

**ELK RIDGE
CITY COUNCIL MEETING
May 10, 2011**

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5 TIME & PLACE
6 OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 10, 2011, at 7:00 PM.**

The meeting was held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of this Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 6, 2011.

10
11 **7:00 PM -**

REGULAR CITY COUNCIL MEETING AGENDA ITEMS:

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13 ROLL

Mayor: Kenneth O. Lutes; *City Council:* Sean Roylance, Weston Youd, Julie Haskell, Erin Clawson & James Mayfield; *Planning Commission:* Kelly Liddiard; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *Daily Herald:* Lana Creer-Harris; *SOS Temp Services:* Brady Lynn; *Public:* Hunter McKay, Samantha Shepherd, KJ Lutes, Chelsea Moody, Christina Larson, Ashley Moody, Wayte Davies, Katie Ryan, Ray Brown, Dakota Petersen, Aubrie Gross, Tricia Gunnerson, Christopher Davenport, Katie Davenport, Ryan Lofthouse, Laura Loree, Kaylee Ward, Nic Robertson, Tricia Dent, Dallin Kimber, Alicia Money, Jordan Caplin, Rylee Ulbrite, Katherine Riley, Hannah Riley, Brennon Muniz, Rex Davis; and Janice H. Davis – City recorder.

21 OPENING REMARKS
22 PLEDGE OF
23 ALLEGIANCE

An invocation was offered by James Mayfield; and Samantha Shepherd led those present in the Pledge of Allegiance, for those willing to participate.

24
25 AGENDA TIME
26 FRAME

The Meeting started on time.

27
28 PUBLIC FORUM

Mayor Lutes introduced the Public Forum by complimenting Corbett Stephens on all the work done on the upgrades to the Loafer Canyon Well. The Mayor feels he has done an excellent job with all the countless details involved. The Well is working and turned on. He invited a round of applause for Mr. Stephens.

There was no one wishing to address the Council for the Public Forum.

34 PERSONNEL –
35 PUBLIC WORKS
36 EMPLOYEE

Mayor Lutes: The Mayor welcomed Mr. Brady Lynn, who is the Branch Manager for SOS Temp Services; who has been involved in the process of narrowing down and selecting a candidate from those that applied for the position. The Mayor also gave a bit of history on the process: The need came for an additional employee in the Public Works Dept. before last summer. There were many decisions to be made regarding job description, wage range, etc. In January 2011, discussions got more serious with Mr. Lynn (SOS). The initial contact with SOS was last summer when the City tried hiring from the Temporary Services to assist with some of the projects in the City; that worked for a while, but not long-term.

Council Member Clawson was assigned to recommend to the Mayor and Council from the candidates that applied.

Actual interview process:

- SOS (Mr. Lynn) interviewed about 15 candidates and narrowed that down to five.
- Council Member Clawson and Corbett Stephens interviewed the five and narrowed that down to two.
- Mr. Lynn, Mayor Lutes, Council Member Clawson and Mr. Stephens interviewed the two candidates and selected one.

There were many considerations over the months with all realizing the importance of the decision to be made. One of the considerations was for the Council to have approved the pay scale. Knowing what will be expected of the individual and that keeping up with Mr. Stephens will be a challenge, the Mayor said he felt the pay scale is probably low... "but we have what we have".

Concerns (these have been discussed at length):

- The new employee had to be Mr. Stephens' choice, since the individual will have to work with him.
- Fortunately, the final applicants were narrowed down to two local individuals; both working with Mr. Stephens as snowplow drivers and are known by him.
- The Mayor was grateful to have two strong candidates to choose from.
- The choice was difficult to make
- He expressed appreciation to the candidates for their patience through the interview/selection process and thanked them for applying.
- Since there is only one job opening, there is perhaps a "consolation prize" in the recent knowledge that Woodland Hills is also hiring in their Public Works Dept.

49 00:05:37

*Mayor Lutes asked for the City Council's support to have SOS Temp. Services hire Rex Davis on a 6 month "Temp. to Hire" basis; with the proposed wage set at \$34,000/year.

The Mayor called for any discussion or a motion to support his recommendation.

James Mayfield: He asked if Mr. Stephens would share how he feels about the recommendation.

Corbett Stephens: "I look forward to it."

Council Member Clawson was asked if the Mayor's recommendation matched her own.

Erin Clawson: "After doing all of the interviews, I would go with that recommendation as well."

Julie Haskell: She questioned the recommendation to start at the top of the pay scale.

Sean Roylance: He also had the same question regarding starting at the top of the pay scale; not that he was necessarily against paying Mr. Davis this amount; but wondered about the reasons behind the recommendation.

Erin Clawson: Council Member Clawson went over the reasoning behind the recommendation: Mr. Davis met the qualifications being asked for with the exception of a certification in water mastery, which he is willing to address as soon as possible. She looked back on some of the City Council minutes and mentioned that she thought it was Council Member Roylance that said if there was someone that met those qualifications and who was known, that is where Council Member Roylance would be inclined to pay a higher wage, and Council Member Clawson agreed. The other criterion was if Mr. Stephens felt the individual met everything being required. She mentioned that Mr. Davis has worked for the City previously not only as a back-up snowplow driver; but he also worked for Kent Haskell in a summer job capacity; so he is familiar with the City and the City’s system; though he did not work on the system with Mr. Haskell, he did observe and he is willing to become certified. “So, if he is willing to do that as soon as possible, rather than starting lower and working up, I think it makes more sense to start him where he is qualified to start.”

