

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

**October 16, 2012**

**Work Session 4:00 p.m. Policy Session 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, Nathan Ochsenhirt and Richard Steinkopf. John Painter was excused.

**CITY STAFF PRESENT:** Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Kent Partridge, Building Official; Steve Olsen, Energy Department; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Chris Trusty, Public Works Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 7:02 p.m.

**1. DISCUSSION – Use of 2011 Gas and Electric Bond Proceeds.**

Laura Lewis, of Lewis Young Robertson & Burningham, the City's financial advisor, and Randy Larsen of Ballard Spahr, the City's bond counsel, discussed what projects could be funded by the money remaining in the 2011 Gas and Electric bonds. Rocky Mountain Power is not prepared to allow Eagle Mountain to hook up the 138 kV line. Approximately \$8.3M remains in the bond proceeds. Tax laws require a reasonable expectation of spending the proceeds within three years. One option is to pay off the bonds early. Ms. Lewis recommended against that. Bond investors expect a return on a regular basis for the expected life of the bond. The City could purchase securities and have them held by a trustee, which could pay the bond until the call date. Ms. Lewis recommended against that also, because the City could only invest the money at 1.4%, but the City will incur interest at 4.4%. The differential is negative arbitrage. As long as the City has additional projects to complete, the excess bond funds should be used to complete those.

Gas and electric bond funds may not be used to fund water and sewer projects or operations and maintenance. Allowable uses include some projects found in the Capital Facilities Plan: purchasing capital facilities from Rocky Mountain Power, extending gas and electric lines to new customers, replacing existing lines, construction of new substations, etc.

Mr. Larson explained that State law allows the City expand the funded projects. Council should vote to approve the expansion of the project into other capital projects. He recommended that the Council hold a public hearing before voting, although it is not required. If a small amount remains unspent, it may be used towards the next interest payment.

Councilmember Ochsenhirt asked how the City will have funds to pay for additional projects when bond funds have been expended on previous projects. Mayor Jackson explained that if the City pays off the bond in the ten-year project period, the funds will be gone. If the City pays the bond in the twenty-year call period, the funds will be there.

Mr. Pili said the City can build the 138 kV line that was planned for the bond, but there's no need for it at the moment, so there's no visible return on investment at this point. If the City expends the funds on projects that create revenue now, it will be easier to pay the bond back in ten years.

Councilmember Ochsenhirt requested that option in writing. He wanted clear accounting of which revenue from projects funded by the bond is used to pay for additional projects.

Mr. Pili listed the projects that the excess funds can be used for right away. They can be funded by the bond or by other City funds. The first is to use bond proceeds rather than other City funds to pay for the purchase of Rocky Mountain Power facilities. Another is the asphalt plant, Snugz, the Staker Parson pit, and power lines along SR 73. These projects were going to be paid by City reserves and impact fees. They will produce enough revenue to pay off the bond in between five and ten years.

Councilmember Painter asked why the City was sure that Rocky Mountain Power would be ready to transfer their facilities 15 months ago, and now they're not. Steve Olsen explained that Rocky Mountain Power did not inform the City in a timely manner that they had decided to delay the project. Mr. Pili said that at that time, a large data center was considering locating in Eagle Mountain and needed a lot of energy available very quickly.

Councilmember Ireland pointed out that the excess funds add up to almost \$6M, not \$4.5M.

Mayor Jackson stated that in the next meeting, the Council will hold a public hearing. Staff will general a cash flow analysis.

2. DISCUSSION – Special Assessment Area for Ranches Parkway Extension.  
*This item was moved to the beginning of the meeting.*

City Administrator Ifo Pili explained that a special assessment area was requested by the Allred brothers and RCA, owners of land north of Ranches Parkway. It would extend Ranches Parkway and wet and dry utilities to their property, as well as to a potential elementary school site. The value of the proposed special assessment bond would be \$3M. Normally, the ratio of SAA value to collateral value is 3:1. Mr. Pili will require the applicants to place collateral at a 5:1 ratio, or \$15M in land value, as security, which they have agreed to. The Ranches Parkway extension is currently on the Capital Facilities Plan. Having the SAA pay for the project would allow it to be removed from the CFP.

