

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

March 18, 2008

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

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

Mayor Heather Anne Jackson called the meeting to order at 4:20 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham (arrived at 4:23 p.m.), Eric Cieslak (participated telephonically), Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant; John Mulder, Sergeant

**DISCUSSION/REVIEW ITEMS**

1. PRESENTATION – Central Utah Water Conservancy District – Nancy Hardman
2. PRESENTATION – MountainView Corridor Draft Environmental Impact Study – Terrie Newell
3. DISCUSSION – Revised bond letter for Sunrise at Kiowa Plats A and B  
– Scott Hazard and Ron Reichman
4. DISCUSSION – Utah Lake Commission – Reed Price

**AGENDA REVIEW**

The City Council reviewed items on the consent agenda and policy session agenda.

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

Councilmember Ochsenhirt **moved** to adjourn to a closed executive session. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

The City Council adjourned to a closed executive session at 6:05 p.m. for the purpose of discussing the purchase of real property; the character, professional competence or physical or mental health of an individual; and the deployment of security personnel, devices or systems, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

Mayor Heather Anne Jackson called the meeting to order at 7:08 p.m. Boy Scout troops 856 and 1251 presented a color guard and led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (participated telephonically), Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; John Mulder, Sergeant.

### INFORMATION ITEMS/UPCOMING EVENTS

- Easter Egg Hunt, March 22, 10:30 a.m. at Nolan Park
- Republican and Democratic Party caucus meetings, March 25
- Youth City Council, March 26, 4:00 p.m. at City Hall
- Boy Scout food drive, "Scouting for Food," March 29
- Baseball tryouts, March 29, ages 9-11 at noon, ages 12-14 at 3:00, both at Nolan Park
- Tickets are available at City Hall for the April 5 Grizzlies game. A portion of each ticket price will benefit the "Home for a Hero" program.
- Town Hall meeting, April 23, 6:30 p.m. at City Hall. Questions and answers with Commissioner Ellertson, Rep. Sumsion, Sen. Madsen, and a representative from Congressman Cannon's office

Introduction of Miss Eagle Mountain and Little Miss Eagle Mountain royalty:

Miss Eagle Mountain – Kim Onions  
First Attendant – Shelby Terrell  
Second Attendant – Jessica Bare  
Little Miss Eagle Mountain – Macie Ferre

Introduction of Youth City Council

Aubrey Guyant (Youth Mayor), Jessica Bare, Kelly Jo Finch, Hartley Lojik, Kim Onions and Shelby Terrell

### PUBLIC COMMENTS

Mr. Bryan Free, 7654 Red Kite Way, stated that the new web site is very well constructed. He also said he is very excited to see the formation of the Parks and Recreation Advisory Board. The Ranches HOA is making progress on planning a recreation facility. He encouraged them to work with the City so it can be a citywide recreation center. He was happy to hear about the new parks coming in and hoped the new attention on recreation could lead to plays being put on.

Ms. Nikki Wickman, 2766 Fort Hill Road, spoke on the Utah Lake Commission. She said the purpose of the commission appeared to be to improve the recreational possibilities of the lake. She would prefer to see the membership fee go to recreational facilities in Eagle Mountain.

## CITY COUNCIL/MAYOR ITEMS

### CITY COUNCIL COMMENTS

#### Councilmember Burnham

Councilmember Burnham thanked Lynn Story and those who worked with her to put on the pageant. She was impressed with all the contestants and congratulated all the young women who participated. She complimented Miss Eagle Mountain for her composure when things went wrong just before her performance. And Little Miss Eagle Mountain was very cute. She was excited that Aubrey Guyant will be the Youth Mayor and looked forward to working with the Youth City Council.

#### Councilmember Cieslak

Councilmember Cieslak thanked the Boy Scouts for presenting the flag ceremony for the meeting. He encouraged families to arrive at the Easter Egg Hunt on time, because it is over in about two minutes. He attended the Economic Development Board meeting this past week and expressed appreciation to Ifo Pili for training the board on what the City can offer to new businesses. He said that economic development will benefit the residents.

#### Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked those who participated in the pageant. The youth are a great asset to the city. He was glad to see the creation of the Youth City Council and advised them to take ownership of the opportunity and be part of the development of the city. He asked that the Finance Department set up an equal payment plan to prevent residents experiencing extremely large utility bills during the coldest months of the year.

