

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 2, 2011

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

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

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

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

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

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

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

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

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

The meeting was adjourned at 6:16 p.m.

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

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Ifo Pili, Assistant City Administrator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy

Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:17 p.m.

6. PLEDGE OF ALLEGIANCE

Mark Rivenbark led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Ten candidates have filed to run for the three available City Council seats. The primary election will be held on September 13 and the general election will be held on November 8.
- The Utah County Sheriff's Department will host a dog and cat licensing and vaccination clinic on Saturday, August 6 at Fire Stations #1 & #2.
- The Street Fair will be held on Saturday, September 17 from 12:00 PM to 4:00 PM along Peregrine Road behind the Chevron. Any business in Eagle Mountain with an active business license is invited to be a vendor.
- Eagle Mountain City government page now has a page on Facebook. "Like" the page to receive City news, emergency notices, and requests for public feedback.

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

Carol Walker, Utah Valley University, thanked the City for its help in making a success of Utah Valley University Day on July 16.

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

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

Councilmember Ireland appreciated Councilmember Celaya and his family and the others who helped with the service project at the bike park on UVU Day. He thanked UVU for sponsoring the event.

Councilmember Burnham

Councilmember Burnham reminded residents that school starts this month and asked them to be aware of where crosswalks are and watch for children crossing the street.

Councilmember Celaya

Councilmember Celaya commended the Fire Dept. for responding to a call recently before the 911 call even came in. He said UVU Day on July 16th went well and he enjoyed participating in the service project at the bike park.

Mayor Jackson

Mayor Jackson attended a conference last week in Nashville on the Joint Land Use Study being conducted for Camp Williams. She was a presenter at one of the sessions.

CONSENT AGENDA

10. MINUTES

A. July 19, 2011 – Regular City Council Meeting

11. CHANGE ORDER

A. Environmental Assessment, SWCA

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

SCHEDULED ITEMS

12. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Authorizing the Issuance and Sale of Not More Than \$12,800,000 Aggregate Principal Amount of its Gas and Electric Revenue Bonds, Series 2011; Creating a Pricing Committee Authorized to Finalize the Terms of Said Series 2011 Bonds; Confirming the Sale of Said Series 2011 Bonds; Authorizing the Execution by the Issuer of a Second Supplemental Indenture and Other Documents Required in Connection Therewith; Authorizing and Approving a Preliminary Official Statement, an Official Statement, and a Bond Purchase Agreement; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transaction Contemplated by this Resolution; Providing a Severability Clause; and Providing an Effective Date.

This item was presented by City Administrator John Hendrickson. The proposed bond resolution would authorize the issuance of up to \$12,800,00.00 in revenue bonds for a redundant 138 kV power line to the City from a new substation in Saratoga Springs, for acquisition of easements and properties required for the improvements, construction costs and engineering. The bond issuance will not raise utility rates.

Laura Lewis, the City's financial advisor, said that the parameters in the bond are those approved by the City Council on May 3. She said that having a pricing committee will give the City more flexibility in accessing the bond market. The pricing committee consists of the Mayor, the City Administrator and a City Councilmember appointed by the Mayor.

Mr. Hendrickson reported that the City's bond rating has been raised to an A rating.

Councilmember Celaya asked if the bond could be issued for only \$11 million plus the \$300,000 in fees. Ms. Lewis responded that she would prefer that it not be issued for less than \$11.5 million, in case the costs are higher than anticipated.

MOTION: *Councilmember Ireland moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, authorizing the issuance and sale of \$11,500,000, together with additional proceeds which may be necessary to fund the debt service reserve requirement, for a total issuance and sale of not more than \$12,800,000 aggregate principal Gas And Electric Revenue Bonds, Series 2011; creating a pricing committee authorized to finalize the terms of said Series 2011 Bonds; confirming the sale of said Series 2011 Bonds; authorizing the execution by the issuer of a Second Supplemental Indenture and other documents required in connection therewith; authorizing and approving a Preliminary Official Statement, an Official Statement, and a Bond Purchase Agreement; authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution; providing a severability clause; and providing an effective date. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

13. MOTION – Consideration and Approval of Purchase of a Third Power Transformer from Virginia Transformers.

This item was presented by Energy Director Adam Ferre. The Energy Department recommends that the City Council discuss an option to approve a third transformer. This third transformer would only be purchased for specific reasons such as economic development to meet specific deadlines.

The company that recently sold two transformers to the City gave the City the option of purchasing a third transformer at the same price, if the purchase was made by August 11. After discussion, the Council decided not to purchase another transformer until there was a definite need for one.

MOTION: *Councilmember Celaya moved to deny the purchase of a third power transformer from Virginia Transformers. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

14. AGREEMENT – Consideration and Approval of an Agreement with Scholtz Architects for Design, Development and Construction Document Preparation for a New Energy Building.

