

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JULY 18, 2012 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE.

Mayor and Council Members Present: Mayor Brent Marshall and Council Members Mike Johnson, Tom Tripp, Scott Stice, Mike Colson and Neil Critchlow.

Appointed Officers and Employees Present: City Attorney Joel Linares, Police Chief Kevin Turner, Court Clerk Jolene Sturzenegger and City Recorder Rachel Wright.

Citizens and Guests Present: Colleen Brunson, Kent Liddiard, Gary Fawson, Janet Fawson, Clint Dilley and Debra Hall.

Mayor Marshall asked Chief Turner to lead the audience in the Pledge of Allegiance.

Clint Dilley from Epic Engineering was present and asked to address the Mayor and City Council to introduce his engineering company. He stated that his company is going to submit a proposal for the engineering projects that are out for bid. He stated that they are a municipal focused engineering firm. He commented that he is familiar with the area. He stated they have accomplished work for many cities.

PUBLIC HEARING:

- a. Proposed minor subdivision of 154 acres of property for Gary and Janet Fawson to divide four lots from one lot located at the corner of Clay and Race Streets and is in the RR-1 zone.**

Mayor Marshall opened the public hearing to receive comments on the proposed minor subdivision. No comments were offered and the Mayor closed the public hearing.

- b. Proposed rezoning for C. Blaine Curtis, DDS at 24 North Hale Street to rezone .22 of an acre of property from an RM-7 zone to a CS zone for the purpose of using the land as a parking lot for the dental office to the south.**

Mayor Marshall opened the public hearing to receive comments on the proposed rezoning. No comments were offered and the Mayor closed the public hearing.

- c. Proposed amendment to Chapter 16 Use Table to add the use of parking lots in all commercial zones as "CA" (conditional use approved by zoning administrator).**

Mayor Marshall opened the public hearing to receive comments on the proposed amendment to Chapter 16 Use Table. No comments were offered and the Mayor closed the public hearing.

Approved

- d. **Proposed amendment to Chapter 4.32 of the Grantsville City Land Use Management and Development Code removing an exception to the requirement that overhead utility lines be prohibited.**

Mayor Marshall opened the public hearing to receive comments on the proposed amendment to Chapter 4.32 of the Grantsville Land Use Management and Development Code. No comments were offered and the Mayor closed the public hearing.

AGENDA:

1. Summary Action Items:

- a. Approval of Minutes of the June 6, 2012 City Council Meeting.
- b. Approval of Bills in the sum of \$357,472.76.
- c. Personnel Matters: approval of revised job descriptions for the Treasurer and Zoning Administrator.

Councilman Tripp commented that the minutes needed to be corrected to state May not April in the approval of minutes. He also stated that there needs to be a question mark after Mr. Riches comment at the top of page 2 where it says 'research flawless'.

Motion: Councilman Colson made a motion to approve the summary action items with the correction to the minutes as noted. Councilman Johnson seconded the motion. Councilman Tripp abstained from voting on the approval of the minutes. All voted in favor and the motion carried.

2. Discussion of proposed concept plan for TP Grantsville LLC to divide 46 lots on the southern end of Anderson Ranch Phase 4A, to be known as Anderson Ranch Phase 5, in the R-1-21 zone.

Welles Cannon was present representing TP Grantsville, LLC. Mayor Marshall stated that in the drawing there looks to be a module on the property. Mr. Cannon stated that there aren't any buildings currently on the property. Mayor Marshall commented that there are some questions regarding the temporary road. He stated that if utilities are not going to be ran then the road should be a permanent road. Mr. Cannon commented that it is difficult to know where to locate the road. Councilman Colson asked Mr. Cannon if he wanted to put in 46 lots before making the road permanent. Mr. Cannon stated yes. Councilman Johnson stated he feels the road should be made permanent before that. Mayor Marshall stated that the City needs to be able to maintain the road and emergency vehicles need to be able to utilize the road. Councilman Johnson asked about the size of the road. Mr. Cannon commented that the road is 20 feet with 8" of gravel which was suggested by the City's Public Works Director Joel Kertamus. Mr. Cannon stated the issue is being unsure where to locate the road. He stated that they would like to keep the cost as low as possible and have the road serve its purpose. Councilman Tripp stated that his concern is that Nygreen is projected as a collector road. Councilman Johnson stated that he does not want to see 46 lots without a permanent road. Mr. Cannon stated that the subdivision is divided into 2 phases, 5A and 5B. Councilman Colson suggested allowing Phase 5A to be developed which has 23 lots then when the developer comes back to develop Phase 5B decide on the permanent road placement. All the Council agreed with Councilman Colson's suggestion.

