

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 16, 2010

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, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Jenalee Harper, Deputy Recorder; Eric McDowell, Sheriff; Gordon Burt, Finance Director; Dave Norman, City Engineer.

Mayor Jackson called the meeting to order at 4:08 p.m.

1. DISCUSSION – Business Incubator
2. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION

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. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting adjourned at 6:09 p.m.

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

ELECTED OFFICIALS PRESENT: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Jenalee Harper, Deputy Recorder; Eric McDowell, Sheriff; Gordon Burt, Finance Director; Adam Ferre, Energy Division Director.

5. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:07 p.m.

6. PLEDGE OF ALLEGIANCE

Scout Troop 1030 led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Late registration for Jr. Jazz Basketball for grades 1 through 10 has been extended through November 22nd. Residents can register online via the City website or in person at City Hall during business hours.
- The City's third annual Turkey Trot will be held Thanksgiving morning at 9:00 a.m. Admission is free, registration before the start is required. Online registration is available now through November 24th on the City website.
- The annual tree lighting ceremony will be held December 3rd from 6:00 p.m. to 8:00 p.m. at City Hall. Residents can take their own photos with Santa and enjoy musical performances. Admission is free.
- Santa will be visiting Eagle Mountain neighborhoods on the fire truck on December 4th starting at 8:30 a.m. Listen for sirens in your area and safely make your way over to the fire truck. Santa will be handing out candy.

8. PUBLIC COMMENTS

No public comment.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ireland

Councilmember Ireland thanked those who came to the meeting and thanked the people for voting.

Councilmember Burnham

Councilmember Burnham also thanked everyone for coming to the meeting and for voting. She stated that two Mayors in the City have now been re-elected because the Youth Mayor last year was elected again this year.

Councilmember Celaya

Councilmember Celaya thanked the boy scouts for participating in the meeting. He expressed appreciation for the individuals that came to the meeting and for those that voted.

Councilmember Painter

Councilmember Painter asked if someone could follow up on the lack of a turn lane from Redwood Road onto Pony Express Parkway. He also asked if a turn lane could be installed when heading westbound on Pony Express Parkway and turning left into the SilverLake subdivision.

Mr. Trusty stated that the road would have to be widened there in order to make room for a turn lane. He said that Saratoga Springs owns the property on the North side of the road therefore the City cannot make any improvements on their property.

Mr. Hendrickson said that the City has discussed possibly approaching Saratoga Springs to see if some type of interim solution could be arranged.

Councilmember Painter stated that the benches and trash cans along Ranches Parkway looked nice. He was glad to see the residents vote on the aquatic center bond and felt that the results gave a very clear message. He also congratulated the winners of the Youth Council elections. He asked if there is an option on any of the current bonds to get a lower interest rate.

Councilmember Ochsenhirt

Councilmember Ochsenhirt concurred with the previous Councilmembers statements. He also thanked the Mayor for working out the speed limit on Pony Express Parkway. He encouraged the residents to be responsible in their driving habits especially with winter coming. He stated that everyone needs to slow down.

Mayor Jackson stated that she recently attended a transportation commission meeting and explained that they have agreed to provide funding for the widening of SR 73 from Saratoga Springs up to Ranches Parkway. She thanked the UDOT representatives for trying to save money to be able to allocate funds for the SR 73 project.

10. APPOINTMENTS

A. Library Board – Daniel Farmer and Jade Harvey

MOTION: *Councilmember Ireland moved to appoint Jade Harvey to a 1 year term on the Library Board ending December 31, 2011. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

MOTION: *Councilmember Ireland moved to appoint Daniel Farmer to a 3 year term on the Library Board ending December 31, 2013. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

Fionnuala Kofoed, City Recorder, administered the oath of office to these individuals.

B. Youth City Council – Bri Weber; Kamber Hopkins; Kelsey Backus; Brianna Loveridge; Jessica Riet; and Camilla Moody. (Youth City Council positions are 1-year terms.)

MOTION: *Councilmember Painter moved to appoint the following individuals to a 1 year term on the Youth City Council: Bri Weber, Mayor; Kamber Hopkins, Kelsey Backus, Brianna Loveridge, Jessica Riet and Camilla Moody. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

Fionnuala Kofoed, City Recorder, administered the oath of office to these individuals.