This item was presented by Energy Director Adam Ferre. The Energy Department recommends that the City Council approve entering into a contract with Scholtz Architects for design, development and construction document preparation on the new Eagle Mountain Energy Building. The Energy Department also recommends, since Scholtz Architects are a professional and technical service, that the City bypass the RFP process because of the City's prior experience with this firm.

The City has budgeted \$1 million for the building. It's expected to cost approximately \$900,000.

MOTION: *Councilmember Celaya moved to approve an agreement with Scholtz Architects for design, development and construction document preparation for a new energy building, not to exceed 2.2% of the project cost. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration and Approval of a Settlement Agreement with Triple G, LLC, and Grant Gifford for the Acquisition of Two Easements for the 2007 138 kV Power Line Extension Project.

This item was presented by Mayor Heather Jackson. The Settlement Agreement resolves the pending acquisition by condemnation of two easements originally owned by Sundance Homes, north of the Plum Creek Condominiums. The City Attorney recommends that the Settlement Agreement be approved and that the Mayor be authorized to execute the necessary documents.

MOTION: *Councilmember Burnham moved to approve a settlement agreement with Triple G, LLC, and Grant Gifford for the acquisition of two easements for the 2007 138 kV power line extension project in the amount of \$28,000. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

16. MOTION—Consideration and Approval of Reclassification of Settlement Agreements with Various Parties for the Acquisition of Easements for the 138 kV Power Line Extension Project Under the 2007 Resolution of Condemnation of Properties for the Power Line Project.

This item was presented by Mayor Heather Jackson. All parcels have now been acquired and settlements concluded for the acquisition of easements and properties for the 2007 138 kV power line extension project. The litigation is settled and the City Council should approve a motion to reclassify the 2007 line extension settlement agreements as public records under the provisions of the Government Records and Management Act.

MOTION: *Councilmember Ireland moved to approve reclassification of settlement agreements with various parties for the acquisition of easements for the 138 kV power line extension project under the 2007 resolution of condemnation of properties for the power line project. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

17. MOTION—Consideration and Approval of an Amended and Restated SilverLake Master Development Agreement.

This item was presented by Planning Director Steve Mumford. The Amended SilverLake Master Development Plan was approved on June 21, 2011. This master development agreement contains specific rights, obligations, and requirements for the developer and the City concerning this development. The master development plan approval will be vested with the approval of the master development agreement.

Two conditions of approval must be met before the agreement is executed. One is a resolution of the accounting on the water rights. The other is payment of the park fees-in-lieu for SilverLake Phases 6 and 7, which were going to be resolved with the recording of Phase 8. Since Phase 8 has not been recorded, the park fees will be paid with this agreement.

Councilmember Burnham asked the applicant, Nate Shipp, how he felt about the conditions of approval. He said he accepted them.

Due to recent heavy rains and flooding in the City, Councilmember Ireland asked Mr. Mumford if there was anything in the Development Code to prevent homes with small setbacks from flooding each other's lots during heavy rains. Mr. Mumford said an amendment to the Development Code will be proposed soon which will require home designs to have engineered drainage systems that move water at least ten feet away from the home's foundation.

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

18. AGREEMENT—Consideration and Approval of the First Amendment to the Business Incubator Development Program Office and Services Lease Agreement with Star West Eagle Mountain Properties, LLC.

This item was presented by Mayor Heather Jackson. On May 3, 2011, Eagle Mountain City and Star West Eagle Mountain Properties, LLC executed a Business Incubator Development Program Office and Services Lease and a Ground Lease and Option Agreement. This amendment to the Lease and Option Agreements corrects a typographical error in each document and modifies specific terms.

Because Star West plans to purchase a maintenance building from the City, the lease time frame may be reduced from seven years if the City chooses, as long as at least five years of payments are made. The five-year clock starts on the closing date of the purchase. The City will not have to pay any lease costs for June, July and August.

MOTION: *Councilmember Burnham moved to approve the first amendment to the business incubator development program office and services lease agreement with star West Eagle Mountain Properties, LLC. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Ryan Ireland and John Painter. Councilmember Ochsenhirt recused himself. The motion passed with a unanimous vote.*

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

Councilmember Burnham
No comment.

Councilmember Painter
No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt said he was happy to see the residents who attended the meeting.

Councilmember Ireland

No comment.

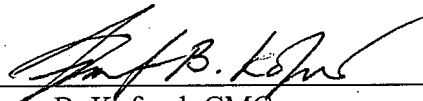
Mayor Jackson

No comment.

20. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.
21. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
22. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 8:10 p.m.

APPROVED BY THE CITY COUNCIL ON AUGUST 16, 2011.



Fionnuala B. Kofoed, CMC
City Recorder