Councilmember Painter asked on what time period of the Capital Facilities Plan the work would be done. Public Works Director Chris Trusty answered that it would be in the one to ten year range.

Mayor Jackson reported that Alpine School District has made offers on two properties in the SAA area. They will choose one at the next board meeting.

Councilmember Ireland asked how the bond is paid back. Mr. Pili said that the work is paid for by the bond immediately, then the funds are paid back by the landowners. The City only pays if an owner defaults, after which the City sells the collateral to recoup the costs.

Ms. Lewis stated that State law allows for several methods of assessing costs to property: market value, taxable value, lot, acre, front footage or equivalent residential units. One or a combination can be chosen based on what is most fair to the owner of each piece of property.

Councilmember Ochsenhirt asked if State law requires the City to set assessments for each property at the formation of the assessment area or if the numbers change as property is developed. Ms. Lewis replied that assessments are set in the beginning.

Councilmember Ireland asked what the property owners think of the assessment area. Mr. Pili said that the property owners requested it.

3. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

#### 14B. Granite Construction Asphalt Operation.

The asphalt operation will be located north of the mountain, which will shield it from residents' view.

Councilmember Ochsenhirt asked if the primary access to the plant would be the new Mt. Airey extension. Planning Director Steve Mumford said the applicants are working with BLM to obtain access across their land. If they can't get that, they will use the Mt. Airey Drive access. Trucks also use a dirt road that travels around the hill.

Scot Hazard, 9258 Deerfield Circle, one of the applicants, said that at their meeting last week, the Planning Commission asked how long it would be until gravel trucks could stop turning left on SR 73. Mr. Hazard said that the company has been trying to obtain an easement from BLM for several months. Mayor Jackson offered to help with that approval. The Commission recommended that asphalt trucks not be allowed to run on SR 73 during peak hours between 4:30 and 6:00 p.m. Mr. Hazard said he checked Hadco's safety logs and they have never had a traffic accident since the pit has been in operation.

Steinkopf said, while accidents haven't actually happened, the trucks are dangerous and upset motorists.

Mayor Jackson asked the Council to think about whether they were willing to hold up the project over traffic concerns.

Councilmember Ireland asked what percent of the gravel excavation will go to the asphalt plant. Mr. Olsen said the plant expects to use 200-300,000 tons per year. Hadco needs to double their gravel production to supply the asphalt plant. Councilmember Ireland asked how long the hill will last at that excavation rate. Mr. Hazard estimated 12 to 20 years.

#### 14C. SnugZ

The SnugZ plant will be fairly well hidden from view by a hill. Councilmember Ochsenhirt asked if there will be a traffic light at that intersection. Mayor Jackson stated that traffic doesn't warrant it yet. UDOT will do a warrant study sometime in the future.

Councilmember Painter asked if water rights documentation has been submitted yet. City Attorney Jeremy Cook responded that an agreement is being drafted. Mr. Hazard said he expects to use water already banked with the City. He is waiting for a water right number from Patterson Construction.

#### 15. Bid Awards

Steve Olsen of the Energy Department said all the bid awards are being driven by the asphalt plant project. The owners have requested power and gas to their site by January, which is a very aggressive schedule. Because an 8" gas line has to extend all the way from their facility to the power corridor, staff decided to wrap in the Snugz, Staker Parson and SR 73 projects, as well.

Mr. Pili stated that all the projects were bid together. Mr. Olsen said the project will be awarded to one electrical contractor, with materials awards to a couple of suppliers. The separate bid awards were to facilitate expending the money from the appropriate funds.

Councilmember Ireland asked if payback from the asphalt plant will be guaranteed, or if the risk of ordering the materials is too high. Mr. Olsen said any materials purchased can be used on other projects. The amounts of materials can also be reduced based on these bids.

#### 16. Capital Facilities Plan

Mr. Trusty said a few changes have been made. References to a recreation center were removed and levels of service in transportation were redefined. There are no significant wait times at any intersections. Improvements don't have to be made until the level of service gets down to a level of C. The name of the Cedar Valley Freeway was made consistent and population projections have been reduced.