11. PROCLAMATION – “A Proclamation Declaring November 18th, 2010 as Feed America Day”

Mayor Jackson explained that this proclamation was originally approved by the Utah County Council of Governments. Mayor Jackson proceeded to read the proclamation.

MOTION: *Councilmember Burnham moved to approve a proclamation declaring November 18th, 2010 as Feed America Day. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

CONSENT AGENDA

12. MINUTES

- A. October 5, 2010 – Regular City Council Meeting
- B. October 20, 2010 – Special City Council Meeting
- C. October 20, 2010 – Town Hall Meeting

13. FINAL PAYMENT

- A. The Woods Subdivision Completion Project – Staker Parson

14. BOND RELEASE – Out of Warranty

- A. Antelope Meadows Phase 1, Final Bond Release
- B. The Village at Simpson Springs Phase 1, Final Bond Release

MOTION: *Councilmember Ireland moved to approve the consent agenda with the minutes as modified by staff. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

15. AGREEMENT – Consideration and Approval of a Concert Agreement between Eagle Mountain City and William Morris Endeavor Entertainment, LLC for the Pony Express Days Concert.

The proposed contract is for music entertainment for the 2011 Pony Express Days celebration.

Mayor Jackson stated that the entertainment would be Clint Black, a country singer.

Councilmember Ochsenhirt asked if the concert would be better advertised this year since Clint Black is a bigger name.

Angie Ferre stated that the concert would be advertised well and that if approved tickets would go on sale tomorrow. She said that concerts are always unpredictable but she feels that this can be a success. She explained that funds from some of the events will go towards starting a sports program for special needs children.

Councilmember Painter asked if this would require a budget amendment.

Mr. Hendrickson explained that it will come out of the Pony Express Days account and that it may take a budget amendment depending on expenses and revenue.

MOTION: *Councilmember Ochsenhirt moved to approve a concert agreement between Eagle Mountain City and William Morris Endeavor Entertainment, LLC for the Pony Express Days Concert in the amount of \$55,000, authorize the Mayor to sign the contract and that tickets for the concert will be \$15.00 per person with age 2 and under free. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

16. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain City, Utah, Enacting Section 9.13.11 of the Eagle Mountain City Code Relating to Abuse of Intoxicating Chemical Substances.

Utah County and most of the cities in Utah County and Salt Lake County have adopted, or are adopting, ordinances prohibiting the use, possession or sale of a recently developed harmful intoxicating substance known as "Spice" which is not currently regulated by federal or state law. This proposed ordinance is the same as the Utah County ordinance on the same subject and if adopted by the Council, will empower the Utah County Sheriff's Office and the Utah County Attorney to prosecute conduct in the City which is prohibited by this ordinance in the Justice Court for Utah County.

Mayor Jackson explained that many cities have been enacting similar ordinances. She stated that she had attended a Utah League of Cities and Towns meeting at which a gentleman explained that a bill will eventually be brought forward that would ban spice statewide. She said that this would preempt any ordinances that the City has.

MOTION: *Councilmember Burnham moved to adopt an Ordinance of the City Council of Eagle Mountain City, Utah, enacting Section 9.13.11 of the Eagle Mountain City Code relating to abuse of intoxicating chemical substances. Councilmember Celaya seconded the motion.*

Councilmember Ireland felt that it was unnecessary to approve an ordinance that would only be in place for a short amount of time. He said that there are a lot of harmful things out in the world and a lot of harmful things that people choose to do to themselves. He felt that it was strange to pick out one type of substance and create an ordinance on it when there are not any other ordinances on other substances. He stated section 4 states "or other chemical substances capable causing a condition of intoxication" and feels that this outlaws anything that can intoxicate anyone. He recommended that the City not worry about this ordinance and to let the State handle it.

Jerry Kinghorn explained that there are other laws and codes for other substances but because spice is fairly new, it is not covered which is why the City is proposing this ordinance. He said that the Sheriff requested that the City enact something consistent with Utah County's code.

