

Eagle Mountain, Utah

June 17, 2008

The City Council of Eagle Mountain City, Utah (the "Council"), met in regular public session at the regular meeting place of the Council in Eagle Mountain, Utah, on Tuesday, June 17, 2008, at the hour of 7:00 p.m., with the following members of the Council being present:

Heather Anne Jackson	Mayor
Donna Burnham	Councilmember
Eric Cieslak	Councilmember
Ryan Ireland	Councilmember
David Lifferth	Councilmember

Also present:

Fionnuala B. Kofoed	City Recorder
Gerald H. Kinghorn	City Attorney

Absent:

Nathan Ochsenhirt	Councilmember
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After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this June 17, 2008, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember LIFFERTH and seconded by Councilmember CIESLAK adopted by the following vote:

AYE: 4

NAY: 0

The resolution was then signed by the Mayor open meeting and recorded by the City Recorder in the official records of Eagle Mountain City, Utah. The resolution is as follows:

RESOLUTION NO. P-16 2008

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$6,665,000 AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE BONDS, SERIES 2008, OF EAGLE MOUNTAIN CITY, UTAH; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Local Government Bonding Act Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the City Council (the "Council") of Eagle Mountain City, Utah (the "Issuer"), has authority to issue bonds payable from the net revenues of its water and sewer utility for the purposes set forth in the Act; and

WHEREAS, the Act provides for the publication of a Notice of Public Hearing and Bonds to be Issued, and the Issuer desires to publish such a notice at this time in compliance with the Act with respect to the Series 2008 Bonds;

NOW, THEREFORE, it is hereby resolved by the City Council of Eagle Mountain City, Utah, as follows:

Section 1. The Council of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents thereof for the Issuer to issue not more than \$6,665,000 aggregate principal amount of its Water and Sewer Revenue Bonds, Series 2008 (the "Series 2008 Bonds") payable from the net revenues of its sewer utility, to bear interest at a rate or rates of not to exceed one percent (1.0%) per annum, to mature in not more than twenty-five (25) years from their date or dates, and to be sold at a price not less than one hundred percent (100%) of the total principal amount thereof for the purpose of (i) financing a portion of the construction of a new wastewater treatment plan and related improvements, (ii) paying costs of issuance of the Series 2008 Bonds, all pursuant to this Resolution, a resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Series 2008 Bonds (herein referred to as the "Final Bond Resolution") and a General Indenture of Trust dated as of July 1, 2007 (the "General Indenture") and Second Supplemental Indenture of Trust dated as of July 1, 2008, to be entered into at the time of issuance of the Series 2008 Bonds in substantially the form attached hereto as Exhibit B (the "Second Supplemental Indenture" and collectively with the General Indenture, the "Indenture"), and the Issuer hereby declares its intention to issue the Series 2008 Bonds according to the provisions of this Resolution, the Indenture and the Final Bond Resolution, when adopted.

Section 2. The Issuer hereby authorizes and approves the issuance and sale of the Series 2008 Bonds to the State of Utah Department of Environmental Quality, Water Quality Board as purchaser pursuant to the provisions of this Resolution, the Indenture and the Final Bond Resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Series 2008 Bonds with such changes thereto as shall be approved by the Council upon the adoption of the Final Bond Resolution, provided that the principal amount, interest rate or rates, maturity, and discount shall not exceed the maximums set forth in Section 1 hereof.

Section 3. The Issuer shall hold a public hearing on July 15, 2008, to receive input from the public with respect to (i) the issuance of the Series 2008 Bonds, and (ii) the potential economic impact that the Project will have on the private sector, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is first published (A) once a week for two consecutive weeks in The Daily Herald, a newspaper of general circulation in the Issuer and (B) on the Utah Public Notice Website created under Section 63F-1-701 Utah Code Annotated 1953, as amended, no less than 14 days before the public hearing date. The City Recorder shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in her office in Eagle Mountain, Utah, for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the date of publication thereof. The Issuer directs its officers and staff to publish a "Notice of Public Hearing and Bonds to be Issued" in substantially the following form:

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on June 17, 2008, the City Council (the "Council") of Eagle Mountain City, Utah (the "Issuer"), adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Water and Sewer Revenue Bonds, Series 2008 (the "Series 2008 Bonds") and to call a public hearing to receive input from the public with respect to (i) the issuance of the Series 2008 Bonds and (ii) any potential economic impact that the improvements to be financed with the proceeds of the Series 2008 Bonds (see below) may have on the private sector.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on July 15, 2008, at the hour of 7:00 p.m. at the Eagle Mountain City Hall, City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah. The purpose of the hearing is to receive input from the public with respect to (i) the issuance of the Series 2008 Bonds and (ii) any potential economic impact that the improvements to be financed with the proceeds of the Series 2008 Bonds may have on the private sector. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING THE SERIES 2008 BONDS

The Series 2008 Bonds will be issued for the purpose of financing a portion of the construction of a new wastewater treatment plan and related improvements and paying issuance expenses.

PARAMETERS OF THE SERIES 2008 BONDS

The Issuer intends to issue the Series 2008 Bonds in the aggregate principal amount of not to exceed Six Million Six Hundred Sixty-Five Thousand Dollars (\$6,665,000) to bear interest at a rate or rates of not to exceed one percent (1.0%) per annum, to mature in not more than twenty-five (25) years from their date or dates, and to be sold at a price not less than one hundred percent (100%) of the total principal amount thereof.

The Series 2008 Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a General Indenture dated as of July 1, 2007, a Second Supplemental Indenture dated as of July 1, 2008 (collectively, the "Indenture"), and the Authorizing Resolution which were before the Council and attached to the Resolution in substantially final form at the time of the adoption of the Resolution, and said Authorizing Resolution is to be adopted and executed by the Council, and such Second Supplemental Indenture is to be executed, in such form and with such changes thereto as shall be approved by the Council upon the adoption thereof; provided that the principal amount, interest rate or rates, maturity, and discount of the Series 2008 Bonds will not exceed the maximums set forth above.

A copy of the Resolution, the Authorizing Resolution, and the Second Supplemental Indenture are on file in the office of the City Recorder of Eagle Mountain City, Utah, in Eagle Mountain, Utah, where they may be examined during regular business hours of the City Recorder from 7:30 a.m. to 6:30 p.m., Monday through Thursday, for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Authorizing Resolution, the Indenture, or the Series 2008 Bonds, or any provision made for the security and payment of the Series 2008 Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality, or legality thereof for any cause whatsoever.

DATED this June 17, 2008.

/s/Fionnuala B. Kofoed

City Recorder

Section 4. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this June 17, 2008.

(SEAL)



By: [Signature]
Mayor

ATTEST:

By: [Signature]
City Recorder

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)



By: *[Signature]*
Mayor

ATTEST:

By: *[Signature]*
City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Fionnuala B. Kofoed, the duly appointed and qualified City Recorder of Eagle Mountain City, Utah, do hereby certify according to the records of said Issuer in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the City Council held on June 17, 2008, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

I, further certify that, the Resolution, with all exhibits attached, was deposited in my office on June 17, 2008, and pursuant to the Resolution, there was published no less than 14 days before the public hearing date: (i) one time each week for two consecutive weeks in The Daily Herald, a newspaper having general circulation in Eagle Mountain City, Utah, a Notice of Public Hearing and Bonds to be Issued, the affidavit of which publication is hereby attached, and (ii) on the Utah Public Notice Website (if available) created under Section 63F-1-701 Utah Code Annotated 1953, as amended.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said Issuer, this June 17, 2008.

(SEAL)



By: *Fionnuala B. Kofoed*
City Recorder

MOTION: *Councilmember Ireland moved to approve a construction agreement with the Wasatch Area Freeride Trails Association. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

MOTION: *Councilmember Ireland moved to approve an encroachment agreement with the Kern River Gas Company. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

22. **RESOLUTION – Consideration and Adoption of a Resolution Authorizing The Issuance and Sale of Not More Than \$6,665,000 Aggregate Principal Amount of Sewer Revenue Bonds, Series 2008, of Eagle Mountain City, Utah; Fixing The Maximum Aggregate Principal Amount of The Bonds, The Maximum Number of Years At Which The Bonds May Be Sold; Providing For The Publication of a Notice of Public Hearing and Bonds To Be Issued; Providing for the Running of a Contest Period and Related Matters.**

The Utah Quality Board authorized a loan for the construction of a 1.2 mgd sewer treatment facility. The loan is to be secured by a revenue bond issued by Eagle Mountain City. The Utah Quality Board will require annual payments on the bonds.