00:09:21

Mayor Lutes said that Brady Lynn was present to address any questions the Council might have. He has reviewed the pay scale and has interviewed the candidates.

Weston Youd: He asked Mr. Lynn if the recommended amount is where the current market is. He knows that the labor market is “getting tighter”; but it is not as bad as it once was.

Brady Lynn: He said that when he initially received the job description for this position, with all of the required skills, he questioned how much the City would be paying this individual. He noted that there was much being required and that it seemed that there was a lot of knowledge that would be expected. A few studies were run off of Work Force Services and the range that they came up with was more in the \$30,000 to \$50,000 range. During the final interviews, the skills and qualifications were discussed and he felt that the range decided on by the Council may have been too low; but that is what was approved. Based on the studies he did, considering similar qualifications, he agreed with the recommended wage.

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO OFFER THE POSITION OF PUBLIC WORKS EMPLOYEE FOR ELK RIDGE CITY TO REX DAVIS; AT THE RECOMMENDED ANNUAL WAGE OF \$34,000; ON A SIX MONTH PROBATION THROUGH SOS TEMP SERVICES...ALSO WITH THE UNDERSTANDING THAT MR DAVIS WOULD OBTAIN HIS WATER CERTIFICATION AS SOON AS POSSIBLE

VOTE: YES (5) NO (0)

Mayor Lutes congratulated Corbett Stephens on receiving the assistance he has needed; as well as congratulating Rex Davis, who was present. Mr. Davis came forward to thank each of the City Council and the Mayor’s hands and to express his gratitude to them for the opportunity to work for the City.

Mayor Lutes: He thanked Mr. Stephens and Council Member Clawson for the “soul searching” and work done to facilitate this process; it was not an easy task.

Erin Clawson: She added that the applicants were all really good and that the second choice was also good and well-qualified.

00:13:21

APPOINTMENT OF
PLANNING
COMMISSION
MEMBER

Mayor Lutes: Jason Bullard recently resigned as a member of the Planning Commission; moving Dan Steele from the Alternate position to take his place as a regular member. There is a need to appoint another Alternate member. There has been considerable interest in this position and the Mayor has spent many hours visiting with and interviewing people; two of those interviewed have previous experience on the Planning Commission. He appreciated all who were interested in serving. There is only one spot open and perhaps the others that were interested could assist with other needs in the City. The Mayor asked for a motion to appoint Sharon Dahlstrom as an alternate member of the Planning Commission

Further discussion:

Sean Roylance: He questioned who else had applied. (*Mayor Lutes responded that Paul Squires was interested as well as several others.*) Council Member Roylance asked the Mayor if he had talked to Kelly Liddiard (Chairperson of the Planning Commission).

Mayor Lutes: The Mayor answered that Mr. Liddiard sent the Mayor an email, to which the Mayor responded that Mr. Liddiard was invited to come in and discuss any issue with Mayor Lutes.

JAMES MAYFIELD MOVED, SECONDED BY JULIE HASKELL, TO APPOINT SHARON DAHLSTROM AS AN ALTERNATE MEMBER OF THE ELK RIDGE PLANNING COMMISSION
VOTE: YES (5) NO (0)

00:16:47

CLARIFICATION OF
DUTIES

Erin Clawson: She expressed confusion regarding her exact duties related to Public Works. She said that the Mayor had pointed out to her that her duties were somewhat limited to “expenditures” in the Public Works area. She said she was not “comfortable” being accountable for the expenditures without having a say in what goes on within that area. She felt like the vote of the Council on March 22, 2011 to accept the duties of the Council assignments was with an understanding that differed from the limits mentioned by the Mayor. She also questioned the wording from one memo to the other, which described the duties.

(*Mayor Lutes commented that the wording had not changed.*)

She sought clarification as to what was voted on regarding Public Works.

Mayor Lutes: The duties included “staffing” (read from the memo provided to the Council):

- “Public Works Staffing – ensure that the Public Works Superintendent has the laborers required to accomplish his responsibilities. This includes writing job descriptions, hiring/firing interviews, performance appraisals, working with SOS Staffing to fill requirements, and recommendations to the Mayor and City Council for staffing actions.” (*That has been done.*)

- “Public Works Expenditures – be a resource to the Public Works Superintendent to authorize emergency or other special requests for parts, service, tools, or labor and obtain City Council approval.”

Erin Clawson: She wondered why she would be over just the expenditures without being over anything else.

Council Member Clawson felt that the Mayor preferred having authority over the Department without having “accountability” over the expenses. She said she was fine “either way”; but she did not want to be the only one with all of the accountability for the money.

Mayor Lutes: It is his understanding that the Council has the “accountability” and Council Member Clawson simply determines the Public Works’ needs and interfaces with the Council to bring those needs forward for approval.

Erin Clawson: Many expenses are approved with the budget process; she asked if the Mayor was only referring to emergencies. *(The Mayor said that it would be emergencies or special requests.)*

She added that Mr. Stephens and she had the impression that she was over Public Works. She has been tracking snowfall for plowing because no one else was doing that.

Mayor Lutes: He felt that Mr. Stephens has other ways of determining the snowfall...that Council Member Clawson did not have to do that; since she is not “over” Public Works. There were some issues with some of the expenditures in the Public Works area that Council Member Clawson had expressed concern about...he felt that is why she should be given responsibility over that area.

Erin Clawson: She responded that the only expenditures she had concern over were the payments to Scot Bell for work done; since the Council had approved the use of SOS staffing for work needing to be done.

