

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

August 2, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

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

CONDUCTING: Mayor Pro Tem Vincent Liddiard.

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Assistant to the City Administrator; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director.

**DISCUSSION/REVIEW ITEMS**

DISCUSSION – Bond Refunding Issues – Laura Lewis, Financial Advisor

DISCUSSION – Valley View – Final Plats A & B

DISCUSSION – Alternative Logos for Ranches Signage

DISCUSSION – Final Payment for Terry Larsen Excavating – Administration Building

REVIEW – Financial Report – July 2005

**AGENDA REVIEW**

The City Council reviewed items on the Consent Agenda and Policy Session Agenda, including a lengthy discussion on purchase of lots in the Kennekuk subdivision for park space.

**INTERVIEW OF MAYORAL CANDIDATES**

The City Council conducted brief interviews with mayoral candidates interested in filling the interim mayoral vacancy.

**ADJOURNMENT**

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

Mayor Pro Tem Vincent Liddiard called the meeting to order at 7:21 p.m. A color guard presentation including the pledge of allegiance was led by Scout Troop 1048.

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OTHERS PRESENT: Residents, Jennifer Edwards, Tiffany Ulmer, Kelvin Bailey, Chad Larsen, David Lifferth; Colonel Scott Olsen, Colonel Mike Litgee, Camp Williams.

## **PUBLIC COMMENTS**

Jennifer Edwards expressed concern of traffic speeds in the Mountain View subdivision and the safety of pedestrians. Ms. Edwards asked if anyone is watching the Friends in Need Kennel to make sure they are in compliance with the regulations. She stated that the dogs have been barking excessively.

Tiffany Ulmer reminded the public that tonight is National Neighborhood Night Out; however, because of City Council meeting the Neighborhood Watch will host their night out on Wednesday August 3, 2005. She then highlighted the events of the evening's festivities.

Colonel Scott Olsen of Camp Williams stated he is the Installation Manager of Camp Williams and is also accompanied by Colonel Mike Litgee the Garrison Commander at Camp Williams. He stated he enjoys working with the City Council and employees of Eagle Mountain City. He presented signs that had been shot numerous times by firearms. These signs were posted at the Tickville access, within City limits approximately four months ago. He asked that the City create awareness for the safety of the citizens in the area and the soldiers training in the area.

Mayor Pro Tem Vincent Liddiard asked that the City's Newsletter highlight the Firearms Ordinance as a reminder to residents.

Councilmember Linn Strouse asked Sergeant Binks to increase patrol in that area and asked Neighborhood Watch to create awareness of the Firearms Ordinance.

## **MAYOR'S REPORT / CITY COUNCIL ITEMS**

### COUNCIL COMMENTS

City Administrator Chris Hillman stated the City received a \$500,000 grant earmarked for the expansion of the Wastewater Treatment Plant in the South Service Area. The offices of Senator Bennett assisted in instigating the grant. Mayor Kelvin Bailey and Mr. Hillman went to Washington D.C. earlier this year attempting to get a grant for the Waste Water Treatment Plant and the development of the SITLA park, a 60 acre piece of property on the north side of Pony Express Parkway in the South Service Area. The City has also been earmarked a \$200,000 grant for the development of the SITLA park.

Mayor Pro Tem Liddiard asked to have a letter sent from the City Council to Congressman Cannon and Senator Bennett thanking them for their assistance in this matter.

He reminded the citizens that Thursday August 4, 2005 will be the Little Texas and J. Marc Bailey concert at the amphitheater in the SilverLake development.

Councilmember Strouse asked that her comments be verbatim.

“Um, I’ve got some things I would like to share with the public that have, or are grave concern to me. There’s the process of, uh, obtaining our new Fire Chief, uh, from the beginning has been tainted. I think it’s very critical that, I want this for the record, I want this to be in the record, that the majority of this Council did not agree to that, uh, the offer of employment; which was supposed to have waited, like I said last week, last meeting, till the following Tuesday. And instead the Mayor Pro Tem gave him the offer in spite of all the questions and the promises, the promises made to the attorney and the fact that, uh, the City Manager was left out of the loop and was not allowed to participate by telephone. I do on my answering machine have a message from, uh, Mayor Pro Tem Liddiard stating that the, that the Chris Hillman would be a part of this conversation, and I think it was real critical in, uh, in order to be fair to everybody including the person that has been offered the job we need to set the record straight we brought up the question the most recent offer to, uh, to the new Fire Chief was, um, instead of the \$65,000 that was, um, agreed to without the majority of Council supporting it. He was offered somewhere around \$59,000 which is top of the mid line of, um, the wages for that position, which um, uh is so in order to not violate a City policy that’s already established um, apparently it was agreed between Mayor Pro Tem Liddiard and the new hire that he would be given the, uh, top of the mid line for starter wages and then when he moved to three to six months when he got his paramedic license which really should’ve been part of the requirement in the first place, uh, then he will, uh, get, uh, increased up to \$65,000 and I have serious concerns with, uh, \$6000 raise for getting a paramedic license and being, uh, violating the intent of the policy. Um, I, I am just very disappointed about this and I just wanted this to be on the record that the Council the majority of the Council does not agree with this decision. Even though we had no vote in it contrary to what was said at the last meeting. Uh, you do not vote in closed executive sessions. Thank you.”