#### Councilmember Ireland

Councilmember Ireland thanked the Boy Scouts for their participation. He also thanked Mayor Jackson for her efforts in organizing commissions and boards.

#### Councilmember Lifferth

Councilmember Lifferth congratulated the Miss Eagle Mountain participants and the members of the Youth City Council. He commended the City on the new web site, which reflects well on the city. He thanked residents attending this City Council meeting for participating in local government.

#### Mayor Jackson

Mayor Jackson thanked Mr. Free and Councilmember Lifferth for their comments on the web site. She welcomed other comments on the web site. She commended Ms. Terri Burt, the wife of Finance Director Gordon Burt, for playing the harp beautifully during the pageant. There were also two young children who played violins beautifully during the pageant. Regarding utility bills, she said her bill doubled and she encouraged the equal payment plan.

Mr. Hendrickson stated that City staff is well on its way to providing an equal payment plan for utilities.

Ms. Aubrey Guyant, Youth Mayor, asked if information on the Youth City Council was posted on the web site. Mayor Jackson said that she would make sure the information was posted.

## CONSENT AGENDA

Councilmember Ireland **moved** to approve the following items on the consent agenda:

MINUTES –

March 4, 2008 – Regular City Council meeting, as amended

BID AWARDS –

Clear Construction – well pump stations #2 and #4

Probst Electric – sectionalizer relocations and well #5 electric infrastructure

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

**SCHEDULED ITEMS**

11. ORDINANCE – Consideration and adoption of an ordinance designating certain areas of Eagle Mountain City as being within the equine overlay zone

Placement of the equine overlay zone was presented by Mayor Jackson. At the March 4, 2008, City Council meeting, the Council approved an equine overlay zone designation for residential developments which permits equine animals on lots smaller than 1 acre. The public hearing for the proposed ordinance was held on February 19, 2008. A second public hearing was held on March 4, 2008, to define which developments in the City will have the equine overlay designation. The ordinance that is being presented to the City Council formalizes the overlay zone designation.

City Attorney Jerry Kinghorn pointed out that the subdivisions being included in the equine overlay zone are those which were discussed in the public hearing, so no change is being considered. Councilmember Cieslak expressed appreciation for the Council discussing this issue extensively so that the decision was made carefully.

Councilmember Lifferth asked how the change in regulations would be communicated to the affected residents. Planning Director Peter Spencer said the Planning Department could send out notices. Mr. Hendrickson said the info could also be posted on the web site.

Councilmember Lifferth **moved** to adopt Ordinance O-07-2008, designating certain areas of Eagle Mountain City as being within the equine overlay zone. Councilmember Ireland **seconded** the motion.

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

12. RESOLUTION – Consideration and adoption of a resolution approving the Utah Lake Commission interlocal agreement

*\*\*Item #12 is reported verbatim at the request of Councilmember Lifferth.\*\**

Mayor Jackson: OK, we will move on to item #12, which is a resolution regarding the Utah Lake Commission. John do you have a, a brief synopsis that you would like to give us?

Mr. Hendrickson: Oh, synopsis, is it that what you want, is that what you said or announcement?

Mayor Jackson: A synopsis regarding the Utah Lake Commission.

Mr. Hendrickson: I'll do it. For those who may not been with us in our work session, we had Mr. Reed Price, who is the Executive Director of the Utah Lake Commission, join us and answer a number of questions and go through that. Utah Lake Commission was basically set up almost a year ago and it was basically through legislation and through a joint powers agreement between a number of cities. They've amended that to allow all cities in Utah County to become members if they wish. The city, if they want to join that commission and vote they must then help pay the freight or pay their way, so to speak, the cost of the commission. They may join or they may go to the commission as an *ex officio* member and comment, but they cannot vote on anything. The commission does not have authority or power to permit, direct compliance or enforce ordinances or laws, but what it does is it, it does studies, evaluates projects, evaluates the uses of the lake. They're going to, one of their projects is to adopt or develop a master plan for the use of the lake and through that method then they bring pressure to or to guide different users or those affected areas along the lake, either in recreation or in transportation or in the, the use of water, the studies that affect that, that lake and its condition. That's their whole purpose. They go through those studies to that active, if you will, collaborative participation that, that will have an affect upon the whole body and the whole users of the lake or people who affect the lake, and that's their whole intent.

