

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 4, 2012

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

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Michele Graves, City Librarian; Mike Hadley, City Planner; Paul Jerome, Finance Director; Adam Ferre, Energy Department Director; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

Mayor Heather Anne Jackson called the meeting to order at 4:12 p.m.

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

1. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
 - Mr. Pili introduced Richard Mendenhall, one of the new owners of SilverLake. Mr. Mendenhall said his group would like to have a meeting with Planning Commissioners and City Councilmembers to work out some contradictions in the pending development agreement before they formally bring it to the Planning Commission and City Council. City Attorney Jeremy Cook recommended that the City maintain its normal planning and approval process. Mayor Jackson suggested making it a discussion item in future Work Sessions, starting with the next meeting.
 - Assistant City Administrator Jason Walker thanked Mayor Jackson and Mr. Pili for allowing City employees to help Saratoga Springs residents impacted by Sunday's mudslide.
2. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

The meeting was adjourned at 5:36 p.m.

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

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

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Michele Graves, City Librarian; Mike Hadley, City Planner; Paul Jerome, Finance Director; Chris Trusty, Public Works Director/City Engineer; Adam Ferre, Energy Department Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Deputy.

3. CALL TO ORDER

Mayor Heather Anne Jackson called the meeting to order at 7:01 p.m.

4. PLEDGE OF ALLEGIANCE

Donna Burnham led the Pledge of Allegiance.

5. INFORMATION ITEMS/UPCOMING EVENTS

- **Farmer's Market** – A market to buy and sell local fresh produce and handmade crafts will be held on Saturdays through September 29 from 9:00 a.m. to 12:00 p.m. in the City Hall parking lot. If you are interested in selling your produce or handmade crafts, please fill out the application on the City website.
- **United Way Day of Caring** – On September 13, Eagle Mountain City is participating in the United Way Day of Caring with several different service projects. See the event listing on the City website for information on how to be involved.
- **Flu Shot & Immunization Clinic** – On Thursday, September 13, the Utah County Health Department will hold a flu shot and immunization clinic from 3:00-5:00 p.m. in the City Council chambers. Most insurance plans are accepted. For details, visit utahcountyhealth.org.
- **IGX Video Game Competition** – Interactive Gaming Experience is hosting a two day tournament with a variety of the latest and most popular games on September 21 from 3:30 p.m. until 9:00 p.m. and September 22 from 9:00 a.m. until 7:00 p.m. at Rockwell High School. Competitors may enter at any time and the winners and prizes will be announced at 7 p.m. on Saturday. This is a free event, with games for all ages.
- **Youth Duathlon & Clean Out the Cabinet** – On Saturday, September 29, a free youth duathlon will be held for children ages 15 and under at Nolan Park. Check in is 11:30 a.m. and the race starts at 12:00 p.m. This event is co-sponsored by Addicts to Athletes. A Clean Out the Cabinet drop-off location will also be at Nolan Park from 11:00 a.m. to 3:00 p.m. Reduce the availability of medications for abuse by properly disposing of unused medications. Clean out your medicine cabinets and bring your expired or unused medications.
- Thanks to the community for helping with the Saratoga Springs flooding clean-up.
- Thanks for residents' patience with recent road work and closures.

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

Casey Jones, 3299 Appaloosa Way, expressed appreciation for the time the Council puts in to their positions and the safety afforded him in the community, especially during the fire in June. He also spoke about keeping chickens. He compared outlawing chickens to outlawing guns. He also quoted Joseph Smith on self-government. He didn't think a law was necessary for controlling ownership of chickens. Mayor Jackson responded that the ordinance the Council is considering would not prohibit chickens, just cap the number allowed per lot.

Kim Robinson, Pleasant Grove City Councilmember, spoke on the TSSD sewer treatment plant. She said the smell emitted by the plant's composting is impeding Pleasant Grove's goals. She asked the Mayor and Council to support ending the composting.

