

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 19, 2012

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

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

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

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

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

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

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

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

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

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

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

2. PRESENTATION – Pony Express Days Preliminary Report.

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

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

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

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

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

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

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

A. OHV Update Report—Ikani Taumoepeau

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

B. Quint Fire Truck—Chief Andrus

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

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

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

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

This item was removed from the agenda.

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

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

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

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

6. CALL TO ORDER

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

7. PLEDGE OF ALLEGIANCE

Dakota Dunn led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

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

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

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


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

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

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

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

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

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

Councilmember Ochsenhirt

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

Councilmember Ireland

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

Councilmember Burnham

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

Councilmember Steinkopf

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

Councilmember Painter

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

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

Mayor Jackson

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

11. APPOINTMENTS

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

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

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

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

CONSENT AGENDA 

12. MINUTES

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

13. FINAL PAYMENT

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

14. AGREEMENT

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

15. DEVELOPMENT AGREEMENT

- A. Eagle Point Townhomes Plats A & B

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

16. RESOLUTION

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

17. BOND RELEASE – Entering Warranty

A. Mid Valley Road

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

SCHEDULED ITEMS

PUBLIC HEARING

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

This item was presented by Interim Finance Director Paul Jerome. Utah State Code requires any final increases in the budget be adopted after a public hearing and prior to the fiscal year ending. The City's budget is being amended to cover all anticipated expenditures through the fiscal year ending June 30, 2012. The amended budget should cover all eventualities so that the City will not be cited for budgetary non-compliance.

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

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

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

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

Mayor Jackson opened the public hearing at 7:42 p.m. As there were no comments, she closed the hearing.

MOTION: *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the final amendments to the fiscal year 2011-2012 budget. Councilmember Steinkopf seconded the motion. Those voting aye: Donna*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

PUBLIC HEARING

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

This item was presented by City Recorder Fionnuala Kofoed. Eagle Mountain City received a petition from residents in the Pioneer Addition subdivision requesting that the City dispose of open space that is located adjacent to their property. The property is considered "Significant Land" and therefore requires a public hearing and City Council approval before it can be disposed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

offsite utilities. Mr. Pili explained that the City is providing the offsites because the cost can probably be recouped. He also said that Jeremy Cook put legal language into the agreement which protects the City by requiring the company to get started promptly on construction.

Councilmember Ireland asked if, after the Capital Facilities Plan is approved and the impact fees are reduced, how the City's fees will compare to what SnugZ is being charged. Mayor Jackson said there are no exact numbers yet.

Councilmember Ireland also asked what the difference is between the City's costs for bringing offsites to the property and how much the City can recoup later. Mr. Pili said the long-term goal is to recover all of those costs.

MOTION: *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, approving and authorizing the establishment of development fees for the SnugZ manufacturing facility, not to exceed \$300,000. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, John Painter and Richard Steinkopf. Those voting no: Ryan Ireland. Those not voting: Nathan Ochsenhirt. The motion passed with a 3:1 vote, with one failure to vote.*

Councilmember Ochsenhirt's call was dropped, so he was unable to vote. He didn't reconnect the call.

Councilmember Ireland noted that his "no" vote wasn't because he objected to the project, but that he didn't feel that he had enough information to make an informed vote.

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

This amendment was presented by Jason Walker and Lauren Jackson. The proposed amendment will allow citizens to rent the City-owned soccer fields for a competitive rate. Citizens have voiced interest in renting the fields for tournament-type games that would be profitable to the citizen organizing the event. The fees will cover the expense that the events would create for the City to maintain the fields. The proposal is to rent fields on Saturdays for a four-hour block for \$65, including having lines painted.

Councilmember Ireland asked what the charge would be if there were no portable restrooms and no lines painted.

Councilmember Painter felt that the portable restroom fee was too high.

Councilmember Steinkopf said that there shouldn't be an option for no restrooms. If the soccer field doesn't have one, a portable will be required.

Councilmember Painter asked if Nolan Park would have a different rental rate.

Mayor Jackson said that the special event permit doesn't allow rental of Nolan Park. The amendment being considered is only for sports events that don't interfere with the City's recreation programs.

The next amendment was presented by Chris Trusty. The proposal is to reduce the rate for hydrant

meter rental that contractors use to access water for dust control and soil compaction within a project. The cost for water will not change.

Chief Andrus presented updates to the Fire Department fees. The fee schedule doesn't currently match the fees permitted by the State. The blasting permit fee will be moved into the Fire Department section.

