

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 (DOGGM), 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.

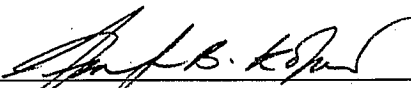
Councilmember Steinkopf encouraged people to support the Senior Council in their work on Pony Express Days. They'll be judging the baby contest, running a booth at the carnival and riding a float in the parade.

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