MOTION: *Councilmember Lifferth moved to adopt Resolution R-16-2008, authorizing the issuance of no more than \$6,665,000 aggregate principal amount of sewer revenue bonds, series 2008, of Eagle Mountain City, Utah; fixing the maximum aggregate principal amount of the bonds, the maximum number of years at which the bonds may be sold; providing for the publication of a notice of public hearing and bonds to be issued; providing for the running of a contest period and related matters. Councilmember Erik Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Cieslak

Councilmember Cieslak stated that a fire hydrant at the corner of Windhover & Sparrow Hawk Drive did not have a red-painted curb. Mayor Jackson responded that fire hydrants in the city normally do not have red-painted curbs.

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Lifferth

Councilmember Lifferth congratulated the Celtics on their fourth-quarter, 34-point lead.

Councilmember Burnham

Councilmember Burnham said residents have requested a crosswalk at the traffic light on SR 73 near the new high school.

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Fionnuala Kofoed, the undersigned City Recorder of Eagle Mountain City, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the June 17, 2008, public meeting held by the Issuer as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Issuer's principal offices on June 12, 2008, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to The Daily Herald on June 13, 2008, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2008 Annual Meeting Schedule for the Issuer (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council to be held during the year, by causing said Notice to be posted on DECEMBER 5th, 2007, at the principal office of the City Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the Issuer on JUNE 27th, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this June 17, 2008.

(SEAL)



By: _____

Fionnuala B. Kofoed
City Recorder

SCHEDULE 1

NOTICE OF MEETING

AGENDA
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 17, 2008

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

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

*** This meeting may be held telephonically to allow a member of the City Council to participate ***

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

1. AGENDA REVIEW - The City Council will review items on the Consent Agenda and Policy Session Agenda.
2. DISCUSSION
 - A. Tiered Water Rates
 - B. UAMPS – Resource Project/Jackie Coombs.
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.
 - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
4. ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council will adjourn into a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

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

6. CALL TO ORDER
7. PLEDGE OF ALLEGIANCE
8. INFORMATION ITEMS/UPCOMING EVENTS
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.*)
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.*)

CONSENT AGENDA

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Work Sessions, please call the City Recorder's Office at least 3 working days prior to the meeting at 789-6611.

11. MINUTES
 - A. June 3, 2008 – Regular City Council Meeting
12. FINAL PLAT APPROVAL
 - A. Skyline Ridge 1A Final Plat
13. POLICY AND PROCEDURES MANUAL UPDATE
 - A. Section II: Employment Classifications/Compensation: Overtime Pay, D (3)
 - B. Section II: Employment Classifications/Compensation: After-Hour On-Call/Call-Out
14. PROFESSIONAL SERVICE AGREEMENT
 - A. 1.2 MGD Wastewater Treatment Facility
 - B. Fire Station No. 2 Construction Contracts
15. AGREEMENTS
 - A. UAMPS Resource Project Agreement
16. WARRANTY RELEASE
 - A. Showdown at Eagle's Gate Plat A

SCHEDULED ITEMS

17. PUBLIC HEARING - Consideration and adoption of the Final Amendments to the Fiscal Year 2007-2008 Budget.

BACKGROUND: *(Presentation by John Hendrickson)* Utah State Code requires any final increases in the budget be adopted after a public hearing and prior to the fiscal year ending. The City's budget is being amended to cover all anticipated expenditures through the fiscal year ending June 30, 2008. The amended budget should cover all eventualities so that the City will not be cited for budgetary non-compliance.

18. PUBLIC HEARING – Consideration and adoption of the Fiscal Year 2008-2009 Budget.

BACKGROUND: *(Presentation by John Hendrickson)* The State Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The tentative budget was accepted by the City Council on May 6, 2008. The City Council can move to adopt the final budget, after a public hearing, as proposed or with amendments. The final budget will be the document that governs the expenditures for the FY 2008-2009.

19. PUBLIC HEARING – Consideration of an Amendment to the Eagle Mountain City Development Code Title 1, Chapter 5, Residential Zone; Title 1, Chapter 16, Sign Regulations; and Title 1, Chapter 20, Site Plan Reviews – Discussion Item Only.