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

Councilmember Ireland

Councilmember Ireland thanked the City's residents and staff who helped clean up the mud slides in Saratoga Springs. It was awesome to see the volunteerism.

Councilmember Burnham

Councilmember Burnham said it's great to live in an area where people help their neighbors instead of waiting for government to solve their problems.

Councilmember Steinkopf

Councilmember Steinkopf pointed out the new ladder signs directing people to various City buildings. He asked if the City had considered putting orange flags by crosswalks to make crossing safer. Mayor Jackson said it had been done, but the flags got stolen very quickly.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

No comment.

8. APPOINTMENT

A. Parks and Recreation Board – Marion Cline

MOTION: *Councilmember Burnham moved to appoint Marion Cline to the Parks and Recreation Board for a term ending on December 31, 2015. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Ms. Cline was not present at the meeting. She will receive the oath of office at a later time.

CONSENT AGENDA

9. MINUTES
 - A. August 7, 2012 – Regular City Council Meeting
10. BOND RELEASE – Into Warranty
 - A. Valley View, Plat A-1
11. FINAL PLAT
 - A. Meadows Storage Subdivision – Final Plat
12. SITE PLAN
 - A. Meadow Ranch Self Storage
13. DEVELOPMENT AGREEMENTS
 - A. Valley View, Plat A-2
 - B. Valley View, Plat A-3

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion.*

Planning Director Steve Mumford requested that items 11 and 12 be tabled pending further research.

AMENDED MOTION: *Councilmember Ireland moved to remove items 11 and 12 from the Consent Agenda and to approve items 9, 10 and 13. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

MOTION: *Councilmember Ireland moved to table items 11 and 12. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Annexing Approximately 245 Acres known as the Clearview Estates Annexation.

This item was presented by City Recorder Fionnuala Kofoed. On May 11, 2012 a petition was submitted to the Recorder's Office to annex approximately 245 acres of property located west of the North Ranch subdivision, on the north side of SR 73. The petition was certified on July 18, 2012 and no protests were received during the 30-day protest period. The City Council may annex the property after the public hearing. The General Plan amendment and Master Development Plan will be presented in a future meeting.

This annexation does not yet include a General Plan amendment or master development plan. The land will come into the City with Agricultural zoning. It will have no entitlements.

Mayor Jackson opened the public hearing at 7:25 p.m. As there were no comments, she closed the hearing.

MOTION: *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City, Utah, annexing approximately 245 acres known as the Clearview Estates Annexation. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

PUBLIC HEARING

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Code, Chapters 16.20.040(D), 16.25.040(A)(1)(t), 16.35.040(C), 17.100.060(G) for Water Rights Requirements.

This item was presented by Planning Director Steve Mumford. The City Code currently requires that water right documentation be provided along with a preliminary plat application, and that water rights or shares are dedicated to the City prior to recording a plat or obtaining a building permit. The City has purchased water from the Central Utah Water Conservancy District, and is in the process of constructing a pump station and piping to bring that water into Eagle Mountain. The rights to this water are available for purchase from the City in lieu of dedicating water rights.

During Work Session, Councilmember Painter asked if a developer could purchase water in such a way that the City would incur more infrastructure costs than it received in payment for the water. City Attorney Jeremy Cook said that infrastructure is an impact fee issue, not a water purchase issue.

Mayor Jackson opened the public hearing at 7:26 p.m. As there were no comments, she closed the hearing.

MOTION: *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Eagle Mountain City Code Chapters 16.20.040(D), 16.25.040(A)(1)(t), 16.35.040(C), 17.100.060(G) for water rights requirements. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

16. BID AWARD – Consideration and Award of Bid to Instrument Control Company for the Purchase of Control and Relay Panels for the North Substation.

This item was presented by Energy Director Adam Ferre. The Control and Relay Panels will be used to monitor and control the new equipment for the North Substation.

MOTION: *Councilmember Steinkopf moved to award a bid to Instrument Control Company for the purchase of control and relay panels for the north substation in the amount of \$40,380 and authorize the Mayor to execute the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. BID AWARD – Consideration and Award of Bid to Cummins Rocky Mountain, LLC, for the Purchase of an Emergency Backup Generator for the Energy Building.