#### 17. Impact Fee Analysis

Mr. Trusty stated that there have been no major changes to the impact fee analysis for several years. Lewis & Young was hired to do an entirely new analysis. Lewis & Young considered SIDs and reimbursement agreements. Impact fees in the North Service Area dropped by 17%, those in the South Service Area by 27%. Once the reimbursement agreements are paid off, those fees will drop off. The City will no longer collect future facilities fees for the Fire Department, because of the City's annexation into the Unified Fire Authority.

Councilmember Painter asked why the fees were going down, compared to what the City used to require. Mr. Trusty responded that the City is redefining what is required for each subdivision, using a more system-wide approach. These are maximum fees. Some actual fees will be lower, depending on whether property is located in an SID or not.

#### 18. Clearview Estates Annexation

Steve Mumford, City Planning Director, explained that the number of lots has been reduced to 331. The developer will deed a 150' right-of-way to the City. The value of the land will be credited to the developer against the community improvement requirements.

Councilmember Ochsenhirt was very concerned about having a septic system on each lot. He didn't think the ground would be able to absorb the sewage. In the event of flooding, residents will look to the City to take responsibility for the damage. City Attorney Jeremy Cook said that State law allows septic systems, although each lot needs to be tested. The City can't prevent the systems unless it pays for a sewer line to be built out to that area. Mr. Cook believed that the real risk is to the developer.

Councilmember Painter asked if anyone has evaluated the cost of extending the sewer line to the subdivision. Mr. Trusty said it would have to include a lift station, which would raise the cost.

Steve Sowby, the engineer representing the landowners, said it would cost over \$400,000 dollars to extend the line. He said there has never been a problem in Eagle Mountain with a failed septic tank. The conditions for failure (the wrong soil and high groundwater) don't occur in the City.

Councilmember Painter pointed out that the City has had unusual weather in the last several years which has caused State-approved systems to fail. Mr. Sowby said no weather condition can affect septic systems. The risk is on the developer. Mr. Painter responded that developers have changed frequently, which makes it difficult for the City to collect on those obligations.

Mr. Sowby said that if the City were to choose to extend the line, the developer would probably be amenable to that in exchange for increased density.

#### 19. Budget Amendment

This amendment funds a new dump truck and pump truck for the Public Works Department. The money will come from a combination of reserve and fleet funds that are already in the City's accounts.

Councilmember Ireland asked what benefit comes from doing this now if the dump truck won't be available for snow plowing this winter. Mr. Trusty said putting it off to the next budget year will make the truck unavailable until the following December because there is a six-month lead time before the truck can be delivered. The truck will be used for hauling year-around, so snow plowing season isn't the only consideration.

Councilmember Steinkopf asked if a bigger truck will be able to turn in small roundabouts. Mr. Trusty said only pickup trucks are used in those. Councilmember Steinkopf asked if the Public Works Department will retain the old truck. Mr. Trusty said they will, because it has very little surplus value and might be helpful for backup.

Councilmember Ireland asked the life expectancy of the pump truck and the return on investment of purchasing the truck vs. contracting the work out to TSSD. Mr. Trusty said the life will be as much as 40 years. It will be assigned to one person, which is the best way to ensure proper use & maintenance.

Mr. Trusty explained that TSSD only cleans City sewer lines because the City is part of their system. The district will no longer be able to provide that service. No other company will do it. Without the truck, only trunk lines will be cleaned. Other lines may be cleaned, but not on the recommended two-year rotation.

#### 22. Unified Fire Authority Tax Increase

Mayor Jackson stated that staff has calculated what the reduced property tax rate will be. The utility rate reductions need additional analysis. The analysis will be complete by the next City Council meeting. The UFA sent a letter stating that the exact tax increase per \$200,000 home value will be \$45.19.

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.

None.



- **Jr. Jazz Registration** – Registration for the 2013 Jr. Jazz season is open now through November 5, with a late registration period from November 6-13. Register on the City website, Sports Programs page, or in person at City Hall. Please note that if you are eligible to receive discounts, you must register at City Hall.
- **Fall Clean-Up Dumpsters** – Dumpsters will be provided at the City Public Works building from October 27 to November 4 for Eagle Mountain residents to use. Get your yards prepared for winter and get rid of the waste close to home.
- **Bag the Leaf** – Help keep our storm drains clear. The City is offering free garbage bags for leaf disposal. Residents may get up to five bags per household. Bags are available for pick-up at the Public Works building and at the fire station in the Ranches through November 16.