Councilmember Olsen concurred with Councilmember Strouse.

Councilmember Sloan stated that she also concurs with Councilmember Strouse.

City Administrator Chris Hillman and Mayor Pro Tem Liddiard recognized Deputy Fire Chief Jack Holmes, Deputy Fire Chief Kevin McCarthy, and Chief Robert DeKorver for their service in the Eagle Mountain Fire Department.

## **SCHEDULED ITEMS**

RESOLUTION – Consideration for Adoption of a Resolution Authorizing the Issuance and Sale of not More Than \$22,000,000 Aggregate Principal Amount of Gas and Electric Revenue Refunding Bonds, Series 2005, 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 Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters.

Mayor Pro Tem Liddiard explained the proposal.

Mr. Hillman explained this is a way to get out of a variable interest rate and an expensive letter of credit. He continued stating this is a very positive financial step for the City.

Councilmember Blackburn explained that this proposal will build reserve funds the City can use in coming years.

Councilmember Sloan **moved** to adopt of a Resolution 14-2005, Authorizing the Issuance and Sale of not More Than \$22,000,000 Aggregate Principal Amount of Gas and Electric Revenue Refunding Bonds, Series 2005, 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 Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters. Linn Strouse **seconded** the motion.

Kelvin Bailey made comments in favor of the motion.

Mayor Pro Tem Liddiard called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance allowing impact fee waivers for commercial use.

Mayor Pro Tem Liddiard stated the City Council finds it is in the public interest to encourage development of commercial businesses within Eagle Mountain City. One incentive for commercial businesses would be the waiver of impact fees under certain circumstances. The proposed ordinance details those provisions. He explained that a similar ordinance was previously approved; however, that ordinance had a sunset clause that has run its time.

Councilmember Blackburn **moved** to approve Ordinance 18-2005 allowing impact fee waivers for commercial use including planning department review fees and site plan review fees. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Antelope Bench.

This item was removed from the agenda at the request of the applicant.

ORDINANCE – Consideration and approval of an ordinance amending the Sign Regulations for Eagle Mountain City.

Planning Director Adam Lenhard stated that the City has approved Directional Off-Premise ladder signs located on the shoulder of the City's right-of-way along streets classified as arterials or collectors. The purpose of these signs is to direct people to the model homes of builders within the City. This ordinance amendment will allow alternative logos at the top of ladder signs to be approved by the City Council.

Mr. Lenhard explained The Ranches Home Owners Association expressed concern with maintaining their identity in their respective areas.

Councilmember Blackburn **moved** to approve an ordinance amending the Sign Regulations for Eagle Mountain City. Motion **failed** for lack of a second.

PURCHASE OF LOTS IN KENNEKUK SUBDIVISION – Consideration of the purchase of Lot 41 and Lot 42 in Kennekuk Subdivision for park space.

This item was removed from the agenda at the request of the applicant.

MOTION – Consideration of compensation plan for the Office of Mayor and setting a public hearing for August 16, 2005 at 7:00 p.m. to amend the compensation schedule for the Office of Mayor.

Mayor Pro Tem Liddiard called for a motion to hold a public hearing.

Councilmember Blackburn questioned at what point the job description of the mayor would be established.

City Attorney Jerry Kinghorn stated that the expectations were in the compensation ordinance passed in June. Mr. Kinghorn explained that if the City Council wanted to amend the ordinance it would require a public hearing.

Councilmember Blackburn **moved** to set a public hearing for August 16, 2005 at 7:00 p.m. to amend the compensation schedule for the Office of Mayor including a job description and mayor's duties. Councilmember Sloan **seconded** the motion.

Councilmember Olsen stated he objects to this proposal. He is not in favor of micromanaging whoever serves as mayor as the City Council has the right to amend the salary compensation package at any time.

Councilmember Strouse stated that she agrees with Councilmember Olsen.

Councilmember Blackburn explained this is not an issue of micromanaging a mayor. He feels this will ensure that the funds used to pay for the compensation package are used wisely. He also clarified that any vehicular reimbursement would have to come from the \$70,000 allotted.