Sergeant Eric McDowell stated that with spice being such a new thing and the State being slow to react on it, cities have taken it upon themselves to adopt ordinances banning spice.

Councilmember Ireland stated that if people can already be pulled over for impairment, what use would this ordinance be.

Sergeant Eric McDowell explained that right now if a group of 15 year olds were smoking spice, there is nothing he or the City can do about it. He stated that if this ordinance is passed, it will make it so that the Sheriff's department can do something about that type of situation.

Mr. Kinghorn stated that it could take some time before the State actually passes anything.

Councilmember Ochsenhirt called the question.

Those voting aye: Donna Burnham, Jonathan Celaya, Nathan Ochsenhirt and John Painter. Those voting nay: Ryan Ireland. The motion passed with a 4 to 1 vote.

17. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and BP Energy Company for the Base Contract for Purchase and Sale of Natural Gas.

For many years the City used the services of Wasatch Energy which was a local firm engaged in brokering the purchase and delivery of natural gas to large wholesale gas users. Wasatch Energy was purchased by British Petroleum (now "BP Energy") about four years ago. The City has taken delivery of gas using certain pipeline capacity allocated to Intermountain Municipal Gas Agency, an interlocal municipal entity (IMGA). The IMGA pipeline capacity allocation will expire in 2011. The City believes it is in the public interest to contract directly with BP Energy using the industry standard gas purchase contract terms which will be the basis for future gas purchases when the pipeline capacity allocated to IMGA and used by the City expires.

Councilmember Painter asked if the company can immediately be used as a broker service as soon as it's approved.

Jerry Kinghorn stated that as soon as the documents can be signed they can be used in this manner.

MOTION: *Councilmember Painter moved to approve an agreement between Eagle Mountain City and BP Energy Company for the base contract for purchase and sale of natural gas and authorize the Mayor to sign the agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

18. AGREEMENT – Consideration and Approval of a Consulting and Lobbying Agreement between Eagle Mountain City and Allen Freemyer.

Mr. Freemyer has been the City's lobbyist since November, 2007. This contract will continue that relationship by extending the agreement for one more year. Either party may terminate the agreement upon a 60-day written notice.

Mayor Jackson stated that this would have an annual fiscal impact of \$72,000 with \$48,000 being the remaining amount for this fiscal year. She explained that it is being proposed that \$24,000 be taken from the water and sewer funds to help cover this.

Councilmember Painter stated that he was grateful for the opportunity to meet with Mr. Freemyer. He explained that the City has paid him approximately \$400,000 of the past few years but has received over 3 million in fund because of him. He stated that he is trying to understand what role Mr. Freemyer actually played in getting those funds and if the City still could have received that money without him. He asked if the 3.2 million in funds was single handedly achieved by Mr. Freemyer with no other help.

Mayor Jackson stated that it was all his doing, with the exception of the Pony Express project which was an additional 4 million on top of the 3.2 million. She explained that she had asked Mr. Jason Chaffetz if a lobbyist was needed if there was no ear marking program. She said his response was, absolutely you need a lobbyist and you better get the best that money can buy because you still will have a need, and they can help tremendously with the needs that you have in your city. She said that part of the plan they had talked about would involve her going to Washington DC more often to help with the process. She stated that there are many things she feels capable of doing, but that this is not one of them. She explained to the Council that she grew up in DC until she was 21 and still to this day cannot find her way around which doesn't include portions of the job that a lobbyist does. She also said that in the beginning she was nervous about removing this item from the budget in the first place but allowed herself to be talked into it. She stated that while visiting DC this past summer she realized how inadequate she would be for this type of job. She explained that Mr. Freemyer came out here once his contract had expired to meet with the City to try and plead his case for the contract. She felt strongly that the City would benefit from a lobbyist.

Mr. Hendrickson stated that a budget amended would be needed if this was approved. He said that transportation is still a key issue in the City. He explained that the Cedar Valley Road is going to involve a lot of work that only a lobbyist can do. He said that this would be one of Mr. Freemyer's tasks. He stated that Mr. Freemyer would also work with the City to get grants that would address some of the water and sewer issues. He feels that it will be much more difficult to accomplish these projects without a lobbyist.