Mayor Jackson, in a meeting with a number of mayors throughout the Utah County as she will do, was asked about this. She felt it was important to bring it to the Council and needed to, and so that's what we're delivering right now: whether to join or not to join, and I hope I did it succinctly enough, Mayor.

Mayor Jackson: That was great. Thank you, John. Are there any other questions that the Council might have at this time?

?: About how much money are we talking about? [approximate – only slightly audible]

Mr. Hendrickson: We're talking about, the first about seven, I think it's \$7,000 dollars this year and about \$10,000 next, I think.

Mayor Jackson: OK.

Mr. Hendrickson: Their budget, their total budget is about \$300,000 the, from what I understood or thereabouts. The, the formula is based upon how many miles you have of property or, or frontage along the lake, that, we have zero so we don't pay anything for that. It is based upon, another factor is the area of which the city, we are the largest area-wide city in Utah County, and third in the state, by the way, in population and we're not the largest in the county, but we're getting towards that upper tier. So our cost would, right now, be about \$10,000 a year. It's a prorated basis this year, so it would be about \$7,500.

Councilmember Ireland: Just to add to that, the State of Utah is covering 35% of the total cost and the Central Utah Project is covering another 15%. So the municipalities are only covering half . . .

Mr. Hendrickson: That's correct.

Councilmember Ireland: . . .and we're, that formula that you gave is . . .

Mr. Hendrickson: For the municipalities' portion only.

Councilmember Ireland: That's right.

Mr. Hendrickson: That's correct.

Councilmember Lifferth: Could I ask a question of Jerry? We are part of the Utah County hydrology basin. What sort of control in voting on Utah County, or Utah Lake, issues could we impact our own water control in our, in our valley over here, since our we are integrated and tightly tied to water use and water flow between here and, and Utah Lake?

Mr. Kinghorn: As you know, I am not a hydrologist, but my understanding of the, of the situation is based on our study of water rights. The Cedar Valley area that we're in is connected to, to the Utah Valley and Utah Lake is a major hydrologic feature in, in Utah Valley and, and therefore Cedar Valley, as well. We have water rights that we use in our municipal system that are dependent on flows being delivered out of Utah Lake downstream to replace flows in Salt Lake County. So it's, the management of the lake from a water rights standpoint is of interest to us. Being able to have a voice on the technical committee that makes decisions about how the dam is regulated, how the, how the lake is used as a reservoir, how the lake is used to deliver water to downstream users is important to us. This is one of those areas where it's a, it's a, it's a very small but very important area of interest. The risk is not a huge risk, but it's better to have your eyes on something like that and be able to participate in those decisions than to ignore it. So I've always wondered how we were going to be able to participate in the management of the lake with those issues. Some of these water rights were dedicated to the city 8 or 9 years ago when there wasn't a Utah Lake Commission and we were just really there without a mechanism to protect ourselves. So I, for whatever it counts, am more familiar, I'm, I'm, I'm a little bit happier that we have a voice in how the lake is managed than, than we were before.

Councilmember Lifferth: Let me ask a follow-up question: We don't have a border with Utah Lake, obviously, but the water that we're getting for the CUWP, Central Utah Water...

Mr. Kinghorn: CWP Project.

Councilmember Lifferth: . . . CWP Project comes from Orem, which does have a Utah Lake boundary. Would that impact our water that we get from, from that project?

Mr. Kinghorn: Probably not. A good deal of the water that comes, that will come to us from the CWP site comes from the old water supply system that functioned for the Geneva Steel site and that is right next to the lake. I don't know how the Utah Lake Commission will, will influence the management of the ground water in that area. I know the Central Utah District is very interested in Utah Lake. They want to protect those water rights. They have a duty to us to supply us with water through that pipeline and it's dependent on those water rights so . . .

Councilmember Lifferth: Is CWP on the Utah Lake Commission? Is, there is a relation there?

Mr. Kinghorn: Yes, the Central Utah Water Conservancy District is one of the major members of the Utah Lake Commission.

Mr. Hendrickson: I might, I might mention in follow-up, the one thing we didn't mention is that they are going to be studying and looking at the studies on the effect of the Timpanogos Sewer Service District and its effluent on the lake and those would effect us because we, excuse me, because we do service, go to that plant out of the Ranches. So it could affect us and our cost.