9. **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.)*

Nikki Wickman, 2766 Fort Hill Road, said Pony Express Parkway is not a safe street because it is too narrow. She has nearly been hit in crosswalks on Pony Express. The City may regret its decision not to widen the road, if a child gets hit by a vehicle. The administration is trying to attract more residents and businesses, and that requires more traffic safety. She also expressed concern about the toxins produced by the proposed asphalt plant.

Eric Hales, 9217 Mt. Airey Drive, thanked Asst. Public Works Director Jeff Weber for coming out the same day he called about a trip hazard in the sidewalk. Jeff had his crew fix it within 24 hours. Mr. Hales wanted to know when the rest of the street would be fixed. He thanked the Fire Dept. for their help with classes for the Boy Scouts.

Mr. Trusty said the rest of the road patches should be done early next week.

Mayor Jackson stated that when the transfer of the Fire Dept. to the UFA is complete, the City plans to continue the community involvement that the Fire Dept. has had all along.

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

Councilmember Painter

No comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked those who attended the meeting, especially the Boy Scouts from his neighborhood.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Councilmember Steinkopf

Councilmember Steinkopf reminded everyone about the Trick or Treat Village on the 27<sup>th</sup>. The Youth Council will be doing an open house and other activities.

Mayor Jackson

Mayor Jackson asked residents to watch out for people in crosswalks. Pedestrians in crosswalks have the right of way.

11. OATH OF OFFICE

- A. Fire Fighter Jesse Johnson

Fire Chief Rand Andrus administered the oath of office to Mr. Johnson.

**CONSENT AGENDA**

12. MINUTES

- A. October 2, 2012 – Regular City Council Meeting

13. FINAL PLATS

- A. Spring Run Business Park, Plat A1  
B. Rock Creek, Phase 3

14. SITE PLANS

- A. Utah County Communications Site  
B. Granite Construction Asphalt Operation  
C. SnugZ

15. BID AWARDS

- A. 8" Gas Line to Granite Construction Asphalt Operation  
B. Power Line to Granite Construction Asphalt Operation  
C. Electrical Materials for 2012 Electric Main Feeders and Gas Lines  
D. Highway 73 Power Line Extension  
E. SnugZ Gas Line Extension  
F. SnugZ Power Line Extension  
G. Staker Parson Power Line Extension

Councilmember Painter was concerned that the asphalt plant may be approved without careful study of toxic fumes it will produce. He requested that it be removed from the Consent Agenda.

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda, with the amendment of consolidating the seven bid awards into three agreements. Councilmember Ochsenhirt seconded the motion. Those voting aye: Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Those voting no: Donna Burnham and John Painter. The motion passed with a vote of 3:2.*

The bids were combined into the following three agreements: Main feeders for the asphalt plant, SR 73, SnugZ and the Staker Parson gravel pit were awarded to Pine Valley Electric. Electrical materials were awarded in two agreements, one with Codale Electric Supply and one with HD Power Supply.

Mayor Jackson invited Chris Faulbeher, a representative of Granite Construction, to discuss the air quality issues of the asphalt plant. He said the company has never violated air quality standards at its Cottonwood Heights plant. The company has been operating in Cottonwood Heights since the 1960s, with the current plant having been built in the 1990s.



## SCHEDULED ITEMS

### 16. PUBLIC HEARING

#### ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the 2012 Capital Facilities Plan.

The Capital Facilities Plan is intended to identify infrastructure needs within Eagle Mountain City, to prioritize these needs, and to estimate their costs. 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.

*Mayor Jackson opened the public hearing at 7:36 p.m.*

McKay Edwards, SITLA, found a minor error in the impact fee analysis, which may have come from the Capital Facilities Plan. The Parks section refers to SITLA's park land as 58 acres, however SITLA has 110 acres, valued at \$10,000/acre, for a total reimbursement agreement of \$1.1M.

*Mayor Jackson closed the public hearing at 7:38 p.m.*

Councilmember Ireland commented on page 84 in the Capital Facilities Plan, table 8.3, which is probably the place that Mr. Edwards said caused the error in the Impact Fee Analysis. Councilmember Ireland asked Mr. Trusty if there should be more line items to reflect that acreage. Mr. Trusty said that the Capital Facilities Plan has correct information, but the Impact Fee Analysis should be corrected.