Councilmember Burnham stated that the contract date was November 1st and that she was uncomfortable with paying an extra half a month when the City hasn't received services. She also felt that it was unrealistic to think that the City would be getting services during the latter half of the month with the holiday. She asked if the contract could be started December 1st and also asked if the grant committee could be more involved.

Mayor Jackson explained that the grant committee gets a fair amount of grants but generally they are smaller grants. She said that the grants Mr. Freemyer would be going after for the City are fairly large.

Mrs. Kofoed said that the grants committee will try and go after any grants that they can find.

Mr. Hendrickson said that with the lobbyist it may be easier to pursue and receive large grants because most of the time those people have worked with Mr. Freemyer before.

Mayor Jackson said that with many of these grants a congressional letter is needed and that Mr. Freemyer can be very helpful in getting those for the City. She said that Mr. Freemyer has been working all month on projects for the City in anticipation of receiving this contract.

MOTION: *Councilmember Painter moved to approve a consulting and lobbying agreement between Eagle Mountain City and Allen Freemyer in the amount of \$72,000 for a one year contract that reflects the changes in the contract. Councilmember Ochsenhirt seconded the motion.*

Councilmember Ochsenhirt agreed with Councilmember Burnham in that the contract date should be moved to December 1st because November is almost over.

Mayor Jackson asked if Councilmember Ochsenhirt was uncomfortable in paying Mr. Freemyer for work that he has already been doing, even though he was not under contract. She stated that congress went back into session yesterday.

Councilmember Ireland stated that while the City has received \$3.2 million in assistance via Mr. Freemyer, it has cost the City about \$400,000.00. He feels that the majority of this has come from earmarking appropriations via Senator Bennett's office. He said that this is a concern because Senator Bennett will no longer be there and Senators Lee and Hatch have stated that they will not participate in the earmarking process. He explained that the process in which that \$3.2 million has come to the City will no longer be the same. He felt that all aspects need to be considered and that the City is well on its way to great relationships with Camp Williams and MAG, and that it might be better if it were presented from a Camp Williams perspective and to support their lobbying instead.

Mayor Jackson said that Camp Williams is federal land but state operated. She said that having Camp Williams go forward for the land transfer will involve a whole lot more of the National Guard and the State. She said that it would take them several more years just to start that process. She also explained that MAG does have a lobbyist but that he covers several areas and several projects for funding only. She said that will take work in DC to get this project completed. He said that Congressman Bishop is also a critical component in helping the City get through this process to get funding. She said that the best way to work with him is by using Mr. Freemyer as the City's lobbyist.

Councilmember Ireland stated that local support is more important in this project than Mr. Freemyer's services.

Mr. Hendrickson stated that the National Guard isn't going to move on the project unless the City has a lobbyist.

Councilmember Painter stated that a lot of this discussion is for long term items. He asked what metrics were in place for this year if the City were to go forward with this contract.

Mayor Jackson stated that a \$250,000 and a possible \$500,000 to \$1,000,000 items are sitting on the table in appropriations and the City could lose those without Mr. Freemyer's services.

Councilmember Burnham stated that last year's contract with Mr. Freemyer is the same amount except for it has been dropped slightly because of earmarking. She said that there are some projects he has worked on last year for the City but she feels that he is overcharging the City for his services.

Mayor Jackson stated that most other lobbyists work for \$120,000 to \$200,000.

Councilmember Burnham felt that Mr. Freemyer came back here because times are tough and many other cities are looking at dropping their lobbyists as well. She feels that Eagle Mountain needs to worry about what they can afford.

Mayor Jackson said that if the Council does not agree to this contract the City will lose Allen Freemyer and his institutional knowledge. She stated that the City will not be able to hire him again because he only takes on two cities at a time in the State of Utah. She explained that she had asked Mr. Freemyer which cities have lobbyists and that he said that many cities within the

state have lobbyists. She said that the Council needs to think for present and long term and keep in mind that the City will eventually have to compete with large cities for funding. She said that she and Mr. Hendrickson did not want to negatively impact the general fund which is why they looked at pulling the funds from Sewer and Water to pay Mr. Freemyer because he is trying to get money for projects specifically involving those departments.

