

Approved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON JANUARY 2, 2013 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, Mike Colson, Tom Tripp, Scott Stice, and Neil Critchlow.

**Appointed Officers and Employees Present:** City Attorney Joel Linares, Judge Darold Butcher, Chief Kevin Turner, Jolene Sturzenegger, Nancy Carter, Linamarie Johnson and Deputy City Recorder Christine Webb.

**Citizens and Guests Present:** Kent Liddiard, Colleen Brunson, Joshua Moody, Rebekah Whitelock and Lisa Christensen.

Mayor Marshall asked Judge Butcher to lead the audience in the pledge.

**AGENDA:**

**1. Youth Awards.**

The following students were recognized for their accomplishments and were awarded certificates and gifts by the Mayor and City Council:

- Courtney Jorgensen
- Reannon Justice
- Burke Boman
- Halle Cooper
- Laura Sandberg

Mayor Marshall requested that the agenda be adjusted to allow Fire Chief Brett Anderson to report to the City Council and leave for work.

**2. Report from Fire Chief.**

Fire Chief Anderson stated the Fire Department Officers have not changed for the year 2013. Neil Bell will continue to be the first assistant, Casey Phillips the second assistant and Rob Critchlow the secretary. Chief Anderson reported in 2012 they responded to 501 calls, added one new member and they will have new elections next week to fill some vacancies. He stated the fire department worked with the police department to organize the bicycle rodeo at the elementary school. The fire department held a safety awards night at the fire station and coordinated with Grantsville Junior High School to train the seventh graders in CPR. They organized the fire prevention program with the water days for Willow Elementary and Grantsville Elementary Schools during spring and educational assemblies in the fall in connection with National Fire Prevention Month. Chief Anderson reported that as part of their fire prevention efforts on the 4<sup>th</sup> of July, they asked elementary teachers to choose a student from each class to be recognized. The students were picked up from their home, served breakfast at the fire station and were able to ride on a fire truck in the parade. Chief Anderson announced they did not have any fires caused by fireworks in 2012 which he stated was commendable for the citizens of Grantsville. The department has provided fire truck rides for military personnel as they return from service and local teams and others as they have come back into town. Fire Chief Anderson described the fireworks shows they put on this

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year for the high school football games. He also reported the fire department provided the fireworks shows at the Deseret Peak Complex and Grantsville on the 4<sup>th</sup> of July. The Honor Guard participated in flag raising ceremonies for Memorial Day, Grantsville High School graduation, Grantsville City's 4<sup>th</sup> of July, Stockton Days, University of Utah Burn Camp and the State Fire Marshals Association Memorial Service. Fire Chief Anderson stated training for the fire department in 2012 has included an EMT class, a pump training class and a red card class which is a wild land certification. He reported at the Utah State Firemen's Convention we had someone in each and every class that was offered. The new fire truck is here. This year the fire department received a grant from the State of Utah for a promethean board for the training of members and has let the Police Officer's use it as well. He reported that ten members have been safely outfitted with new turnouts to be in compliance with NFPA standards. In accordance with the Bunker Replacement Plan put into place with the City a year ago they are also tracking the age of all of the turnouts so they do not fall behind on the regulations. The department purchased a new thermal imager to help efficiently fight fires and to locate anyone who might be trapped in a building fire. They purchased two CO2 monitors to replace outdated monitors that did not work properly. He reported the fire department has responded to more carbon monoxide calls and have been able to more efficiently detect those levels in homes. The fire department assisted on four different missing children searches in our community. For the Christmas season Academy Square was decorated with a light display, the fire department brought Santa to town in the Santa parade and participated in the City's first light parade. The Lady's Auxiliary made quilts, painting kits, activity bags for burn camp and did a winter coat, boot and food drive for local families in need. They have provided food and water for fire fighters when they have been on pumps. Fire Chief Anderson thanked the City Council for their support and asked if they had any questions.

Councilman Colson asked how the 501 responses from the year compared to the previous year. Chief Anderson stated he believed it was about eight more, however, the upcoming year may be less as the fire department will not be responding to all medical calls as they used to.