Mr. Hillman explained that a public hearing can be held at any time to adjust the mayoral compensation package.

Councilmember Strouse stated that she feels micromanaging the mayor is not appropriate.

Councilmember Blackburn stated that he would like additional discussion on this proposal.

Councilmember Sloan stated that she agrees with the compensation ordinance as it was passed in June.

Mr. Chris Hillman asked Jerry Kinghorn if expense reimbursement is included in the previously approved compensation.

Mr. Kinghorn explained the statute requires the compensation for the elected officials be set by the City Council. It would be the Council's decision to provide a separate reimbursement fund to not exceed a set amount. Currently, what is allowed for expense reimbursements, salary and benefits could not exceed \$70,000.

Mayor Pro Tem Liddiard called for a vote on the motion. Those voting aye: David Blackburn and Vincent Liddiard. Those voting nay: Brian Olsen, Janiece Sloan and Linn Strouse. Motion **failed** for lack of a majority vote, 2:3.

MOTION – Consideration and selection of a candidate to serve the unexpired term created by the resignation of Mayor Kelvin Bailey.

The resignation of Mayor Kelvin E. Bailey was effective June 30, 2005 at 5:00 p.m. A Notice of Vacancy was published in the Daily Herald which set a deadline for submitting statements of interest as well as a meeting date and time to fill the vacancy. The deadline to submit statements of interest was August 1, 2005 at 5:00 p.m. The person appointed to the Office of Mayor will serve the unexpired remaining term of office ending January 2, 2006 at noon. Mayor Pro Tem Liddiard recognized Kelvin Bailey for his service as Mayor.

Mayor Pro Tem Liddiard stated that the City has an excellent Staff that keep things going, that put their heart into the City and do a lot of good for the City. He expressed appreciation for the brief time he has conducted the mayoral duties as Mayor Pro Tem and acknowledged it has taken a great deal of time and thought. He recognized there have been frustrations under his charge, however he worked in the manner which he felt was the most appropriate. His indicated Councilmembers Sloan and Strouse have expressed some displeasure and that they will need to come prepared and do their homework in the future if they want to exercise their opinions in an appropriate way.

Mayor Pro Tem Liddiard then stated they would move forward to select a person to be appointed to the serve the unexpired remaining term of office for Kelvin Bailey. He noted two applicants submitted letters of interest and will be considered in alphabetical order. He stated each applicant will have 12 minutes to introduce themselves and present their qualifications and answer Council's questions.

He then invited Chad Larsen to introduce himself.

Mr. Larsen introduced himself to the City Council and stated that he is looking to serve the community and boost community spirit and volunteerism in Eagle Mountain City. He stated that he would plan on keeping his fulltime job and dedicate 10-25 hours to mayoral duties; he would not accept the full salary. He stated that he understands the original vision of Eagle Mountain City and explained what he believes

that to be. Mr. Larsen explained his schedule has been flexible and he believes he will be able to fulfill the duties of mayor.

Councilmember Olsen stated that he appreciates the applicants' willingness to serve. He stated that he is concerned with the time commitments of Mr. Larsen because as a member of the City Council he would expect the mayor to work forty hours and to be available.

Mr. Larsen stated he doesn't know if this is a fulltime position.

Mayor Pro Tem Liddiard invited David Lifferth to introduce himself to the City Council.

Mr. Lifferth introduced himself and stated that he would like to be considered for the interim mayor. He stated that he feels that if appointed he will serve as a caretaker for the interim. He believes in smaller and limited government, an open and accountable government. He stated that he has a great deal of respect for the City Staff and their accomplishments. Mr. Lifferth stated he plans to serve a 40 hour week if appointed. He noted he is running for City Council and stated that he plans to run an effective campaign for City Councilmember. He explained his style of leadership and management.

Councilmember Olsen commended Mr. Lifferth for his willingness to serve.

City Attorney Jerry Kinghorn recommended that the City Council would entertain a motion to appoint a certain individual.

Mayor Pro Tem Liddiard stated that he would call for a motion in the reverse order of the presentations. He asked for a motion to appoint Dave Lifferth as the interim mayor.

Councilmember Strouse **moved** to appoint Dave Lifferth as the interim mayor. Councilmember Sloan **seconded** the motion.

The City Council expressed their gratitude to Mr. Larsen and Mr. Lifferth for their willingness to serve their community.

Mayor Pro Tem Vincent Liddiard called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

City Recorder Gina Peterson administered the Oath of Office to Mr. Lifferth.

## **ADJOURNMENT**

As his first official action, Mayor David Lifferth moved to adjourn the meeting at 8:53 p.m.

*Minutes approved September 6, 2005.*