Councilmember Ireland: Let, let me start by saying I appreciate the information that we got for this meeting, appreciate your patience with me for getting that to, to us. As far as from \$7,000 whatever this year, potentially ten or so next year, I, I, I, recognize the potential cost, the potential financial impact if, if those water, water rights that are related to the lake are, are diminished in some, in some, in some capacity and it could be very financially damaging to the city, so there is, there is value in participating here. I guess additionally, there is value from my perspective in, in that now is when they're putting together the master plan. It would be good to be a part of putting together that master plan. I guess I would lean towards favoring this if we could go through this year and then beginning of next year re-evaluate and see if we got our money's worth, see if we feel like it's, it's a benefit to the city, and, and, and kind of address it year to year kind of a thing, so, guess that's kind of where I'm at right now.

Councilmember Lifferth: That's a good point. Can we, each year do we have, do we have to re-approve being a part of this, re-approve the budget money for that, or can we opt in and opt out on an annual basis?

Mr. Hendrickson: Yes, it does say under Withdrawal, if you look under Article 5. I don't believe there is a, it's on page 5, by the way, of the agreement. It says you have to, you . . . let's see . . . "A member may withdraw if the member's financial obligations to the commission are current, including its annual budget commitment. The governing body of the member gives written notice of its intent not less than one year prior to the effective date."

Mr. Kinghorn: OK, could I just throw something in here, though? If you're, if you're, if you want to participate in the planning, which is multi-year planning, and you want to participate in technical approaches to solving problems with the lake, which will be multi-year approaches. I mean, that lake has problems which have been developing for a couple of hundred thousand years, OK? And I would just say that we need to stay at it. You know, we need to be in there, stay at it, and participate, smile on our face, and, and I would suggest that going to them for a fairer formula on the sharing the costs might be something they might be receptive to. Because we do look like we're the most remotely connected community with the exception of Soldier Summit, I guess in Utah County and, and, Soldier Summit is in Wasatch County. But I think approaching them on the basis of trying to get the formula fairer, to hang in there year after year would be an advisable thing to do.

Councilmember Ochsenhirt: I'd just like to reiterate that this is an advisory board. They have no power. They're going to make good, do good things, they're going to discuss good things, they're going to make good recommendations, but at the end of the day, our buying a vote would really not equal anything more than supporting their findings. Because being one voice would be very difficult to change the minds of everybody there anyway, where you can attend the meetings and participate in that way. Basically the money is, is the outright purchase of the right to vote and where this, this commission has no authority to enact their decisions upon anybody, I think that's something that needs to be considered because, just because they make a decision, whether we agree or disagree, we can throw our full weight behind it with a letter of, of participation at that point where we agree or disagree and it would have equal weight, in my opinion.

Councilmember Burnham: Sorry. Go ahead.

Councilmember Ireland: I was just going say, based on that information about withdrawing, you're, you're basically if you agree to it you're committing to a two year, you're ponying up for two years because you have to give them notice a year in advance so it's, if we were to vote for this today, we're really saying it's for 2008 and 2009. Next year we can worry about 2010.

Councilmember Burnham: I have just a few concerns that I wanted to express. My biggest concern is with the fee structure and we talked about this in work session, so if you weren't there it might be helpful for you to know that \$150,000 dollars of their budget is paid for by the cities. Of that \$150,000, they're asking us to pay \$10,000. That's a lot, for a little city of Eagle Mountain and the reason for that is, by population we, we're paying \$2,000 something. The rest of that comes because our city is so big in terms of land. And so I have a real problem with the way they have the fee structure. We asked them and he indicated clearly to me that he didn't have any problems with the fee structure and that they were, it was going to stand that way, but if we were a voting member maybe we could change their minds. I, I, didn't like, it, it, it wasn't very promising to me that we could actually move them on that, and I'm just concerned about that. I'm also concerned because some, the big concerns that we have, a lot of the big concerns that we have, the water and so forth, are not their current big agenda items. The only one, the one that Councilmember Ireland mentioned with the general plan, that was one of the big ones that they mentioned and I'm concerned, as well, with what Ochsenhirt was saying about it is an advisory, they only have an advisory capacity now and that's all they have. So for me, I would prefer for us to be *ex officio* members, get our foot in the door and get a better idea of where they're going before we commit that kind of money and, and I am certainly willing to look at this for the next budget year. I'm just really concerned about putting this kind of money. Those were, I guess I've just outlined my concerns. That's, that's how I feel.