Councilmember Ireland prefaced his motion by saying that he hoped the City would treat the Capital Facilities Plan as a living document and update it regularly.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the 2012 Capital Facilities Plan. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

### PUBLIC HEARING

#### 17. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Approving the Impact Fee Enactment.

The proposed ordinance revises impact fees charged to Eagle Mountain builders when issuing a building permit. Impact fees are a one-time charge to new developments for the purpose of raising revenue for new or expanded public facilities necessitated by that development. Impact fees cannot be used to increase an existing level of service, and all fees must be spent within 6 years of being collected. Impact fees cannot be used to correct existing system deficiencies. However, impact fees can be collected for existing debt service on facilities which have excess capacity for which the development will receive a benefit.

The City's financial advisor, Laura Lewis, explained details of the impact fee analysis. It covers

culinary water, sewer, storm drains, transportation, parks, public safety and electric services. The State does not allow cities to charge impact fees on natural gas services, probably because only a handful of cities own natural gas services.

Ms. Lewis stated that the Capital Facilities Plan is the basis for the Impact Fee Analysis. Most of the projects evaluated for the IFA were in the six to ten year range. For electric service, the projects evaluated were in the five-year time period. The impact fee finance plan costs have been reduced. Neighborhood park costs have been removed, and firefighting costs were also removed because of the impending consolidation with the Unified Fire Authority.

Ms. Lewis said if the City decides that any major changes in projects or growth in the future should trigger amendments to the Capital Facilities Plan.

Councilmember Steinkopf asked about footnote 2 in the sanitary sewer section. Ms. Lewis said that the North Service Area fee has two components; one charged by the City and one charged by the sewer district (TSSD). The South Service Area doesn't have the TSSD component. Since the TSSD fee is a pass-through and doesn't come to the City, it was included only as a footnote.

Mr. Trusty commented on Mr. Edwards' statement on the Mid Valley Park reimbursement agreement(s). Mr. Edwards mentioned three, but Mr. Trusty only had record of one. That one covers three separate improvements. The first was the only one that was included in the impact fee analysis. The Capital Facilities Plan and Impact Fee Analysis will need to be amended.

*Mayor Jackson opened the public hearing at 7:55 p.m.*

McKay Edwards, SITLA, repeated his earlier comment for the record, as it applied to both the Capital Facilities Plan and the Impact Fee Analysis: He found a minor error in the impact fee analysis, which may have come from the Capital Facilities Plan. The Parks section refers to SITLA's park land as 58 acres, however SITLA has 110 acres, valued at \$10,000/acre, for a total reimbursement agreement of \$1.1M.

Elise Erler, SITLA, discussed the supply buy-in for culinary water, table 4.6, CWP distribution-related costs. She wondered if the same cost should be charged to all the ERCs in the City, or just to those that benefit from CWP water.

Mr. Trusty responded that the City is moving to a more system-wide impact fee structure. Because the CWP water is intended to allow for future growth, it's appropriate to pay for it through impact fees.

Steve Sowby, engineer for Clearview Estates, said Energy Director Adam Ferre told them that the City will need to extend the power line from Ranches Parkway to north of SR 73 just to meet current power needs in that area. Mr. Sowby noted that the project is not listed in the CFP or IFA and asked that it be included in both. Mr. Trusty pointed out that it is listed in table 11.5 of the IFA.

*Mayor Jackson closed the public hearing at 8:03 p.m.*

Councilmember Ireland said that the direction from the City for neighborhood parks is that they be maintained by HOAs. He doesn't think every development needs an HOA. This doesn't address those who don't have an HOA. Mr. Trusty stated that neighborhood parks can't be covered by

impact fees because they haven't been in the past. Developers can still be required to build parks. Mayor Jackson said the City will have to maintain some of them.

**MOTION:** *Councilmember Ireland moved to table an Ordinance of Eagle Mountain City, Utah, approving the impact fee enactment. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

### **PUBLIC HEARING**

18. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the General Plan and General Plan Map 2, and Approving the Master Development Plan for Clearview Estates.