Weston Youd: He referred to the training book provided to elected officials by the Utah League of Cities and Towns entitled, “Powers and Duties...A Guide for Utah Municipal Officials”...to help understand what was delegated and what the scope and breadth of the assigned duties are...

Mayor Lutes: He pointed out that what was delegated was exactly what was written...”to be a resource”...which means if a need arises to purchase something, that is not in the budget...and it is not an emergency...the “resource” would give Mr. Stephens a contact...Council Member Clawson...it says, “to obtain City Council approval”...

Julie Haskell: She mentioned that approval limits are set at \$500 for any Dept. Head...

Erin Clawson: She reiterated that she simply did not feel it was appropriate to have responsibility over the money and not have any say in what goes on in the Dept. Perhaps it was her confusion of the duties and she was trying to understand and clarify...she did not feel she could fulfill the duties with the restrictions placed on the assignment.

00:21:51

Mayor Lutes: He felt that the solution would be to simply have the duties reverted back to him. The staffing is done, so that would leave the Public Works expenditures.

Erin Clawson: She felt there were issues with the staffing process. When she initially made recommendation to the Mayor, she felt he did not want to listen. She felt that all other duties to the other Council Members were “free and clear”; but hers had restrictions and the Mayor continued to retain the authority over those areas. She felt the assignments should be “all or nothing”.

She felt she had taken on the “staffing” assignment and had done all that was required; yet the Mayor was “not happy with how it went...so it was not good enough”. If she is going to address her duties, she felt her efforts should be respected and not interfered with. *(The Mayor asked her what she was requesting of him.)*

She felt she should either be over Public Works...or not. *(Mayor Lutes said she could not be “over” the Dept. because it is more than she could handle...)* She felt that was a matter of opinion.

Mayor Lutes: “Public Works” includes much of what goes on in the City...water, sewer...etc.

(Council Member Clawson felt it was working with other people who are over other Departments.)

He said he was not willing to delegate any more than what was agreed to; so if Council Member Clawson did not wish to continue, then the “expenditure” portion of the assignment could be returned to the Mayor.

Erin Clawson: She felt that if the Mayor is going to retain the authority over Public Works then he should bear the responsibility of the expenditures; but she wanted to hear what Council Member Youd was going to say.

00:24:08

Weston Youd: (He continued) He felt the Council was under the impression that their roles were as “Council Member Administrators”...he read from the Powers and Duties handbook about how this is usually done as a matter of tradition rather than being more formal. These powers and duties differ with each municipality. “Using council members as administrators has worked well in most cities and towns. It solves basic problems. Most small communities cannot afford to have many paid employees and the person elected to be Mayor may not have the time or inclination to run the city alone. There are however potential problems and disputes; common areas of dispute include the amount of discretion a council member may have in regard to expenditure of funds controlling employees and how much input a council member should have in another council member’s department. When these disputes arise, the only solution is for the council, as a group, to clarify the oral tradition and pass ordinances that describe and limit the responsibilities of the Council Member Administrators.”

00:26:02

He mentioned that other disputes can arise when a newly elected Mayor pulls back the assignments...to have the Mayor take care of the duties himself.

James Mayfield: He felt the rules are fairly flexible. He shared his perspective of his assignments: He comes in and helps out with whatever he can...he appreciates the assistance of the staff. He prefers delegating tasks.

Erin Clawson: She agreed; but she is speaking from an experience (which she preferred to not make public at that meeting).

Mayor Lutes: He had held off making Council assignments; except for the existing ones with Council Members Haskell and Roylance. The recent assignments were an attempt to delegate some of the duties; which has been helpful. *(Council Member Clawson understood that her assignment with Public Works included more responsibility than being over the expenditures.)*

Sean Roylance: He had a similar understanding of Council Member Clawson’s duties regarding Public Works; he was also under the impression that the Public Works people reported to her.

Erin Clawson: She felt all of the Council was under that impression...and Mr. Stephens. He has been reporting to her and things have been going well.

Mayor Lutes: He “gave up” exactly what was written in the memo to the Council; there was nothing regarding being over the Dept. of Public Works. He apologized if there have been misunderstanding; but it needs to be straightened out. He invited a motion to have the responsibility of Public Works expenditures revert back to him...he felt that would solve the problem. He said that he did not feel good about delegating the whole Public Works Dept. on such short notice.

(Council Member Clawson did not feel it was “spur of the moment” since she has been taking care of these duties since the end of March, 2011.) The Mayor said it would be “spur of the moment” for him since he had a different impression of the duties assigned and approved by the Council.

(Council Member Clawson felt the Council had a different perception of what they were voting on; she felt the word “staffing” could be interpreted to mean the on-going staffing needs of the Public Works employees..)

The Mayor clarified that “staffing” only had to do with the hiring of a new employee to assist Mr. Stephens. The Mayor again called for a motion”...

Sean Roylance: He wished to further clarify that the wording on the memo under “staffing” led him to the same conclusion that Council Member Clawson had...that she was given the responsibility of the Public Works Dept. He did not feel it was “fair to characterize that Erin did not understand it and all the rest of us understood it”.

(The Mayor again apologized for the misunderstanding and added that he tried to be as clear as he could. “But it’s okay, I’ll just take those back and everything else will be fine. She has done a great job in working with SOS; but that is done”. He is not good with delegating any more than he already has.)

Erin Clawson: She commented that the “staffing” was taken care of; but she reported that she had to “fight” to take care of that responsibility.