This item was presented by Energy Director Adam Ferre. The proposed bid is to purchase an emergency backup generator for the new Energy Building, which will enable the building to be 100% operational in the event of a power outage or natural disaster.

MOTION: *Councilmember Steinkopf moved to award a bid to Cummins Rocky Mountain, LLC, for the purchase of an emergency backup generator for the Energy Building in the amount of \$34,239 and authorize the Mayor to execute the agreement. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ireland commented that he would prefer that this item be budgeted for next year. Mr. Pili explained that other projects planned for bond funding, such as the redundant 138 kV line, have been delayed or cancelled, providing funding for projects with a quicker return on investment.

Councilmember Ireland pointed out that the generator was not part of the original plan. Mr. Ferre stated that all City buildings have generators. He also said it was preferable to use bond funds before City reserves.

Councilmember Ireland questioned whether funds would be available to build the redundant 138 kV line if other projects are funded first. Mr. Ferre responded that the projects being prioritized now are revenue-producing, which will help with alternative funding for the line. The Rocky Mountain Power (RMP) line has to be energized before a new 138 kV line could be used. The RMP line isn't ready to be energized yet.

Mr. Pili said that current ratepayers should not be responsible for the cost of projects that won't be needed yet.

Mayor Jackson stated that the City is going in a slightly different direction because there is a new City Administrator.

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

18. BID AWARD – Consideration and Award of Bid to Powell Electrical Systems, Inc., to Purchase an Operating Remote Panel for the North Substation.

This item was presented by Energy Director Adam Ferre. The operating panel is designed to remotely control the existing 12kV circuit breakers at the North Substation. This is intended to bring the North Substation up to current industry and government safety regulations. It is designed to prevent crews from being caught in an explosion in the event that a breaker was to fail while being operated. Powell is a sole-source provider.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Powell Electrical Systems, Inc., for the purchase of an operating remote panel for the north substation in the amount of \$33,130 and authorize the Mayor to execute the agreement. Councilmember Steinkopf seconded the motion. Those voting aye: Donna*

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

19. BID AWARD – Consideration and Award of Bid to Rhet Marsing Enterprises, LLC, for the North Substation 138 kV Breaker Addition.

This item was presented by Energy Director Adam Ferre. The purpose of this project is to add a 138 kV circuit breaker to the North Substation. In the event of a problem with the 138 kV power line between the North Substation and South Substation, service will only be interrupted to a portion of the City as opposed to the entire City. This project also includes certain safety upgrades designed to bring the City into compliance with the latest federal safety guidelines.

MOTION: *Councilmember Ochsenhirt moved to award a bid to Rhet Marsing Enterprises, LLC, for the north substation 138 kV breaker addition in the amount of \$291,859 and authorize the Mayor to execute the agreement. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

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

Councilmember Ireland

Councilmember Ireland asked that when the City has a bond discussion, a member of the Finance Dept. be present.

Councilmember Burnham

No comment.

Councilmember Steinkopf

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

No comment.

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

Councilmember Burnham reported that the Parks and Recreation Advisory Board are still considering options for shade in Nolan Park. They also want to look into a larger tank for the splash pad. The goal was to recycle the water, but at this point most of it goes into the storm drain.

22. COMMUNICATION ITEMS

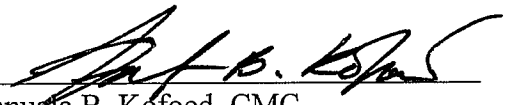
A. Upcoming Agenda Items

B. Financial Report

23. ADJOURNMENT

MOTION: *Councilmember Ochsenhirt moved to adjourn the meeting at 7:54 p.m.
Councilmember Steinkopf seconded the motion. Those voting aye: Donna
Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf.
The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 18, 2012.



Fionnuala B. Kofoed, CMC
City Recorder