Mayor Jackson: I, I would like to, and Eric, I'm not forgetting you, would like to just ask a quick question in the fact that we're currently discussing the next budget year. So if you don't approve it, how is it that you want us to go about studying it for the next budget year, because basically we'll be making that decision within about a month, so just wanted to . . .

Councilmember Burnham: Right, that's a good point, that a budget is fluid and we could, you know, we could actually budget for it without actually approving it, right?

Mayor Jackson: Yes.

Councilmember Burnham: So I would recommend we do that.

Mayor Jackson: OK. Eric, did you have some comments?

Councilmember Cieslak: I think that . . . I appreciate the purpose of the Utah Lake Commission.

Mr. Hendrickson: We can't hear you, Eric.

Councilmember Cieslak: Can you hear me now? Hello?

Mr. Hendrickson: Yes.

Mayor Jackson: It's good now.

Councilmember Cieslak: It's good now? OK. I feel like I'm a Verizon commercial. I appreciate the, the commission's purpose in advocating the lake. I think that there are two issues that are, we're getting caught up in here that I personally found myself getting caught up in. First, their stated mission to preserve the lake for recreational purposes, as well as, for lack of a better word, cosmetic purposes, and the second, this is with water rights. Now, I feel that it would be very advantageous for us to have an



active seat in regards to water rights. We're all very aware of the need for water in our city and if we have an opportunity to advocate something for the increased availability of water rights, then I think that that's something we should take a long, hard look at and I think that we have done that in, in these two meetings here. I do have a concern with their ability to enforce their findings. I specifically asked him today in our work session, Mr. Price, in our work session what they would do to support their findings and essentially there will be a, a lobbyist group was the response that we received from him. I am curious to know whether or not us paying \$7,500 to \$10,000 a year, what the return on what essentially is an investment in our, our water rights. I don't know what that would be, though, and I think that that is something that we would need to look at. I'm not opposed to us participating as *ex officio* members, but I do see benefit in us being actual, card-carrying members of this organization. I just don't see, right now, and this is a difficult thing for us because we're talking about expending this money into an organization that, for all intents and purposes, their track record is wanting. But at the same time, I don't want us, as a city, to pass up on the opportunity to advocate our need for increased water rights. It sounds like I'm kind of talking in a circle, and I guess I am, but at the end of the day, if membership in this commission means an increased opportunity for us to have stronger water, water rights, then I would lean towards being a card-carrying member and paying for it, because I think that would be money well spent.

Councilmember Lifferth: Madame Mayor, can I throw out a couple of items that I learned when I went to the COG meeting? We had a much more in-depth presentation by Mr. Reed than we did tonight.

Mayor Jackson: Yes, I'd love that.

Councilmember Lifferth: A couple of items: First of all, he pointed out that they have no legislative authority, they can't pass laws, they can't enforce things like that, but there are a lot of legal things that they can do because of legal status. For example, they would be the ones to administer Federal and State grants that involve Utah Lake, so they will be distributing funds for projects that may or may not impact us. Also, their advisory role to different State boards, such as the Water Quality Board and a number of things that are very important to us, we will be able to vote and have an impact on how, what kind of recommendations they make to the State boards, the State Legislature, the County Commission and the Governor, all of which are on board with this Utah County Commission project, and so some of these things would be very advantageous from us, for us, from a political standpoint to be able to cast a vote and we may be the swing vote on some of these things. I don't know. But one of the most important things that, that he mentioned tonight is that they will be reviewing the causeway. The causeway could provide a very important additional transportation corridor for us. We mentioned right now Utah Lake is a barrier to transportation. I would love to be in a position to vote and to make a recommendation like that for funding from the Federal government and for the State to provide something like that. If we're not a voting member, we can't tip the vote one way or the other. So I think it's important that we do open the opportunity for helping ourselves in the future with what this commission can do, with, with what they are legally, are legally able to do.