00:31:45

Mayor Lutes: To clarify further about “staffing”: He had had some concerns and certain State personnel regulations had to be checked out; he felt it would be wise to let things go. The point is, his concerns were resolved and he changed his position after consideration...he feels they did the “right thing”. He apologized for giving her a “bad time” with it.

James Mayfield: As a newly appointed official, he wanted to know the purpose of Council Assignments?

Erin Clawson: She explained that prior to Council Member Mayfield’s appointment to the Council, she had raised questions about certain invoices (she pointed out that she still has questions that have not been brought forward); the issue was that the Mayor clearly did not do what the Council specified...to use SOS as temporary staffing. The Mayor used someone else and was upset that Council Member Clawson brought the matter up...it was in a closed Council session. She felt the Council assignments were a result of that session.

James Mayfield: He asked the Mayor if it is true that he went outside of the guidelines set by the Council.

Mayor Lutes: He said he did not knowingly do that. He explained that situations arose that required the services of Scot Bell for some welding on the snowplow; it seemed unlikely to call SOS and ask for a welder that very night. There were a couple of other instances where he thought he was finding assistance for Corbett Stephens. *(Council Member Clawson asked about sending Scot Bell to speak to LEI and then getting charged for it...she failed to see the connection to assisting Mr. Stephens.)* The Mayor referred to a bill from Aqua Engineering and said that it was Mr. Stephens that called Aqua and told them to provide a digital version of maps to the City...he said, “I had nothing to do with that”.

(Council Member Clawson asked Mr. Stephens if that was true.)

Corbett Stephens: He requested that this be addressed at another time. *(Council Member Clawson felt that Mr. Stephens’ response “answered her question”.)*

00:34:40

Mayor Lutes again called for a motion to approve moving the responsibility of the Public Works expenditures back to the Mayor.

JAMES MAYFIELD MOVED, SECONDED BY JULIE HASKELL, TO CHANGE THE PUBLIC WORKS “STAFFING” AND “EXPENDITURES” BACK TO BE THE RESPONSIBILITY OF MAYOR LUTES UNTIL THERE IS A RESOLUTION FROM THE COUNCIL

VOTE: YES (2) JAMES MAYFIELD & JULIE HASKELL

NO (3) ERIN CLAWSON, WESTON YOUD & SEAN ROYLANCE

The motion failed by a majority vote.

The Mayor said that the assignment stays as it is.

Julie Haskell: She also wanted to clarify her position; which the Mayor had stated earlier that they were “existing” appointments; but when the Mayor made the assignment to her, he did not include the Sheriff’s Dept.; which she had with the previous Administration. She was also a bit unclear.

(The Mayor responded that she is over exactly what was mentioned in the memo summarizing the assignments.) Council Member Haskell wanted to know if the Mayor will then take over the budget and everything else associated with the Sheriff’s Dept. *(The Mayor said that he would.)*

Erin Clawson: She expressed concern over the unclear pattern neither of the Council not understanding their assignments nor of what they are voting on.

Julie Haskell: She stated that many citizens were expecting her continued participation with the Sheriff’s Dept.; but she was uncertain as to what she should be doing.

00:37:12

CITY COUNCIL
ASSIGNMENT
REPORTS

1) Weston Youd – City Celebration:

Council Member Youd reported that things are going well.

- Packets are being put together for the major events

- Golf Tournament is under way

- The Run is under way

- The movie in the Park may be too expensive to actually do; they are looking for “Plan B”

Erin Clawson: In working with Mtn. View Hospital, she has come across some information that could be useful to the City: UVU is trying to promote themselves in different communities.

The City could have a “UVU Night” wherein they would provide entertainment from their Performing Arts Dept. They would do all the marketing, advertising and coordinating of an event...example: Payson City is going to do a Corn Maize. Some of the money goes to a scholarship fund for youth in our area. She also wanted to know if Council Member Youd would be interested in sitting on the Board for this Committee.

Weston Youd: He would like to get this information to Ann Brough (Committee Chair).

- There is a local band that is lined up to perform on Friday night of the Celebration.

- Partyland is ready to go

- Foot Race: There is a kids’ 1 Mile Race

- Meetings are every Thursday @ 7:00 pm (Council is invited)

- Parade is under way

The Recorder reported that it was cleared to issue a check to Mrs. Brough for incidentals associated with the Celebration; she will keep track of the costs through receipts to be turned in. All were in agreement.

- Deputy Butters will be working with Zack Lundberg for the route for the Run...he has had assistance from one of the coaches at the High School.

00:43:19

2) James Mayfield – Parks:

The Sports Director, Tricia Dent, was introduced to explain a proposal for additional activities for the City:

Tricia Dent: There is a student from UVU that is involved in an Internship and needs a certain number of hours to start programs. She would like to assist with a couple of programs in Elk Ridge. Mrs. Dent would oversee the programs; but this student would do most of the work in running them.

- Track Program: Starting in June for about 4 or 5 weeks; Ages from 5 on up

- A Youth Leadership Skills Program (Running a couple of days...2 days for one and 3 days for the other...during the week). Ages 7 to 17.

Mrs. Dent expressed concern about the Track Program; that the City only has the one track and she did not know how good it would be to go in the streets. The registration forms and injury waivers are already to go; but she needed to check with the Council first.

The Youth Leadership Skills class – (Council Member Mayfield said it is a way to, “meet new friends, play new games and develop skills that will provide a lifetime of benefits”.)