3. Consideration of renewing lease agreement with Ken Goodworth for Ken's Gymnastics.

Debra Hall was present representing Ken's Gymnastics. She stated that they would like to request the same contract as last year with the contract ending in June and lasting for 1 year. Councilman Johnson stated that there was an issue last year with the waterlines freezing. He suggested adding that the City is not liable for broken waterlines due to water freezing the pipes. Ms. Hall stated that the keys need to be turned back in or rekeyed. She stated they have had issues with security. Councilman Johnson remarked that he believes that security should be Ken's Gymnastics' responsibility. Councilman Johnson suggested the City rekeying the building and Ken's Gymnastics responsible for the security of the building.

Motion: Councilman Johnson made a motion to approve the lease agreement with Ken's Gymnastics including that the City will rekey the building and Ken's Gymnastics will be responsible for the security system. Councilman Critchlow seconded the motion. All voted in favor and the motion carried.

4. Consideration of approval of Justice Court Bailiff position.

Police Chief Kevin Turner was present and addressed the Mayor and City Council. He stated that the Court Bailiff is a part-time position and the School Resource Officer (SRO) is a full-time position. He stated he would like to trade the Court Bailiff to full-time and the SRO position to a part-time, seasonal position. He commented that the SRO position would just be for the school year, but eventually he would like to see the position be full-time where they would be the SRO during the school year and work patrol the remaining portion of the year. He stated that he renegotiated the Tooele County School District SRO contract from \$30,238.00 to \$51,000.00. He commented that the Bailiff position would focus on taking care of the Court and taking care of warrants. He stated that the full-time officer would act as the court bailiff and provide an additional 2 plus days of service to the City to assist with investigations, evidence processing and the service of arrest warrants. He remarked that there are currently 392 active arrest warrants totaling \$252,200.00. He commented that looking at very conservative figures at 5%-10% the recovery rate would produce an additional \$12,000.00 to \$25,000.00 of revenue. He remarked that outside of Tooele County majority of the agencies will not transport a person with a warrant. He commented that a warrant officer will be able to respond to the warrant violation. He stated with the limited police force the City currently is unable to respond to the warrant violation. He stated that based on his experience on average a warrant officer will recover 23% of warrants. Councilman Johnson asked what if a person doesn't have the money to pay. Chief Turner stated their option is to pay or go to jail. Attorney Linares stated that majority of the people will find the money because they do not want to go to jail. Councilman Tripp asked about the timeline for warrants to drop off. Court Clerk Jolene Sturzenegger stated that warrants can stay on the system for 50 years. Chief Turner commented that a warrant officer will benefit the people as well because it will provide a way to facilitate paying a fine without being arrested. Attorney Linares commented that other cities have a warrants officer that can collect a fine onsite and it works great. He stated people come up with the money so they do not have to go to jail. He commented that the conservative projection is 1 warrant every 2 weeks which is very conservative. Chief Turner commented that figuring 5% recovery would create a surplus of \$6,040.00 a year. Councilman Johnson suggested approving with looking at the numbers in one year to verify figures.

Motion: Councilman Colson made a motion to approve a full-time Justice Court Bailiff/Warrants Officer with a review of the warrant recovery figures in 12 months. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

5. Consideration of approval of School Resource Officer.

Councilman Critchlow commented that the school year is 180 days. He asked what the remaining hours were being used for. Chief Turner stated that he added a week prior to school and a week after school to give the SRO the opportunity to meet the administrators and teachers as well as be present during the registration process. Chief Turner stated that during school breaks the SRO will assist the police department with patrol, investigations and warrants. He commented having a SRO is an essential position that will provide a professional police service to the City's schools. He remarked that the SRO position will provide a full service to the schools. He stated the SRO officer would make home visits and assist DCFS. He commented that if a student is having problems at home it will affect their school work. Chief Turner stated that the Tooele County School District agreed to increase the SRO amount to have a full time officer for coverage of the school year. Councilman Johnson asked if the school district requires a SRO officer for the summer program. Chief Turner commented that currently there is not a policy from the school district to have a SRO officer at summer school. Councilman Stice asked if Chief Turner would like to see the SRO officer be a full-time position. Chief Turner stated yes, but it is not currently in the budget. He stated switching the SRO position and Court Bailiff positions are a wash according to the budget. He stated that if the warrant officer collected a minimum of 14% of outstanding warrants then it would more than pay for a full-time SRO officer. He stated the difference in funding for a SRO officer for 10 weeks versus a full-time officer is \$13,800.00. Mayor Marshall stated that there are certain benefits the City pays and if the employee is not full-time then the employee loses and so does the City, no one recovers the money paid. Councilman Stice commented that it will be difficult to keep an employee. He stated no one is going to want to work for 9 months and stick around. Attorney Linares commented another problem is if the employee needs health benefits and has a break in coverage they cannot get back into the healthcare program. Councilman Colson commented that if the warrants officer does their job the funding will be available. Councilman Johnson agreed it is not fair to the person in the SRO position to only work 9 months. Councilman Tripp stated the SRO officer could help recover warrants and help with time off during the summer.