This item was presented by Planning Director Steve Mumford. The City Council will consider the approval of the Master Development Plan and amendment to the Eagle Mountain General Plan, and General Plan Map 2 for Clearview Estates that was recently annexed into the City. Clearview Estates is located west of North Ranch. This item was tabled from the September 18<sup>th</sup> City Council meeting.

The project is proposed to have 331 units on 287 acres. The minimum lot size will be ½ acre, with one-acre lots adjacent to North Ranch.

At the last meeting, the Council requested 150 feet of property along SR 73 for a future right-of-way expansion. The applicants are willing to deed the property to the City, and request that the value of the property be credited to the community improvement requirements for the project.

Mayor Jackson asked if this application can be denied based on the septic systems. City Attorney Jeremy Cook said it could not. The State doesn't restrict septic systems based The City can require the applicants to construct a sewer system if the City sewer system is extended to within 300 feet of the subdivision.

*Mayor Jackson opened the public hearing at 8:23 p.m.*

Steve Sowby, the engineer representing the applicants, stated that the applicants need specific guidance on four items. He asked for development credits to be broken into two parts, one for the linear park and one for the other natural open space. Mr. Sowby stated that the only choice the developers have for the linear park is to deed the property to the City in exchange for development credits, due to neither the applicants nor the City having the cash to pay for the land right now. The third item is the trail. If the City accepts the open space, it has a say in the construction of the trail.

He said that if the sewer line is extended, it will automatically include North Ranch, Meadow Ranch, Sage Valley and part of Cedar Pass Ranch, because what applies to this development also applies to those. The fourth item was that the development agreement be brought forward and be approved at the next City Council meeting.

Kamrun Hermanson, a resident of North Ranch, asked if the sewer line goes past North Ranch, would the City put in the sewer line or would that be required of the residents. Mayor Jackson explained that the City is responsible for the main line and residents are responsible for the laterals connecting their homes to the main line.

Mayor Jackson closed the public hearing at 8:27 p.m.

Mayor Jackson told Mr. Sowby that, as to not having any say about the trail, any trail must meet the City's Development Code standards. Councilmember Ireland pointed out that submission of a trail plan is a condition of approval. Councilmember Ochsenhirt wondered why the City would invest money in the corridor along the state road, thereby giving up money for parks and other improvements.

Mayor Jackson pointed out that if the City had an adopted General Plan outlining SR 73 becoming a freeway, then this corridor improvement would automatically be required of the developer. Because that is not adopted, the City has to negotiate the issue.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the General Plan and General Plan Map 2, and approving the master development plan for Clearview Estates, subject to the conditions in the staff report and two others: that they do the community improvements as to the \$2000 per buildable acre, as outlined in the Code, and that they comply with option #1, that they preserve the property, not planning development for that property, and receive payment by UDOT in the future when it requires the additional right-of-way. Councilmember Steinkopf seconded the motion.*

Councilmember Burnham asked who UDOT would purchase the land from; which would be the original owners, Stan and Katherine Smith.

Councilmember Steinkopf asked if wording could be placed into the agreement guaranteeing that the City is not liable for failure of any septic system. City Attorney Jeremy Cook said there is language on the plat to that effect.

Councilmember Painter asked if there is any plan in the future to extend the sewer line to the area. Mr. Trusty said the line would not be extended in that direction, because lift stations are a problem.

Councilmember Burnham asked if the developer has the option to improve the corridor land and get credit for it, or if it is to remain unimproved because it will eventually be paved. Councilmember Ireland said that the intent of his motion is that the land remains in native vegetation.

*Councilmember Ireland amended his motion to include an additional condition: that the 150' right-of-way along SR 73 remain native vegetation until UDOT purchases the property. Councilmember Steinkopf accepted the amendment.*

Councilmember Painter asked if changing the land use means the application will need to be brought back again. Councilmember Ireland said they have met the requirement for improved open space.

Mr. Mumford stated that the Planning Dept. will work closely with the applicants on how the improvement funds will be used.

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

**PUBLIC HEARING**

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

The proposed amendment to the FY 2012-2013 Budget is for the purchase of a 10 wheel dump truck and a Vac-Con pump truck for Public Works. Funding for the equipment will be taken from the storm water, sewer, B&C roads, and street budgets.

Councilmember Painter asked if the City would be eliminating any projects next year because of the money being spent on these trucks. Mr. Trusty said it wouldn't.