Perhaps the Youth Council could be of assistance; they will need volunteers.

*Laura Loree: She cautioned that summer jobs could prevent them from assisting in this; she will have to check with the members of the Youth Council.

City recorder: Possible concerns:

- Liability Insurance should be checked out to see if there would be coverage for this type of event and for the helper. (Mrs. Dent will be heading the activities up.)

- Time of day: It was proposed to schedule these events in the afternoon and evening...will this conflict with Pavilion/Field rental in the spring and summer? Could the activities be run in the mornings? With good communication, the schedules should work around each other.

*The City Recorder will check on the liability coverage.

Tricia Dent: Days: Leadership Skills Class (Tuesdays & Thursdays) & Track (Mon., Wed. & Thurs.)

Costs: Track (\$10 / participant + \$5 for siblings) & Leadership Skills Class (\$12 / participant + \$6 for each additional sibling). Since Mrs. Dent is new at her job and will not be directly in charge of these added events, she is not charging the City for her wages this year.

00:49:06

The Council was generally in favor of adding the events.

JAMES MAYFIELD MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE ADDING THE TWO EVENTS (LEADERSHIP SKILLS & TRACK; CONTINGENT UPON LIABILITY INSURANCE NOT BEING AN ISSUE

VOTE: YES (5)

NO (0)

00:55:52

Playground equipment:

Council Member Mayfield explained impact fees and the associated restrictions. He would like to use accrued Park Impact Fees with the Insurance reimbursement the City received for the replacement of the burned playground equipment. He will bring different options to the next Council Meeting for the Council to consider. He would like to reserve some of the Impact Fees for the future. He welcomed any input from the Council.

00:58:42

NON-AENDA ITEM

ATV’S cutting through the City Park:

Deputy Butters: Residents around the Park have complained to him about ATV’s cutting through the Park area via the Cul-de-sac and across the field. He would like to plant concrete posts as deterrent...far enough apart to be able to walk through, but ATV’s would not be able to get through.

Corbett Stephens: There may be a concern with the Cul-de-sac because it is private property; though the City does have a trail easement along the white fence. The property is owned by the Ward’s.

James Mayfield: He knows the Ward’s and will speak to them. He asked how close we are to having lighting in the playground area; he noted that the cement posts are installed.

Corbett Stephens: The heads have been purchased; there was an issue as to actually putting the lights up and shining on neighboring properties at night. There were questions regarding whether to leave them on all night or have them turn off at a certain time (maybe a timer). The light poles were donated, as well as the concrete. A baffle could be made for the lights out of sheet metal to keep them from shining on neighbors...the lighting would be focuses down onto the tennis courts. These questions have not been addressed. (He suggested that a timer might work.)

Weston Youd: There is a lighting ordinance within the City Code that sets 11:00 PM as a time for lighting to be off. He would have to review the Code before an issue is made.

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3 Deputy Butters: He is concerned with juveniles being in the park and possible vandalism. He suggested
4 considering a motion detector on the lights.
5 *(A gentleman in the audience suggested that lighting that comes on and off is more annoying than a constant*
6 *light; but, he agreed that lighting is a good deterrent against crime.)*
7 James Mayfield: Perhaps lowering the curfew in the park would be an alternative.
8 1:03:49 Deputy Butters: Last summer the Council created a park curfew of 11:00 PM...it is up to the Council to set that
9 where appropriate. He recommended that the curfew for all of the City property should be consistent.

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12 *(Council Member Roylance said he had to leave to attend some meetings. The Mayor asked if he had*
13 *anything to report about sanitation. He said he is trying to orchestrate a meeting with Allied; the times have not*
14 *worked for all.)*

15 1:05:35
16 TENTATIVE BUDGET
17 DISCUSSION

18 City Recorder: The Recorder reviewed the draft of the Budget for the up-coming 2011/2012 fiscal year. The
19 public Hearing will be at 6:00 PM on May 24, 2011. The Approved Budget must be adopted before June 22;
20 unless the Council considers an increase in the Property Tax rate; which they are not going to do.
21 The Property Tax for the current year came in higher than expected due to people getting to the end of their 5-
22 year grace period and having to pay off what they owe. The residential valuations should stay fairly constant
23 so the projected Tax Rate should generate about the same as the original budgeted amount for the current
24 year. There was a brief explanation of some of the government accounting practices and the overall budget
25 process and the format of the budget worksheet.

26 1:11:07

27 The Council was directed to pay attention to the "budget notes" located directly below certain account
28 numbers; these notes are explanations.

29 *General Fund Revenue;*

- 30 - *Licenses & Permits*: Building has increased which is reflected in this revenue account. It is likely that we
31 will bring in what the original budget figure indicated (75,000).
- 32 - *Sanitation*: The price of extra containers increased, so many residents have gotten rid of their extra cans.
- 33 - *Rental Property*: Council Member Mayfield reported that he is attempting to get a rental agreement
34 between the City and the renters in the City's house. There has been no agreement in place.
- 35 - *Woodland Hills Contract Labor*: He said that Woodland Hills is hiring a Public Works Employee and some
36 summer help; so he advised not budgeting anything in this account.
- 37 - *Administrative Fees (Water & Sewer)*: *(Brief explanation of these accounts)* These fees should increase
38 slightly due to an additional employee in public works; however, these Funds are not meeting the
39 percentage that should be met to carry their own weight with the General Fund.
40 Hopefully the upgrades of the Loafer Canyon Well will continue to help in saving money in the Water
41 Fund.