Mr. Hendrickson said that the City would be paying considerably less for Mr. Freemyer's services compared to other cities. He said that most pay around \$8,000 a month for lobbyist services.

Councilmember Burnham asked why the City would need a lobbyist if most of the work for the sewer and water projects had been done.

Mayor Jackson stated that the items being discussed are still in appropriations and that work still needs to be done to finish the process.

Councilmember Burnham asked if the appropriations were part of the earmark process.

Mayor Jackson replied that they are a part of the earmark process.

Councilmember Painter asked that everyone keep in mind that the City reserves the right to cancel the contract at any time, given a 60 day notice. He said that the environment changes and if the City sees that Mr. Freemyer's services are no longer helpful they can back out of the contract.

Mayor Jackson stated that the Federal Highway feels very confident that the transportation bill will be dealt with next year.

Councilmember Ireland stated that it seems wrong for the water and sewer funds to pay for the transportation initiative.

Mayor Jackson said that the water and sewer funds have received a lot of money in the past and that by paying for the lobbyist out of these funds it can help other funds recuperate. She said that water and sewer have never paid their portion.

Councilmember Ochsenhirt called the question.

Those voting aye: Nathan Ochsenhirt and John Painter. Those voting nay: Donna Burnham, Jonathan Celaya and Ryan Ireland. The motion failed with a 2 to 3 vote.

Councilmember Painter asked if there was anything that could help clarify the issue.

Mayor Jackson felt that it was ridiculous to not have a lobbyist specifically after Congressman Chaffetz said the City needed one.

Councilmember Ochsenhirt said that the City would be losing hundreds of thousands of dollars a year without a lobbyist.

Councilmember Ireland felt that without the same senator and an earmarking process the City many not get the funds anyway.

Mayor Jackson said that by not having a lobbyist the City is throwing away the transportation bill and that they will not get funding allocated for the road or the study.

Councilmember Ireland stated that he sees things differently than the Mayor.

Mayor Jackson stated that she works everyday on transportation needs and that she currently is the expert in the City on how to get those projects done.

Councilmember Ochsenhirt feels that without a lobbyist, how will the City's transportation needs be presented to the gentlemen back east who make the decisions. He said that the water project is going to cost a lot of money and without a lobbyist going after funds the City may have to result in putting a bond out for the citizens to vote on. He stated that if the citizens turn that down then the City would be stuck with no water.

Councilmember Painter asked what the City could do to make having a lobbyist more attractive to the Council.

Councilmember Burnham said that she feels a value in his service but that his price tag is wrong.

Mayor Jackson asked if Councilmember Burnham had a price in mind.

Councilmember Ochsenhirt stated that Mr. Freemyer has done good things for the City and that he is doing it for significantly less than he charges other cities. He said that the City seems to be reaching the point with Mr. Freemyer in which he will not lower the costs of his services any more than he already has. He feels that Mr. Freemyer is vested in the City's interests because he has stuck around thus far.

Councilmember Ireland asked Councilmembers Painter and Ochsenhirt what about having a lobbyist was appealing to them and why they voted for it.

Councilmember Painter said that after reviewing the item and seeing that the City has sufficient reserves and money in the bank he feels that not having a lobbyist would be a real loss for the City in the long run. He said that the City can also pull out of the contract at any time for any reason.

Mayor Jackson said that funding is available in the water and sewer funds but does not necessarily have to come from there. She said that if revenues come in higher than the City anticipates, Mr. Freemyer can be paid from another fund.

Councilmember Ireland said that this was removed from the budget for a reason. He asked if there was \$72,000 elsewhere in the general fund that could be used.

Mayor Jackson stated that it was \$48,000 for this budget year, not \$72,000.

Councilmember Ochsenhirt said that if the City can find funds elsewhere that would be great but this seems to be the most reasonable option because both the water and sewer funds have both benefited from money that the lobbyist was able to get the City. He said it would be helpful to see lists of successful projects and unsuccessful projects so that the City knows if they need to end services with Mr. Freemyer as the year goes along.