*Mayor Jackson opened the public hearing at 8:45 p.m. As there were no comments, she closed the hearing.*

Discussion ensued on whether to finance the equipment or buy it outright.

**MOTION:** *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City, Utah, amending the Fiscal Year 2012-2013 budget to include the purchase of a dump truck and pump truck, with an option of financing the purchase for a period not to exceed five years; prepayment to be allowed if analysis shows that it is feasible. Councilmember Painter seconded the motion.*

Councilmember Burnham said that she felt the Council was elected to make decisions, and this motion doesn't do that. She wanted a clear decision that limits debt as far as possible.

Councilmember Ochsenhirt called the question, then rescinded the motion to call as other members wished to continue the discussion.

Mayor Jackson explained that the question might be handled through a substitute motion.

Councilmember Ireland made a substitute motion to table.

Councilmember Ochsenhirt rescinded the motion to adopt.

Councilmember Ochsenhirt moved to table.

Councilmember Ochsenhirt rescinded his motion to table.

Mr. Pili clarified that he wasn't asking to take the Council's power to decide. He wanted to find the best options for the purchase and bring them back for a vote.

Mayor Jackson stated that the amendment can be tabled, the bids can be approved, and the budget amendment can be brought back at a later time.

**MOTION:** *Councilmember Ireland moved to table the budget amendment. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan*

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

Councilmember Painter said the Council would prefer that Mr. Pili come back with a recommendation that confines the debt for the purchase to City funds borrowing from one another, rather than the City borrowing from an outside source.

20. AGREEMENT – Consideration and Approval of a Purchase Agreement for a 10 Wheel Dump Truck.

The purchase of a 10 wheel dump truck would allow the City to retire truck number 19 and replace it with a larger, more efficient vehicle. The new truck will have three times the load capacity and will result in a third of the fuel costs, mileage and personnel costs to operate the vehicle.

**MOTION:** *Councilmember Painter moved to approve a purchase of a ten-wheel dump truck cab and chassis through the State contract in the amount of \$108,634, and a dump body and plow from Legacy Equipment Co. in the amount of \$84,250 and authorize the Mayor to sign the contracts. 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.*

21. AGREEMENT – Consideration and Approval of a Purchase Agreement for a Vac-Con Pump Truck.

The pump truck will be used to perform several functions related the cleaning and maintaining of below ground utility systems. It can remove debris pipes and manholes with a vacuum system, as well as loosen debris and flush piping system. The City will also use the pump truck to haul sludge from the wastewater treatment facility.

**MOTION:** *Councilmember Painter moved to approve a purchase agreement with Marrott Sales for a Vac-Con pump truck in the amount of \$345,187 and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion. 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.*

22. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Adopting a Reduced Property Tax Rate of 0.001477% (Effective July 1, 2013).

With the recommendation from City Council to join the Unified Fire Authority, the City must reduce its property tax rate by at least 11.46%. This would reduce the City's rate from 0.001668 to 0.001477. Due to the fact that the new rate for UFA will not be recognized by our residents until August and paid in November, it is appropriate to adjust the rates on the next fiscal year budget.

There will also be a reduction in the utility rate; however, that reduction is still being analyzed and will be brought to the Council at a future time.

Councilmember Ireland pointed out that 11.46% is the minimum tax reduction allowed by law.

Mr. Jerome explained that UFA will not begin collecting taxes until next year's tax rates are

assessed in November, 2013. The County will disburse those funds to UFA sometime during December or January for calendar year 2014.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, adopting a reduced property tax rate of 0.001477 (effective July 1, 2013). Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, John Painter, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

Councilmember Ireland clarified that the number in this motion is not a percentage.

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

Councilmember Steinkopf

Councilmember Steinkopf said it's been a great night.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

No comment.

Mayor Jackson

No comment.

24. 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.

None.

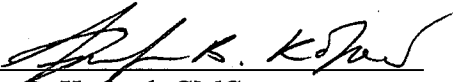
25. COMMUNICATION ITEMS

A. Upcoming Agenda Items

26. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 9:22 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The motion passed with a unanimous vote.*

APPROVED BY THE CITY COUNCIL ON NOVEMBER 20, 2012.



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Fionnuala B. Kofoed, CMC  
City Recorder