42 *General Fund Expenditures:*

43 1:18:56

- 44 - *Salaries & Wages*: The Recorder explained that she supplies the information regarding COLA rates (cost
45 of living); not trying to be presumptuous in proposing the COLA adjustments, which would be the Mayor,
46 with the consent of the Council; but just giving the Mayor and Council the information. The Mayor had
47 suggested including the possible adjustments in the budget figure to make it possible to see where the
48 overall budget would be; while also including the wages for a new employee. Any COLA for the City
49 employees would need to be decided with the adoption of the Tentative Budget. Any possible bonuses
50 would be decided in October or November.
- 51 - *Road Repairs*: Council Member Mayfield and Corbett Stephens are to meet to decide on recommended
52 road repairs; replacement of Escalante Drive will likely be the main project.
- 53 - *Volunteer Projects*: Council Member Clawson advised getting the money paid back before any further
54 projects are planned.

55 *Fire Department*: The increases are being covered by Fund Balance. Grants are not coming through as usual.
56 She informed the Council that the State Budget Form would change slightly regarding the format of the Fire
57 Dept.; but the detailed worksheet will be the same.

58 1:26:58

59 *Discussion of Administrative Court...Council Member Clawson sought clarification regarding a possible*
60 *overlap in duties. She needs to be informed of the meetings...Ray Brown reported a meeting with Woodland*
61 *Hills regarding administrative courts. Earlier in the year, Council Member Clawson accepted the assignment of*
62 *assisting in setting up an Administrative Court.*

63 1:29:53

- 64 - *Sanitation*: Due to the late date regarding budget and renewal considerations; the assumption is that the
65 City will be renewing with Allied Waste for sanitation services. Perhaps negotiations with Payson City can
66 resume next year. The meeting to negotiate with Allied was set up; however, Council Member Roylance
67 was unable to attend that day. There has been no alternate date scheduled.
- 68 - *Public Works* has turned in a proposed list of projects and/or equipment that reflects upcoming needs for
69 That Dept.; like the Fire Dept. does. That way, the items are in the budget and approval has already
70 been granted; this is the way Chief Waite runs the Fire Dept.

71 1:36:06

- 72 - *Curb & Gutter on Loafer Canyon Rd.*: Mr. Stephens said that if the City installs the curb & gutter on
Loafer, with Noel Hiatt's assistance, then the City will save money and that will go farther than if the City
installs the fence around the tank. Much of the fence project has been done: the fence posts and gates are
in. Part of the money set aside for Temp. Services assistance remains and could be used to hire a crew to
come in and stretch the fence *(this would get the project done faster and allow Public Works to install*
the curbing and get going on other projects waiting to be done).
Mr. Stephens would like to get the curbing on Loafer done this fiscal year. Mrs. Davis asked that it be
decided which fiscal year to budget for the curbing.
- *Parks Special Revenue Fund*: Any planned improvements will be using accrued Park Impact Fees.

- *Purchase of Equipment:* The backhoe needs two new tires; this will be a 4-way split (Roads, Parks, Water & Sewer)...cost: \$250 for each tire.

The General Fund should come in with Revenues over Expenditures more than \$50,000 (*Actually, the balance will be closer to \$90,000*) including a new employee being hired + possible COLA for existing employees.

- *Storm Drain Fund:* This fee has to be reviewed; this Fund needs to have more revenue to be able to address basic needs with run-off. "Vac" trailer: 2nd payment will be next year.

1:42:55

Water Fund & Sewer Fund: Corbett Stephens proposed to extend the sewer line up Loafer Canyon Road (south of the Dugway) with Sewer Impact Fees that have accrued (about \$80,000). It would be wise to extend the water line at the same time; the road would have to be improved for that distance, as well. When that money is reimbursed through "off-site reimbursements", it will come back unrestricted and it could be used on operations and maintenance.

"Jet" trailer: 2nd payment is next year.

Water Fund: With the wet spring, revenues could come in lower than expected.

Sewer Fund: The fee needs to be reviewed and raised to cover expenses. During the audit presentation, that matter was mentioned.

The Recorder encouraged the Council to look over the draft of the budget and be prepared to adopt it on May 24th. She reminded the Council that this is still the "Tentative" budget and changes can still be made before the final adoption in June.

2:01:44

MINUTES

1. *City Council Minutes of 3-22-2011:*

JULIE HASKELL MOVED, SECONDED BY WESTON YOUD, TO APPROVE THE CITY COUNCIL MINUTES OF 4-12-2011, AS PRESENTED

VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE

EXPENDITURES:

General: (*Memo from City Recorder to Council*)

Utah Retirement Systems – Wayne Frandsen:

"The handout from the Utah Retirement Systems, dated May 3, 2011, was just handed to me today by Janine Nilsson (Payroll Clerk and Deputy Recorder). She has been working closely with Wayne Frandsen regarding getting things in order for his retirement in September, 2012.

The reports being sent in by our then Deputy Recorder, Abby Hicks, showed Wayne on the report; however the actual payments into the System were not made (Janine researched this through our records and the Ret. Systems' records were searched as well.

I do not recall, and there is nothing entered into Wayne's personnel file...but I would imagine, since the time period was 6 months where he was not paid for...that this may have been his probationary time period. The problem with that, whatever the reason, is that the law requires mandatory payment from the day of hire for full-time employees...if they were hired after March 16, 1994.

Wayne was hired 9-1-2002.