Mayor Jackson: One of the other things that I noticed from what Reed was saying during our work session was, he was talking about, he talked about a couple of different committees and one of them he mentioned was the technical committee. The only way you're going to get appointed to be a member of any committee is to be a member of the actual body. So if there are specific committees within the Lake Commission that are studying specific things, your *ex officio* membership doesn't, then you don't get appointed to that committee, you don't know when those committee meetings necessarily meet to even be able to attend them or be involved and give your, give your two cents in being an *ex officio* member. So that, that was one of the things that also I, I think was brought up that we haven't discussed, so I just

wanted to point that out, as well. At this point, I think we've had quite a bit of discussion. Ryan, you have something else.

Councilmember Ireland: Well, I was just going to briefly say the \$300,000, their budget, that's going to engineering studies, that's going to try to get Federal grants, it's trying to publicize some of the things they're doing. I've seen some of their, some of their things show up in the newspaper. I mean, they're, they're trying to get the word out about the lake and so some of it's going towards those things. My dilemma is, that's going to happen whether we pony up \$10,000 or \$17,000 or not, so I'm still trying to figure out that part of it.

Mayor Jackson: OK.

Councilmember Lifferth: Well, in an effort to move the meeting on, I'd like to make a **motion** that we adopt Resolution R-09-2008 of Eagle Mountain City approving the Utah Lake Commission interlocal agreement.

Mayor Jackson: OK. Do I have a second for that motion? And remember, just because you're saying a second, does not mean that you advocate for that. All it's saying is that you're willing to have a vote. Just so you know.

Councilmember Burnham: I'll **second** that.

Mayor Jackson: OK, do we have any further discussion on that particular motion or are we prepared to vote?

Councilmember Lifferth: You know, I recognize the concerns of the Council in being frugal and fiscally responsible. I, of all people, am aware of the financial history of Eagle Mountain and how important it is that we do spend our money very wisely, but to go back to something Jerry said, I think it is very important that we get in very early and are able to impact this committee with some direction that definitely would benefit us in our water needs, as we do live in a desert. So I would encourage the Council to weigh that in the balance and do what you think is best for the city.

Mayor Jackson: OK.

Councilmember Cieslak: Now, will this have an impact on water rights?

Mayor Jackson: Will this have an impact on water rights?

Councilmember Cieslak: Yeah, will it, will the commission study water rights and make recommendations for water rights?

Mr. Kinghorn: The reason that Central Utah is, is in Utah Lake Commission is because they have a very high stake in maintaining the use of Utah Lake as a reservoir for exchange purposes for water rights. We have a stake in its management, as I say, to access some of the ground water rights that we have. You know, we don't have a lot of, compared to them. You know, they're talking about 50-60 thousand acre-feet of water. We have 1,000 acre-feet of water that's dependent on one change application for deliveries downstream. Well, 1,000 acre-feet of water is over 1,000 houses, so to, to Central Utah, 40 or 50,000 is a lot. To us, 1,000 is a lot of, acre-feet is a lot water and I, and I can't put a number on how much jeopardy we'd be in if we don't, do or don't participate in this. I think it's a shame they make it so

expensive for us, but I think it's in our best interest to participate in the planning of the management of this lake.

Mayor Jackson: And I don't, I don't think we'll ever get a chance to change their mind about how to come up with that formula for, for the billing . . .

Councilmember Lifferth: If we're not on.

Mayor Jackson: . . . if we're not on it, they're not even going to entertain us discussing it, because they're going to say, "You weren't willing to pony up the money, so why should we even bother to talk to you about it?" Just as a perspective.

Councilmember Cieslak: Yeah, definitely, and I appreciate the perspective. I think that, personally, getting caught up in the recreational uses of Utah Lake, I, I share the same view, view of Utah Lake, I think, as Nikki. I'm not much of a boater, I don't have much of a need for recreational needs on that, but I do have a need for, for water rights and if, as I understand what Jerry is saying, that this could potentially have a very positive or negative impact on our ability to acquire water, then I do think that we need to, I do think we need to move forward, as far as joining this commission.

Mayor Jackson: Eric.

Councilmember Cieslak: Yes.