BACKGROUND: *(Presentation by Planning Staff)* Occasionally, as development continues within the City, it is necessary to amend the Development Code. The proposed amendments are as follows: 1) Title 1, Chapter 5 (Residential Zone), a) clarifying how the height of a structure is measured; 2) Title 1, Chapter 16 (Sign Regulations), a) allowing for independent monument signs for businesses that have stand alone buildings, b) Permitting changeable copy signs in commercial, airpark and industrial zones, c) Staff approval of all temporary event signage; 3)

Title 1, Chapter 20 (Site Plan Reviews), a) allowing for some flexibility in Industrial Master Site Plan where the Planning Director may waive some required information regarding buildable square footage, parking and storm drainage and utility information, b) allows for an Industrial Master Site Plan to serve as a Preliminary Plat if certain information is provided initially.

20. MOTION – Consideration and Approval of a Temporary Site Plan for a Seminary Building.

BACKGROUND: *(Presented by Planning Staff)* Eagle Mountain City has received an application from the LDS Church to install temporary Seminary buildings designed for the use of Rockwell Charter High School students. The site is located just east of the High School in the Saddle Junction subdivision, Lot 104. The proposal is to locate temporary trailers to use as seminary buildings for the Rockwell Charter High School. The temporary structures will be used to facilitate seminary students until a permanent building is built within the next two years. The Planning Commission approved the Conditional Use Permit for the temporary trailers at the June 10th, 2008 Planning Commission meeting.

21. AGREEMENT – Consideration and Approval of a Bike Park Agreement and WAFTA Encroachment Agreement.

BACKGROUND: *(Presented by Planning Staff)* Recently, a proposal for a Bike Park was presented to the City Council for approval. The City Council held a public hearing and subsequently the plan was approved. In order to move forward with the Bike Park there are two agreements that need to be signed, one with Kern River Gas Company and the second with WAFTA for construction of the Bike Park. These two agreements are being presented to the City Council for approval.

22. RESOLUTION – Consideration And Adoption Of A Resolution Authorizing The Issuance And Sale Of Not More Than \$6,665,000 Aggregate Principal Amount Of Sewer Revenue Bonds, Series 2008, Of Eagle Mountain City, Utah; Fixing The Maximum Aggregate Principal Amount Of The Bonds, The Maximum Number of years At Which The Bonds May Be Sold; Providing For The Publication Of A Notice Of Public Hearing And Bonds To Be Issued; Providing For The Run.

BACKGROUND: *(Presented by Chris Trusty)* The Utah Quality Board authorized a loan for the construction of a 1.2 MGD oxidation ditch. The loan is to be secured by a revenue bond issued by Eagle Mountain City. The Utah Quality Board will require annual payments on the bonds.

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

24. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

25. ADJOURNMENT

CERTIFICATE OF POSTING

The undersigned duly appointed recorder or deputy recorder does hereby certify that the above agenda notice was posted in four public places within Eagle Mountain City limits on this 12th day of **June, 2008**. These public places being bulletin boards located inside the City offices and located in the Eagle Mountain City Library, 1650 E. Stagecoach Run, Eagle Mtn., UT; and the bulletin board located inside the Prairie Gate professional office building, 3688 E. Campus Dr., Eagle Mountain, Utah. On this 12th day of **June, 2008**, the above agenda notice was sent by facsimile and/or email to New Utah located in American Fork, Utah; and local newspapers located in Eagle Mountain and Saratoga Springs, Utah.

Fionnuala B. Kofoed, City Recorder

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EAGLE MOUNTAIN CITY COUNCIL MEETING
SCHEDULE FOR 2008

The City Council of Eagle Mountain, at their regularly scheduled meeting on December 4, 2007, adopted the following meeting schedule for the year 2008.

Meeting times are: Work Sessions 4:00 p.m.
 Policy Sessions 7:00 p.m.

Sessions will be held at the Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, Utah.

The 2008 City Council regular meeting schedule is as follows:

January 8, 22
February 5, 19
March 4, 18
April 1, 15
May 6, 20
June 3, 17
July 15
August 5, 19
September 2, 16
October 7, 21
November 18
December 2

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in a City Council meeting, please call the City Recorder's Office at least 3 working days prior to the meeting at 789-6611.

EXHIBIT B

GENERAL INDENTURE
AND
SECOND SUPPLEMENTAL INDENTURE OF TRUST

(See Transcript Document Nos. __ and __)

(attach Proof of Publication of
Notice of Bonds to be Issued)