Motion: Councilman Tripp made a motion to approve a full-time school resource officer for the school year and will fill in for other duties as determined by the Chief of Police the remaining portion of the year with a review of the position at the end of the fiscal year. Councilman Stice seconded the motion. All voted in favor and the motion carried.

6. Consideration of Resolution 2012-06 amending the policies and procedures police officer schedule.

Mayor Marshall stated that amendments to the policies and procedures must be approved by City Council. Chief Turner stated that he would like to change the current patrol shift schedule from a 10 hour shift to an 11 hour shift, allowing for one 6 hour scheduled training day every 28 days. He commented that the change in schedule will impact the overtime budget a lot. He commented that an officer will not work more than 3 days in a row. He stated that it will cut down on leave and sick time. He stated that the schedule puts the employee working the amount of hours a full-time employee should. He commented that currently each officer is receiving 130 hours of paid holiday time, the shift schedule

change would reduce the paid holiday time to 96 hours putting police personnel on the same compensation level as the other full-time city employees.

Motion: Councilman Johnson made a motion to approve Resolution 2012-06, a resolution amending the policies and procedures police officer schedule. Councilman Colson seconded the motion. All voted in favor and the motion carried.

7. Consideration of Resolution 2012-07 approving policies and procedures to allow for a merit based pay system based upon employee performance, removing longevity caps, allowing all employees to advance.

Mayor Marshall commented that there have been many discussions regarding a merit system during the last two budget sessions. He stated that the new policy is very workable. He stated that if the resolution is approved a meeting will be set up to explain the policy to all the employees. Councilman Stice asked if the employees have a policies and procedure manual. Mayor Marshall remarked that the policies and procedures are available to all employees. He stated at the meeting the employees will be given a copy of the resolution. Councilman Johnson questioned if the department heads will be responsible to come to the Mayor. Mayor Marshall stated yes. He stated that performance evaluations will be completed by the department heads. Attorney Linares stated that the evaluations will be given to human resources. He stated that the resolution eliminates longevity and cost of living increases. Councilman Stice asked who will be responsible that the department heads are reviewed. Attorney Linares stated it will be the Mayor's responsibility. Councilman Tripp commented that the policy indicates that every 3 years a survey is done regarding wages he stated he does not recall this ever being done. He remarked it is a good time to revitalize. Attorney Linares stated that a department head can give up to a 3% increase anything over 3% must be approved by the City Council. Councilman Stice commented that 4C does not address what successful is, he suggested referencing to the definition of successful. Councilman Tripp asked for a revision of 4C to take out 'is' and replace with 'are'. He asked for it to read 'employees whose performances are rated less than successful'.

Motion: Councilman Stice made a motion to approve with the requested revisions Resolution 2012-07, a resolution approving policies and procedures to allow for a merit based pay system based upon employee performance, removing longevity caps, allowing all employees to advance. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

8. Consideration of Resolution 2012-08 approving policies and procedures to allow for a merit based pay system based upon employee performance, providing the procedural process for employee performance reviews.

Attorney Linares stated that the resolution makes few changes. He stated that the changes include making the reviews due November 1st and May 1st instead of being due accomplished on the employee's anniversary date. He stated that the November review is for corrective actions. Mayor Marshall asked for 5B(2) be changed to an annual review for the department heads instead of a biannual review. Councilman Tripp commented that in the resolution Section XIV needed to be changed to read Section XII. Councilman Tripp suggested removing Satisfactory from the performance ratings. He commented that satisfactory has a negative connotation. Councilman Colson suggested striking out 'un' in 4A(2). Councilman Tripp expressed concern with making all appraisals due November and May. He

commented he does not see it practical by nature. He stated it will make it difficult on department heads that have multiple employees. Attorney Linares commented that they just need to be accomplished by those dates, the department heads can conduct the evaluations anytime before. Councilman Tripp suggested replacing the wording biannual to semiannual. Councilman Tripp stated that at his work he always shows his employee reviews to his boss to give a measure of protection. Councilman Stice stated they run their reviews by human resources. Mayor Marshall stated that all reviews will come before the Council. Attorney Linares commented that the evaluations cannot get out. Councilman Stice suggested that the evaluations never leave the City and for the Council to review the evaluations at City Hall.

Motion: Councilman Stice made a motion to approve with the requested changes Resolution 2012-08, a resolution approving policies and procedures to allow for a merit based pay system based upon employee performance, providing the procedural process for employee performance reviews. Councilman Colson seconded the motion. All voted in favor and the motion carried.

9. Consideration of Resolution 2012-09 approving policies and procedures to allow for due process and consistency in employees classification and compensation through clarification in employee status and policies and procedures regarding a credit garnishment order.