Mayor Jackson: One of the items that the Utah Lake Commission gentlemen brought with them, I'm going to read you one little section of this. It says, "Objectives of the Utah Lake Commission: encourage and promote multiple uses of the lake. The commission shall encourage and promote multiple uses of the lake to balance access, use, development, ecological value and economic benefits in coordination with individual land owners' and water users' rights, in accordance with applicable laws, rules and regulations and consistent with the fact that certain Utah Lake environments and areas are owned and/or governed by various public entities." So, in that specific section, it is referring to water rights and, and the uses, you know, of the water, so . . .

Councilmember Cieslak: Thank you. I appreciate that. Then in, in my mind it's, it's a done deal. I think that we do need to do this.

Mayor Jackson: OK. Is there any further discussion or are we to a point where we're prepared to vote?

Councilmember Burnham: Call the question.

Mayor Jackson: All right, we're calling the question, and, and Councilmember Ireland, it's your turn, man. I could be nice and come back to you if you really want. Councilmember Lifferth.

Councilmember Lifferth: I'll vote yes.

Mayor Jackson: Councilmember Cieslak.

Councilmember Cieslak: Yes.

Councilmember Ochsenhirt: It's Donna.

Mayor Jackson: Oh, I'm sorry. I skipped you, Donna. They keep me on track.

Councilmember Burnham: No.

Mayor Jackson: And Councilmember Cieslak, you voted . . .

Councilmember Cieslak: Yes.

Mayor Jackson: Yes. Councilmember Ochsenhirt.

Councilmember Ochsenhirt: No.

Mayor Jackson: Councilmember Ireland. Still your ball, man.

Councilmember Ireland: I'm going to say no. And . . . I'll just vote no.

[The motion **failed** with a vote of 2:3.]

Mayor Jackson: Now my next question is, because I have had direction that she would like this put into next year's budget: Upon receiving a no vote from the Council, it seems strange to me to do that, so I would like some direction as to what you all want me to do for this next year.

Councilmember Ireland: I'd say yes to that.

Councilmember Ochsenhirt: I still say no. I don't see the point of buying a vote for an opinion. I apologize if that rubs anybody wrong, but I just see no, I see absolutely zero value in buying this vote where we can give the same amount of weight by backing their decision. We're one of many, whether we're voting or not, we're one of many and I just, I think that this is a, that the tone, though respectful, Mr. Price, that I got, I echo what Donna said, what Ms. Burnham said, that it didn't feel like there was any room to change those fees and to have such a small number of people that do not live right directly on the lake and to have that, that amount of money, it just seems exorbitant. The, the fee is what I'm, what I'm, I'm balking at. It's too much for too little.

Councilmember Ireland: The, I forget his name, that came and presented to us . . .

Mayor Jackson: Reed Price.

Councilmember Ireland: . . . Mr. Price. John, you were to give him a call first thing in the morning and let him know how we voted. Would you, as part of that phone call, mention to him that that dollar amount in the formula had a big part in at least one person's vote?

Mr. Hendrickson: Absolutely. Yeah, I, I agree and I have written my notes before the vote, so I was kind of down there and I, what I would tell him that we would still like to come and be an *ex officio* member, *ex officio* member and, and, based upon that, it may come back to the Council for a review as you had discussed. Would that be appropriate?

Councilmember Ireland: That would be great. Thank you.

*\*\*End of verbatim transcription.\*\**

13. RESOLUTION – Consideration and adoption of a resolution acknowledging and approving assignment of a banked water entitlement for Homespin, LLC

City Attorney Jerry Kinghorn presented an assignment of a banked water entitlement. The assignment is for Homespin, LLC, to Far West Bank of a banked water entitlement which will be held as collateral by Far West Bank.

Councilmember Ireland **moved** to adopt Resolution R-10-2008 acknowledging and approving assignment of a banked water entitlement for Homespin, LLC, to Far West Bank. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

14. ORDINANCE – Consideration and adoption of an ordinance establishing a Parks and Recreation Advisory Board

The Parks and Recreation Advisory Board was presented by Mayor Jackson. The board, composed of seven members, will serve as a liaison to the City Council, promote recreation programs and facilities within the City and provide recommendations to the City Council regarding those issues.

Mr. Kinghorn stated that the board will not have the authority to bind the City or spend money without City Council approval.

Councilmember Lifferth asked how long it would take to have members appointed to the board. Mayor Jackson responded that she hoped the board would be staffed within a month.