The City is required to pay for that time at a cost of \$2,444.85 (See handout from Utah Ret. Systems). Part of this is what is due for the actual contribution (\$1,086.86); and the rest is interest that has accrued since that time (\$1,357.99). This is unfortunate in one way; but it is fortunate Wayne and Janine were investigating all of this now rather than a year or more from now...the interest would be even higher.

So, we need approval for this to be paid to the Utah Retirement Systems."

After explanation by the Recorder, there was no further discussion except to ask if there was a choice in the matter; and there really was not, according to State regulations.

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO APPROVE UP TO \$2,444.85, TO BE PAID INTO THE UTAH RETIREMENT SYSTEMS, IN BEHALF OF WAYNE FRANSDSEN; TO RECTIFY BACK PAYMENTS + PENALTIES DUE

VOTE (POLL): JAMES MAYFIELD-AYE, ERIN CLAWSON-AYE, JULIE HASKELL-AYE & WESTON YOUD-AYE (4) NO (0) ABSENT (1) SEAN ROYLANCE

2:06:03

A. *Check Registers & Payroll for March and April, 2011:*

Last month, the approval for the check register for March, 2011, was postponed to allow the chance to obtain detail for an invoice from LEI Engineering.

Erin Clawson: She had wanted to review the invoice from LEI, item by item; since she is over the Planning Commission. She did that and has that information available for anyone interested.

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CHECK REGISTERS AND PAYROLL REGISTERS FOR MARCH AND APRIL, 2011

VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE

2:06:52

NON-AGENDA ITEM

Mr. Scot Bell asked for permission to address the Council; which was granted by Mayor Lutes.

Mr. Bell had heard rumors that the Council has been discussing him in Council Meetings because of some past work he has done for the City. He was upset and wanted to know why he had been a topic of discussion. He explained that he had been asked to do certain "emergency type" jobs for the City and had not charged much because of the Mayor's plea to keep the costs down. His expertise was called upon and he gladly complied. He said he was called numerous times by Mr. Stephens to help out. He wanted to resolve any misunderstandings there may be concerning this work.

He asked the Mayor to explain the billing issues; the Mayor deferred to Council Member Clawson, since it was she who brought the concerns forward. He said she was concerned that he (the Mayor) should not have utilized Mr. Bell to do the work because the Council had only approved SOS Temp. Services to assist and that the Mayor was "out of bounds" to do so.

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3 Erin Clawson: She said she was happy to address the matter; she made it very clear that her concern was not
4 with Mr. Bell and the work he did...that she feels he is an outstanding citizen in the Community and she
5 expressed her gratitude for him stepping up when he was needed. She clarified that the Council had set a
6 clear process to be followed regarding getting assistance for Mr. Stephens. Her concern was with the Mayor
7 and how he followed the process that the Council set up. She said she would be happy to speak with Mr. Bell
8 and would supply him with work phone numbers and email addresses.

9 Scot Bell: He gave a brief history of the series of phone calls he had received from the "Maintenance
10 Superintendent" (*referring to Mr. Stephens*) requesting his assistance. He assisted with the backhoe,
11 snowplow, a generator, welding and with certain water system repairs. The first few jobs were done free of
12 charge, which he said he was happy to do; to a point. He billed a token amount for his expertise. He pointed
13 out that it was not Mayor Lutes that called him for this work.

14 Mr. Bell said he understood that Mr. Stephens was over-worked and "under the gun" (under a lot of pressure
15 and tired) and he was happy to help; but he also pointed out that any other professional called out on a
16 Saturday would have charged a great deal.

17 (*Mr. Bell asked Mr. Stephens to correct him if he got things wrong in the re-telling.*)

18 He felt that the Council should get some prices for the professional work he has done for the City. He said he
19 was prepared to reimburse the City the amount paid to him for the work he did; but is the Council willing to do
20 the same; would they be willing to make up the difference of what was paid him and what should have been
21 paid for the work done?

22 With one exception, the calls to assist came from Corbett Stephens; one time the Mayor called to ask if Mr.
23 Bell would relieve Mr. Stephens and allow him to go home; there was a problem with some electrical problems
24 at the well. Mr. Bell responded that he would be willing to help him.

25 *He asked Mr. Stephens if anything had been misrepresented. Mr. Stephens responded. "I don't think so...
26 I don't know...sure".*

27 Mr. Bell repeated that he was willing to write a check to the City if the Council felt he had over-charged. He
28 asked again, "Are you guys willing to write me a check if I have undercharged?"

29 James Mayfield: He spoke of what a good citizen Mr. Bell is and that he felt that the Council was being too
30 strict on going outside of approved protocol. He felt that emergencies must be dealt with at the time. He
31 agreed that perhaps the City does owe Mr. Bell more than what has been paid.

32 He asked if proper management had taken place. The Council generally agreed that the City was fortunate to
33 have had Mr. Bell's assistance.

34 Erin Clawson: The issue that she had brought up was more of a "pattern" of invoices that had nothing to do
35 directly with Mr. Bell or his work.

36 Weston Youd: He wanted to clarify:

- 37 - The concern was expressed by more than just Council Member Clawson
- 38 - The concern was never with the rates being charged

39 The concern was with the fact that the Council had designated funds to be spent with SOS Temp Services; to
40 get Mr. Stephens help so he wasn't working so many hours...then he would not have needed to call Mr. Bell
41 for help.

42 Scot Bell: Mr. Bell said that Corbett had expressed that he had not been pleased with the Temp help received
43 from SOS and that he was grateful for Mr. Bell's help.

