

**EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
DECEMBER 2, 2014**

TITLE:	RESOLUTION – A Resolution of Eagle Mountain City, Utah, Repealing and Restating Resolutions R-09-2006 AND R-15-2008 and Establishing a Military Service Member Utility Service Charge Abatement		
FISCAL IMPACT:	\$3,000.00 (estimated)		
APPLICANT:	Eagle Mountain City		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	COMMUNITY

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Public Notice Webpage

REQUIRED FINDINGS:

**Public Works Board
Recommendation**

Vote: N/A

Prepared By:
Jeremy Cook
City Attorney

NOTES/COMMENTS:

RECOMMENDATION:

Staff recommends that the City Council approve the Resolution of Eagle Mountain City, Utah, Repealing and Restating Resolutions R-09-2006 AND R-15-2008 and Establishing a Military Service Member Utility Service Charge Abatement.

BACKGROUND:

In conjunction with the anticipated transfer of the City’s gas and electric utilities, the City will likely need to re-evaluate the amount of the current military abatement. In addition, the proposed revisions to the military abatement provide more detailed and stringent criteria to qualify for the abatement.

The draft abatement resolution proposed by the Military and Veterans Advisory Board sought to provide a 25% reduction in the utility bill for residents that qualified under the new program and a reduction in the existing abatement of \$10 per month over a period of 10 months. With respect to the ongoing abatement, the City staff recommends a fixed dollar amount as opposed to a percentage because the fixed dollar amount is easier to implement and track and because the fixed dollar amount provides an incentive for residents to reduce water consumption, which will likely be the primary component of most resident’s bills.

Staff also recommends a quicker phase-out of the existing abatement due to the fact that the City would likely be supplementing third-party costs once the City sells its gas and electric utility if it continues the abatement as recommend by the Military and Veterans Advisory Board. For example, assuming the sale of the utility closed in February, during the months of March – June, the primary charges on the bill for residents in the North Service Area will be the fee for TSSD and garbage service. Thus, if the City provides an \$80 subsidy in March, the City will still be required to pay these costs, but will likely not receive any income from those bills.

RESOLUTION NO. _____

**A RESOLUTION OF EAGLE MOUNTAIN CITY, UTAH, REPEALING
AND RESTATING RESOLUTIONS R-09-2006 AND R-15-2008 AND
ESTABLISHING A MILITARY SERVICE MEMBER UTILITY SERVICE
CHARGE ABATEMENT**

WHEREAS, the City Council of Eagle Mountain City, Utah ("City"), finds that it is in the public interest to acknowledge the vital contributions and sacrifices of our military personnel to the defense and well-being of the United States of America; and

WHEREAS, the City understands and acknowledges the sacrifice military personnel and their dependents make, when involved in active military service, the City would like to remain true to the intent of the Community Covenant the City has signed with our Armed Forces; and

WHEREAS, it is in the public interest to abate part of the utility service charges by the City to provide some relief for families of military service personnel deployed away from the State of Utah.

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

Section 1. Effective Date. This Resolution shall repeal and restate in its entirety the terms of R-09-2006 and R-15-2008 and shall be effective as of January 1, 2015.

Section 2. Application and Documentation. Any person ("Applicant") wishing to receive the military service member abatement (the "Abatement") must submit a utility abatement application (the "Application") to the City Utility Department on forms provided by the City. The application must provide proof of Eagle Mountain residency and include a copy of deployment orders or a signed letter by the applicants Commanding Officer showing the dates of deployment away from the State of Utah.

Section 3. Criteria for Abatement. In order to receive the Abatement, Applicants must meet the following criteria:

1. The Applicant's home of record must be in Eagle Mountain City;
2. The Applicant's dependents must continue to occupy the Applicant's home of record or the home must be unoccupied during the deployment;
3. The Applicant must serve on active duty deployment orders;
4. The deployment orders must require the Applicant to be deployed outside the State of Utah for greater than sixty (60) days; and

5. The Abatement may only be used for a single City Utility bill.

Section 4. Timing and Amount. Applicants who qualify for the Abatement shall receive a monthly reduction of **\$25.00** off their bill from the City Utilities Department for their home of record. The Abatement shall remain in effect during the Applicants period of deployment away from the State of Utah and for two billing cycles following redeployment back to Utah. Any Applicants that are redeployed back to Utah prior to expiration of the date indicated in their orders must notify the City. Failure to notify the City will result in the Applicant being ineligible to receive any future Abatement.

Section 5. Limited Continuation of Existing Abatement. Any residents who qualify for the current abatement as of December 31, 2014 shall continue to receive a \$100 abatement for the first two billing cycles of 2015 (which is for the bills sent out on approximately February 10, 2015 and March 10, 2015). Only Applicants that have submitted an Application and qualify under this Resolution shall receive the Abatement after the first two billing cycles of 2015.

ADOPTED by the City Council of Eagle Mountain, Utah, this _____ day of December, 2014.

EAGLE MOUNTAIN CITY, UTAH

Chris Pengra, Mayor

ATTEST:

Fionnuala B. Kofoed
City Recorder

CERTIFICATION

The above resolution was adopted by the City Council of Eagle Mountain City on the _____ day of December, 2014.

Those voting aye:

- Adam Bradley
- Donna Burnham
- Ryan Ireland
- Richard Steinkopf
- Tom Westmoreland

Those voting nay:

- Adam Bradley
- Donna Burnham
- Ryan Ireland
- Richard Steinkopf
- Tom Westmoreland

Fionnuala B. Kofoed, CMC
City Recorder