Councilmember Celaya stated that after meeting with Mr. Freemyer and not having worked in the past with him, he is not yet convinced that all of the City's initiatives will fall flat without Mr. Freemyer's services. He said that there may be other avenues that can be explored. He felt that renewing Mr. Freemyer's contract based on past performance is no longer valid, due recent changes with the election.

Mayor Jackson said that Saratoga Springs once had a lobbyist who was terrible and never did anything for the City, so the City let him go. She said that Lehi's lobbyist was great and has helped Lehi move forward on several projects.

Mr. Hendrickson said that Mr. Freemyer has gotten results for the City and that he is a great lobbyist.

Mayor Jackson said that MAG's job is to be the planning agency that helps the whole area plan what needs to happen and attempts to plan when it needs to happen. She said that as an entity if you want to move forward faster you need to be represented. She stated that there is only so much that the City can do and feels that the transportation project will fail without a lobbyist.

Councilmember Painter asked if this item could be tabled and charged staff to find other options within the current budget where the \$48,000 could come from besides the reserve.

Councilmember Burnham stated that the previous motion failed and that a new motion would have to be made. She stated that a lot of time had been spent discussing why the previous vote was wrong and that typically when there is not a motion on the floor there is no more discussion. She said that she would be willing to look at all kinds of options to pay Mr. Freemyer such as paying him a percentage of what he is able to get for the City. She said that Mr. Freemyer would need to be consulted before the Council even entertains different options.

Mr. Hendrickson said that he has spoken to Mr. Freemyer about paying a percentage of what he gets for the City but that the City can't do that because it is illegal.

Mayor Jackson asked if it was worth Mr. Hendrickson's time to go back and look at different payment options.

Councilmember Burnham said that she felt it would be worth his time.

Mayor Jackson asked Councilmember Burnham if there was a dollar amount she would be willing to pay Mr. Freemyer.

Councilmember Burnham stated that she would be willing to pay him up to \$4,000.

19. BID AWARD – Consideration and Award of Bid for a Water Reuse and Land Application Feasibility Report.

The objective of this project is to complete a feasibility study for reuse of grey water for irrigation purposes. The study results will aid the City in determining the best design alternative and analyze the optimal time to proceed with project design and construction. In addition, the engineering firm will complete a preliminary design for the reuse waterline from the treatment plant to Mid-Valley Park and to Pony Express Park.

MOTION: *Councilmember Painter moved to award a contract to Bowen Collins for a water reuse and land application feasibility report and preliminary design in the amount of \$68,344.20. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

20. BID AWARD – Consideration and Award of Bid for the Installation of Sod in the Mid-Valley Park.

The proposed Bid Award is for the installation of sod in the Mid-Valley baseball complex and soccer facility that was approved by the City Council in the FY 2010-2011 budget.

MOTION: *Councilmember Burnham moved to award a bid for the installation of sod in the Mid-Valley Park to Chanshare Inc. in the amount of \$77,760.00 and authorize the Mayor to sign the contract. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

21. AGREEMENT – Consideration and Approval of an Agreement between Eagle Mountain City and LYRB for Professional Services for the Financial Portion of Long Range Water and Sewer Rate Studies.

Eagle Mountain City needs to identify water rate requirements depending on the growth and development of the city. This has never been done. The City has bonded for not only several improvements that will serve the City a population of about 50,000 residents, but it has also purchased sufficient water shares from the Central Utah Water Conservancy District to supply enough water, along with its wells, for a population of about 200,000 people. It is necessary to identify those costs, and together with the operating and replacement costs, will make up the long-range cost analysis.

Councilmember Painter stated that a lot of discussion took place as to what was in the appendix table. He asked if this was an all or nothing contract.

Mr. Hendrickson said that a bill would be submitted along with an itemized list of work that had been done, not to exceed the total proposed amount.

Councilmember Burnham asked if this could be approved without the options and if so can the Council decide at a later time to include the options.

Mr. Hendrickson said that it can be looked at administratively and then it would be presented back to the Council for a decision. He said that discussion took place regarding the detailed analysis of repair and replacement and that this item should have been moved into the required cost amount. He stated that the public meetings could be made into an option and the Council can decide at a later time to do those.