MOTION: *Councilmember Burnham moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the Consolidated Fee Schedule. Councilmember Steinkopf seconded the motion.*

Councilmember Ireland asked what cost the City would incur if employees don't paint lines on the field. Mr. Walker said the fee would be \$15 for hour to cover field maintenance. Councilmember Ireland asked if the City charges the same fee to its own sports program. Mayor Jackson said a maintenance fee is included in the sports program registration. The recreation program is currently analyzing its fees.

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

25. MOTION – Consideration and Acceptance of the Clearview Estates Annexation Petition for Further Review.

This item was presented by City Recorder Fionnuala Kofoed. A Petition for Annexation was received by the Recorder's Office on May 11, 2012 to annex approximately 245 acres. The property is located on the west side of the North Ranch subdivision, on the north side of SR 73. The first action for the City Council is the acceptance of the Petition for further consideration. This will begin the 30-day review period for verification of the Petition and related information for certification of the Petition, after which the annexation will be noticed to interested parties for comments and protests. The Petition may be approved at a future City Council meeting upon completion of the required steps.

MOTION: *Councilmember Steinkopf moved to accept the Clearview Estates annexation petition for further review. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

26. BID AWARD – Consideration and Award of Bid to CraCar Construction Company for the Construction of the Energy Building.

This item was presented by Energy Division Director Adam Ferre. The proposed bid is for the construction of an energy-efficient, 4,000 square foot, single story office building with an attached 8,000 square foot shop/warehouse. The building will have a full unfinished basement and the project will also include site improvements. The building will be located adjacent to the Public Works building.

During Work Session, Mayor Jackson asked what the initial estimated cost was, if the building had been built in-house. Mr. Ferre responded that it was around \$1.2 million. Mr. Ferre invited representatives from the architect's office and the construction company. The architect described

the building. Energy efficient features include earth berming, high-value insulation, LED lighting, solar shades, and xeriscaping.

Mayor Jackson asked the project manager why his bid came in so much lower than the others. She wanted to know if any change orders were anticipated. The project manager said the company will construct the building for the agreed-upon price.

During Policy Session, Councilmember Painter asked if any of the costs would be taken from the General Fund. Mr. Ferre and Mr. Pili said that would be considered.

MOTION: *Councilmember Painter moved to award a bid to CraCar Construction Company for the construction of the energy building, to include the adders as outlined in the staff report, for an amount of \$1,478,575.00, and authorize the Mayor to execute the contract. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

This item was presented by Energy Division Director Adam Ferre. The proposed bid is for the purchase structural steel for the north substation. The north substation needs to be reconfigured and upgraded before the south substation can be completed. There was one item that was omitted from the contract, so a change order will need to be processed.

MOTION: *Councilmember Painter moved to award a bid to Atlas Manufacturing for the purchase of structural steel for the north substation, in the amount of \$36,831.00, and authorize the Mayor to execute the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

28. BID AWARD – Consideration and Award of Bid to Niels Fugal Sons Company, LLC for Underground Natural Gas Services.

This item was presented by Energy Division Director Adam Ferre. The proposed bid is for the installation of underground natural gas laterals within the City.

MOTION: *Councilmember Steinkopf moved to award a bid to Niels Fugal Sons Company, LLC for installation of underground natural gas services and authorize the Mayor to execute the agreement. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

John Hendrickson

Mr. Hendrickson told the Council that they were the most enjoyable Council he had worked with in 35 years. He feels good about handing the reins to Mr. Pili.

Councilmember Burnham

Councilmember Burnham thanked Mr. Hendrickson for his service.

Councilmember Steinkopf

No comment.

Councilmember Painter

Councilmember Painter appreciated the confidence Mr. Hendrickson has in the Council.

Councilmember Ireland

Councilmember Ireland thanked Mr. Hendrickson.

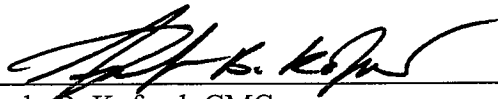
Mayor Jackson

Mayor Jackson reported that she asked UDOT for directional signs on 2100 North leading to Eagle Mountain. Those signs were approved today.

30. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.
31. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
 - B. Executive Summary of Revenues and Expenses
32. ADJOURNMENT

MOTION: *Councilmember Painter moved to adjourn the meeting at 10:32 p.m. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON JULY 17, 2012.



Fionnuala B. Kofoed, CMC
City Recorder