Mayor Marshall commented that when the City receives a garnishment it takes a considerable amount of time and paperwork to complete. Attorney Linares stated that a person cannot be terminated for child support. He stated that the resolution is solely credit related. Mayor Marshall stated that by law the City cannot take disciplinary action for 1 garnishment, but can for 2 garnishments. Councilman Tripp stated that Section 5 talks about compensatory time. He commented that majority of employers give 1 for 1. Councilman Tripp asked about a tardy program. Mayor Marshall commented that it needs to be reviewed and changed. He stated that currently an employee is not tardy until after 30 minutes. Councilman Tripp suggested adding that the law enforcement schedule needs to be approved by the Mayor and City Council as well.

Motion: Councilman Stice made a motion to approve with the requested changes Resolution 2012-09, a resolution approving policies and procedures to allow for due process and consistency in employees classification and compensation through clarification in employee status and policies and procedures regarding a credit garnishment order. Councilman Johnson seconded the motion. All voted in favor and the motion carries.

10. Consideration of Resolution 2012-10 approving a policy to discharge an employee that is subject to multiple credit garnishment orders, adding the necessary due process requirements to the personnel policies and procedures manual.

Mayor Marshall commented that Resolution 2012-10 goes along with Resolution 2012-09. He stated that it gives consideration to terminate an employee for multiple garnishments. Councilman Johnson asked how other cities deal with garnishments. Attorney Linares commented he could not find a policy from another city concerning garnishments. Councilman Johnson asked if it is a mandatory termination. Attorney Linares stated no it is dependent on the circumstances. Councilman Tripp suggested making disciplinary tiers so it makes it easier for an employee to weigh their actions.

Motion: Councilman Stice made a motion to approve Resolution 2012-10, a resolution approving a policy to discharge an employee that is subject to multiple credit garnishment orders, adding the necessary due process requirements to the personnel policies and procedures manual. Tripp seconded the motion. All voted in favor and the motion carried.

11. Consideration of Ordinance No. 2012-11 amending Chapter 4.32 of the Grantville City Land Use Management and Development Code removing an exception to the requirement that overhead utility lines be prohibited.

Mayor Marshall stated that the ordinance went through the Planning Commission. He commented that an appeal could still be pursued through the City Council. Councilman Stice commented it is important to have an appeal procedure. Councilman Stice inquired if the requirement is for new construction only. Attorney Linares stated yes it is for new construction or residences.

Motion: Councilman Stice made a motion to approve Ordinance No. 2012-11, an ordinance amending Chapter 4.32 of the Grantville City Land Use Management and Development Code removing an exception to the requirement that overhead utility lines be prohibited. Councilman Critchlow seconded the motion. All voted in favor and the motion carried.

12. Consideration of library construction issues.

Mayor Marshall stated that the City received some pricing from the contractor and the architect. He stated that the staff restroom bid came in at \$10,127.00 which is higher than the original bid. He stated that he may have them put in a door and ceiling fan then the City can finish the restroom when Interwest is finished. He stated the conduit for a security system came in at \$7,653.00. All Council agreed this amount was very high for only conduit to be run. He stated that the additional fire alarm pull came in at \$470.00. He remarked that the architect is recommending approving a VaproShield which is a wrap for the building that will give it extra protection and will extend the life of the building. He stated the price is \$6,333.00. Mayor Marshall stated that the architect's fee for drawings for an electrical key system came back at \$2,400.00 then Interwest would put together a cost. He expressed concern what Interwest's price would be because past experience has shown that their pricing is typically high. He stated he talked to the Police Chief regarding their key lock. He stated that their system is programmable and the cost was under \$500.00. Councilman Stice commented that the City does not want to experience a similar situation as with Ken's Gymnastics regarding keys. He stated we want to track who is using the library. Councilman Colson commented that if the City could get a credit for the locks it could be put towards a key code system later.

13. Mayor and Council Reports.

Councilman Stice commented that Councilman Tripp's name needs to be added to the website and Councilman Vera's removed. He stated that the minutes needed to be updated on the website as well.

Councilman Critchlow commented that the Planning Commission meeting went well. He stated that the 4th of July flag raising program was very nice and the park events were wonderful.

Approved

Councilman Tripp commented that the flag raising was very well done and expressed appreciation to all those involved with the 4th of July. He commented that he heard a lot of positive comments on the fireworks timing. He stated that the awning at the fire station needs some soffit to keep the birds out. Mayor Marshall stated that he has a person coming to take care of the issue.

Councilman Colson agreed with Councilman Tripp regarding the fireworks. He stated that he heard a lot of people say that they really liked the fireworks being spaced out and was told that they were the best that they had seen in years.

14. Adjourn.

Motion: Councilman Stice made a motion to adjourn. Councilman Colson seconded the motion. All voted in favor and the meeting officially adjourned at 9:23 p.m.