Councilmember Ireland asked if it was possible to only do phase 1 of the proposal.

Mr. Hendrickson stated that it could be done if that is what the Council would like to do.

MOTION: *Councilmember Ireland moved to approve phase 1 of the proposed agreement between Eagle Mountain City and LYRB for professional services for the financial portion of long range water and sewer rate studies.*

Mayor Jackson stated that with this approval the rate structure would not be looked at.

Councilmember Ireland said that the optimal financing plan should cover how the debt is to be paid off.

Mr. Hendrickson asked Councilmember Ireland if he was suggesting that the study be complete up to the point of where recommended user rates are given.

Councilmember Ireland stated that this is what he had meant and that he does not want to see the project taken to the next step where demands by customer classes are analyzed.

Mr. Hendrickson suggested that the contract be re-written in the suggested order if this is something that the majority of the Council agrees on. He said some things from phase 2 should be included into phase 1.

Mayor Jackson felt that one of the most critical portions of the project would be left out if it were done this way. She asked why Councilmember Ireland wanted to leave out the rate structure.

Councilmember Ireland stated that the rates should be covered under item 6 of phase 1 which is why he is suggesting that only Phase 1 be completed.

Mr. Hendrickson said that staff would like to see the whole project completed but if Council decides to only go with phase 1, it would need to be rewritten.

Councilmember Ochsenhirt said that he did not understand why some of the items cost so much money. He felt that half of this project could be approved and the City could still get the information they needed out of the studies.

Councilmember Ireland said he would like to see the user study done so that he can see where the City is at with paying off debt.

Councilmember Burnham said that this item was given to the Council the day before the meeting which has been a problem for her because she was dealing with a family tragedy and was also unable to access the website to get the information on this item. She suggested that the item be tabled because she would like more time to review it.

Councilmember Celaya asked if there would be any value in getting competitive bids to possibly get a lower cost.

Mr. Hendrickson said that staff can definitely go back and get bids but that it may or may not take extra time.

Mr. Trusty said that there would not be enough time to go back and get other bids and have this item ready for the December 7th Council meeting.

Councilmember Celaya asked if these types of services were competitive in pricing.

Mr. Trusty stated that it is a very competitive business and feels that other bids would be significantly higher than the price that Lewis Young is offering.

Mr. Hendrickson said that this project was originally sent out to engineering firms who upon receiving the project all turned to Lewis Young.

Councilmember Ireland's motion failed due to lack of a second.

MOTION: ***Councilmember Burnham moved to table this item to the December 7th City Council meeting with more details on what happens in Phase 1 and 2 so the Council can better determine what happens with the money being spent.***

Councilmember Ireland asked if the motion could be modified to add that the Council be allowed to decide which items from which phases they want done.

Mr. Hendrickson stated that there were specific reasons why this item was broken out into two phases.

Councilmember Burnham stated that she would like Lewis Young to break the project into two legitimate phases because currently there were costs in phase 2 that were actually incurred in the first phase.

Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Ryan Ireland, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.

22. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Painter thanked staff for getting copies of the budget to the council. He requested that a list of budget changes be given to him so that he can make changes in his copy of the budget to reflect current balances.

Mayor Jackson suggested that budget changes be included under communication items throughout the year so that the Council can have updates on a more regular basis.

Councilmember Ireland asked if the State passes a spice law, will the City have to re-visit the spice ordinance again.

Mayor Jackson stated that there will be no need to.

Mr. Kinghorn recommended that if a State law is passed that the Council come back and repeal the ordinance because there will be no use for it.

Councilmember Ireland stated that in the audit report he could not see the Direct Communications sale fund amount and that he would like to see that tracked.

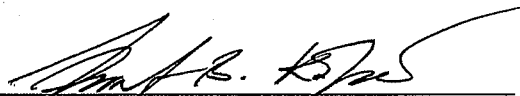
Mayor Jackson said that the auditor suggested to not show that because the funds have collapsed into the capital projects fund.

23. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items
 - B. Financial Report

24. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:34 p.m.

APPROVED BY THE CITY COUNCIL ON DECEMBER 7, 2010.



Fiannuala B. Kofoed, CMC
City Recorder