Councilman Tripp inquired how many structure and wildfire calls were responded to this year as opposed to the year before. Rob Critchlow stated there was about a 70/30 split. Councilman Tripp commented the Department of Health had commended the Grantsville Fire Department on their help with the CPR classes for the Junior High students.

Mayor Marshall excused the representatives from the fire department and welcomed Scout Troop 1706.

### 3. Summary Action Items:

- a. Approval of Minutes of the December 5, 2012 Work Meeting, the December 5, 2012 and December 19, 2012 City Council meeting.
- b. Approval of Bills in the sum of \$315,377.80.
- c. Personnel Matters. Approval of Clerk II – Legal Administrative Assistant position description and Grantsville City Recorder position description.

Mayor Marshall asked that the Personnel Matters be addressed after the closed session.

Councilman Tripp requested a change on the minutes from December 5, item 6 to state "Ryan stated that they did not want one City to be dominant they want the Cities to be on an equal playing field."

**Motion:** Councilman Stice made a motion to approve the summary action items with the correction requested from Councilman Tripp. Councilman Critchlow seconded the motion. All voted in favor and the motion carried.

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**4. Consideration of Ordinance 2013-01 restricting the use or discharge of fireworks within certain areas of Grantsville City due to drought conditions and/or the existence of dry vegetation and restricting use to certain times of the year to reduce the risk of fire.**

Mayor Marshall explained this ordinance modified an existing ordinance that was not in agreement with the areas where fireworks are allowed. He stated these modifications will help law enforcement control where fireworks are lit.

Councilman Critchlow expressed the need to have a clause to impose restrictions in extreme drought situations. Attorney Linares explained the ordinance states “The Grantsville City Fire Marshal shall have the authority to place the following restrictions on firework acquisition and use based on his findings that safety so requires.” He will amend it to read, “The Grantsville City Fire Marshal shall ... acquisition and use, and any other restrictions, if any, he determines necessary and use based on his findings that safety so requires.”

Councilman Johnson suggested providing a map for citizens. Attorney Linares stated the City does have a map which has the areas diagramed and marked. He thought a copy of the map had been provided to the Council but had not. Councilman Critchlow suggested placing the map in the newspaper.

Mayor Marshall explained the main area is the interior of the City and precludes any of the exterior of the City less the interior of South Willow Estates and Anderson Ranch. Councilman Stice inquired on a neighborhood at the east end of Clark Street which is not listed with the others and suggested making a determination to either include or exclude it.

Councilman Tripp asked about areas where little kids might want to light something in their driveway. Attorney Linares stated the fire marshal is given deference to declare restrictions and during a year without drought conditions there will be no restrictions. Councilman Tripp proposed adding a statement of other areas being restricted or allowed at the discretion of the fire marshal to level the flexibility. Attorney Linares explained the ordinance states the fire marshal has “the authority to place the following restrictions”; if he doesn’t take any action, then there will be no restrictions. Attorney Linares stated the original ordinance was adopted in 2002 which was a very dry year and the new ordinance was being presented for clarification purposes.

Fire Marshal Kent Liddiard stated that according to the state fireworks statute, the City can determine the size of the area allowing fireworks but we must provide some space. He explained the City could restrict the area to the City Park if conditions warrant. In his opinion, this ordinance is in compliance with state law.

**Motion:** Councilman Tripp made a motion to adopt Ordinance 2013- 01 with the amendment proposed by Councilman Critchlow. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

**5. Consideration of Ordinance 2013-02 creating a fee schedule allowing criminal defendants to be ordered to pay transportation fees.**

Mayor Marshall stated currently when someone is transported from any other jail to the County jail or to the Grantsville Justice Court, the City pays for the associated costs. He has met with Judge Butcher, Tooele County transportation officers, the County Commissioners and attorneys to discuss transferring those costs to the inmates being transported. He explained the Judge can order a defendant to pay restitution for those transport fees.