Councilmember Cieslak **moved** to adopt Ordinance O-08-2008 establishing a Parks and Recreation Advisory Board. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

15. AGREEMENT – Consideration and approval of a real estate purchase contract with Monte Vista Ranch, LC, for public works property and rights-of-way

City Administrator John Hendrickson presented a real estate purchase contract with Monte Vista Ranch, LC. The City has been leasing the 41-acre property, which is adjacent to the waste water treatment plant. It will be used for future waste water treatment facilities. When entirely built, these facilities will provide adequate capacity for the foreseeable future. This purchase can be made without any additional bonding. Monte Vista Ranch has accepted the appraisal amount, which is less than they could receive for the property from another buyer, in exchange for completion of Bobby Wren Boulevard by the City and collection of impact fees for future development. Monte Vista Ranch will deed to the City all the property necessary to complete Bobby Wren Boulevard at no cost.

Councilmember Burnham **moved** to approve a real estate purchase contract with Monte Vista Ranch, LC, for public works property and rights-of-way and that no additional bonds be issued.

Councilmember Cieslak commended City staff for finding a way to make this purchase without additional bonding.

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

## **CITY ADMINISTRATOR ITEMS**

Mr. Hendrickson stated that the City has had a lot of interest from new businesses considering locating in Eagle Mountain. He pointed out that some information regarding economic development must be confidential. It is not intended to be secret. He also said that City staff is close to resolving impact fee issues. He reminded the Council that budget meetings need to be set. Next year's tentative budget will be presented on May 6 for a public hearing.

Public Works Director Chris Trusty gave a report on the progress of the new sewer treatment facility. The EPA has responded to the City's Finding of No Significant Impact. During the public comment period, no negative comments were received, so the public improvements contained in the FNSI memo are approved. The technical memorandum regarding the rapid infiltration basin will be submitted to the State Division of Water Quality in the next couple of days. The contractors' prequalification package will be ready in one to two weeks.

## **CITY COUNCIL/MAYOR'S BUSINESS**

### Councilmember Ochsenhirt

Councilmember Ochsenhirt clarified that his "no" vote on the Utah Lake Commission meant that, although he is interested in their work, he was uncomfortable with the size of the membership fee.

### Councilmember Ireland

Councilmember Ireland had no comment.

### Councilmember Lifferth

Councilmember Lifferth said the vote on the Utah Lake Commission was the way that local government was supposed to work. Some other split decisions he has been part of have involved ego and pressure, which is not the way decisions should be made. He thanked the Council for handling the issue so well.

### Councilmember Burnham

Councilmember Burnham expressed appreciation for the respect the Council members showed for each other and the respect the Mayor had for Council members' decision, which went contrary to her preference. She announced the Woman of Achievement named at the Miss Eagle Mountain Pageant, Susan Vanderhoef, who has done a great deal for the city. She also stated that she was pleased that the City would be able to purchase the sewer treatment property without going into additional debt. She suggested that Council members who serve as liaisons to the boards be rotated annually so Council members have a better overview of what is going on in all areas of the city.

### Councilmember Cieslak

Councilmember Cieslak appreciated the way the Utah Lake Commission vote was discussed respectfully among Council members this evening.

### Mayor Jackson

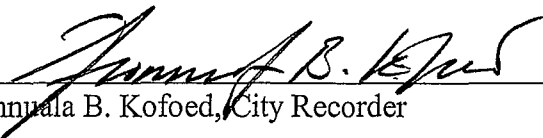
Mayor Jackson reiterated that disagreement is fine and appreciated the professional way the Council handled the issue this evening. She also commended Ms. Vanderhoef. She received several letters of

nomination for Ms. Vanderhoef. Michelle Vanderhoef, who has been Miss Eagle Mountain twice, read excerpts from the letters of nomination and helped present the award to her mother. Mayor Jackson announced that starting this week, City Hall will be open five days per week. The Utility Billing Office hours will be shortened slightly to accommodate the five-day work week. She announced that since the Recorder's Office has only two employees, for safety reasons when there is only one in the office, the office door will be locked and customers will be assisted through the service window. The library will be open on Fridays starting next week.

**ADJOURNMENT**

Councilmember Ochsenhirt **moved** to adjourn the meeting at 8:42 p.m.

APPROVED BY CITY COUNCIL APRIL 1, 2008

  
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Fionnuala B. Kofoed, City Recorder