44 James Mayfield: He mentioned that the Council just got through hiring more help for Mr. Stephens and he
45 hoped that would be a good solution. He also said that the City should make sure Mr. Bell was properly
46 compensated for his time and effort. (*Mr. Bell felt that is an issue to be resolved by the Council.*)

47 Scot Bell: He did not appreciate having his name a topic of discussion at Council Meetings.

48 (*Council Member Mayfield said that people tend to "ever dramatize" and exaggerate.*)

49 Mr. Bell came to the Council Meeting to resolve the issues; if there are any. The Mayor only asked him on two
50 counts and the other requests were from a man (Mr. Stephens) who had been mentally and physically taxed to
51 the point of frustration.

52 Erin Clawson: She recognized what Mr. Bell was saying; but the issues were never brought forward to the
53 Council from the Mayor; which is "part of the working relationship between a Mayor and Council...that's what
54 should happen. If there are expenditures that we have questions over, that is all that was done...in a closed
55 session". She reiterated that there was never any discussion about Mr. Bell or his work; she did not want Mr.
56 Bell to feel the Council was ungrateful for that work.

57 Scot Bell: "The letter of the law is really nice when the snow is not falling..." he compared that to the "spirit of
58 the law when the hour is late or early and roads are unplowed...he does not feel it is fair to the citizens or the
59 employees to wait on "protocol". "One of the greatest tools you can give somebody is to empower them to be
60 able to make a little bit of a decision that is outside of the box. It's great to have it perfect; but when the
61 weather turns bad, you need to empower them to solve a problem." Mr. Bell did not wish to have anyone
62 "blamed" for these incidents.

63 (*Discussion between Council Member Clawson and KJ Lutes regarding things reflecting on the manner with
64 which the Mayor handled certain matters between Council Member Clawson and the Mayor.*)

65 Mayor Lutes: Council Member Clawson was concerned about an invoice from Aqua Engineering that had to do
66 with maps for the City (\$105). "As I recall, Corbett authorized Craig to furnish that CD or whatever." He asked
67 Mr. Bell to explain how that happened..."I don't remember that being my idea...I thought Corbett called Craig
68 and had him send that".

69 Scot Bell: As he recalled, he thought he was at the City office and that he, Mr. Stephens and the Mayor were
70 visiting about manholes or some assignment associated with manholes. Mr. Bell made the point that Aqua
71 Engineering had information that belonged to the City and that the City should have that information. The
72 information cost the City a great deal of money and the digital images should be available to the City & LEI.

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He pointed out that all of that information was likely on an AUTO CAD file at Aqua Engineering. LEI should not have to “reinvent the wheel”. “As I recall, Corbett said, ‘I will make a call to Aqua and you (meaning Mr. Bell) understand Auto CAD...I do not...please contact them and request the information so that we can have it as a resource.’ *(When questioned about the length of time it took to request that information, Me. Bell responded that that is a billing issue with Aqua...not his.)*

Erin Clawson: She said that one of the points was that the Council was hearing these matters for the first time...she feels the Council should be a part of the decision making. Why should the Council not be aware of these?

Scot Bell: He continued to make the point of how valuable those file are to the City. The City should have those files. He felt that the bill was trivial compared to the value.

2:28:16 *(Mayor Lutes pointed out that he is authorized to approve up to \$500 for an expenditure. Council Member Clawson felt that it is the Council's duty to question the expenditures and seek detail, if needed.)*

Though Mr. Bell appreciates the Council, he still felt that the value to the city was worth thousands.

(Council Member Clawson said that the only point that was intended was that the Council should be informed.)
Mr. Bell asked Mr. Stephens if he had “fairly represented” what had occurred. *(Mr. Stephens responded, “Yes...for the most part...”)*

Weston Youd: He agreed, but the clarification came about because of the action the Council had taken to approve funds to be set aside for SOS to provide assistance to Mr. Stephens. The process was in question.

2:29:45 Erin Clawson: She wondered how things that were discussed in a closed meeting got to be so “public”. She said that no one spoke negatively of Mr. Bell or his work.
(Mr. Bell replied that he did not have the answers.)

James Mayfield: Council Member Mayfield spoke to the Council about “team work” and being on the same team regardless of differences. He advised the Mayor and Council Member Clawson to find a way to serve one another and allow the differences to minimize. He feels the two of them need to “work on the relationship” between them. There must be unity and trust; the citizens expect that of the Council. Issues should be settled in a professional way. “Let’s ‘humanize’ everybody.” He feels that everyone present is here for a “good cause”. If there have been offenses, perhaps it is just that “communication is challenging”. He thanked Mr. Bell for all the work he has done in some tough situations. Will the City be able to call on professionals as competent as Mr. Bell in the future?

Though things can get “heated” he hopes that “Christianity” can prevail. Issues can be worked through. If Mr. Bell feels he was not compensated fairly, he asked that it would be brought up and the Council will discuss it.

Scot Bell: He did not feel the Mayor should be criticized for hiring him; particularly at the low cost that was billed. He spoke of the negative impression his daughter got of the Council and how they treat each other when she attended a Council Meeting for a class assignment.

James Mayfield: “Nobody is innocent though.” At times the first thought gets “blurted out” by all of us...we need to look at the “intent”. He thinks that Mr. Bell is saying that the Council projects the wrong image. Some of the control issues are not as important as they may seem. He just felt that they need to get the job done and work together on the “same team”.

ADJOURNMENT The Mayor adjourned the City Council Meeting at 9:40 PM.

City Recorder