Schedule, increasing the processing fee and fines for overdue and damaged library books, audio books and DVDs to reflect the actual costs to the library.

Councilmember Burnham, who volunteers at the library, asked if the money is now going to the library instead of to the General Fund. It doesn't make sense to raise the fees to reflect the costs to the library if the money isn't going there. Mr. Pili said that the library is funded by the General Fund. All of the revenues for General Fund departments go to that Fund, which is subsidizing the difference between the revenues generated by the library and the costs to operate it.

Councilmember Burnham said that most cities allow their libraries to keep their fines and fees. That's something the City should consider.

Councilmember Ireland asked what the administrative fee for a lost book is for, if the loss is being processed by a volunteer. Councilmember Burnham responded that it is usually done by an employee. The code has to be transferred, the new book has to be ordered and covered and the RFID tag has to be replaced.

Councilmember Steinkopf pointed out that the increased fines are still very low. Councilmember Burnham mentioned that the biggest change is that the DVD fine has increased significantly and they can only be checked out for a week instead of three weeks. Fines for late items will never exceed the value of the item.

Councilmember Steinkopf stated that the library director has brought the library's collection to over 50,000 items and made it possible for Eagle Mountain patrons to use several other libraries in the county.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule to reflect the changes to the library fees as amended in the staff report. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

The changes to the library fees are as follows:

1. Change to CFS # 1.2.3.1: Books increase to .10 per day/per item
2. Change to CFS # 1.2.3.2: DVD's increase to .50 per day/per item
3. Add to CFS – Audio books .50 per day/per item
4. Change to CFS # 1.2.4.5 Processing fee increase to \$5.00 per item + cost

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

Councilmember Steinkopf

Councilmember Steinkopf again wished everyone a merry Christmas and a happy new year.

Councilmember Painter

Councilmember Painter congratulated Councilmember Ochsenhirt on doing a great job as Mayor Pro Tem. He thanked everyone in the audience for staying through the end of the meeting, saying it probably helped that the meeting was short.

Councilmember Ireland

Councilmember Ireland echoed Councilmember Painter's comment.

Councilmember Burnham

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone who attended.

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

None.

15. COMMUNICATION ITEMS  
A. Upcoming Agenda Items

16. ADJOURNMENT

**MOTION:** *Mayor Pro Tem Ochsenhirt moved to adjourn the meeting at 7:55 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JANUARY 15, 2013.



Fionnuala B. Kofoed, CMC  
City Recorder