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Councilman Stice asked Chief Turner how often this is taking place. Chief Turner stated approximately two - three times a month minimum from outside of the county but almost weekly within the county. Attorney Linares explained we cannot charge them for transport unless it is from outside of the county. He stated this would only apply to defendants being arrested on warrants outside of the jurisdiction, held in another jail and being transported to our jail to be detained to come to court. He explained this is not going to happen to the average person who forgot to pay their speeding ticket. This will affect someone with serious charges, has either been sentenced and has failed to comply or is failing to show for court all together. The impact will only be to those warranting such fees.

Councilman Johnson inquired what the chance is of actually collecting. Attorney Linares stated the way we process fines and fees in our court is restitution is paid first with victim restitution paid first. Judge Butcher added Salt Lake Metro is now honoring our warrants because they know someone will be picking them up and transporting them. Chief Turner stated this is a fee schedule set by the state most cities are doing this and we are just trying to catch up and get on board. Attorney Linares explained under the state law if the mileage is less than 100 miles we could charge up to 100 miles, if it is less than 200 miles we could charge up to 200 miles, etc. We are nowhere near that for the Davis County Jail we could charge 200 miles but we are at 106. This fee schedule is based on Google map distances and travel times, took the IRS rate for the mileage and took the hourly rate of the lowest paid officer to calculate the actual cost to the City for that transport. We are not using this as a punishment just merely trying to recoup the cost placed on the City.

Attorney Linares addressed the wording of C and the amendment he plans to make. It states, "shall be assessed the administrative cost". He will change that to read "shall be assessed the actual cost". Councilman Tripp questioned the statement in B that restitution shall apply to each defendant. Attorney Linares stated the state law specifically addresses that and they may be charges per person and not per trip. He said it is not very common that we transport more than one but the state law does state that each individual may be charged.

Councilman Colson asked about section 2 C and the legality of charging for an ADA transport. Attorney Linares explained that the City would incur the cost of providing an ADA vehicle for transport. Attorney Linares stated the fees cannot be assessed prior to sentencing.

**Motion:** Councilman Johnson made a motion to adopt Ordinance 2013-02 with the amendment discussed. Councilman Colson seconded the motion. All voted in favor and the motion carried.

**6. Consideration of Resolution 2013-01 creating a Board of Directors for the Grantsville City Library outlining the duties, powers and requirements of service to include the number of members, terms, procedures, requirements, appointment and compensation of the Board.**

The Council suggested having Councilman Tripp walk through his suggested changes. Councilman Tripp stated he felt a five (5) member board may be better than a seven (7) member board. Councilman Critchlow explained by having a seven member board there may be better representation from all areas of the City. A vote was taken. Councilmen Johnson, Stice and Tripp voted for a five member board.

Councilman Tripp explained his preference to have appointees draw lots to determine the initial length of terms. The Council decided with a five member board the initial appointments will be for one - one (1) year long term, two - two (2) year terms and two - three (3) year terms with lots to determine who gets which term.

Councilman Tripp suggested the chairman be an annual term and be elected by the board. Councilman Stice suggested no more than a total three year term.

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Councilman Tripp suggested allowing the board to determine their meeting time. It was decided not to limit the number of meetings the board may have, however, they are required to have a minimum of one meeting per quarter. The Board is required to abide by State Law regarding public notices.

Attorney Linares stated the City Council is essentially creating a new department with the library and the library director will be a department head. As such the director will be required to attend department head meetings and report to the City Council. Councilman Stice asked for clarification on communication with the City Council. The statement will be "Provide other communication to the City Council as the Board determines."

The City Council discussed the development of a mission statement or a use plan. Councilman Tripp stated he would like to have the mission statement approved by the City Council. Mayor Marshall proposed having a mission statement ready to be approved at the next City Council meeting. Linamarie Johnson stated she has been working on a mission statement for the library and would forward it to Mayor Marshall and the City Council for review.

**Motion:** Councilman Tripp made a motion to adopt Resolution 2013-01, a resolution outlining the creation of the Grantsville City Library Board of Directors and outlining the duties, powers and requirements of the Board with the changes discussed. The motion was seconded by Councilman Stice. All voted in favor and the motion carried.

Attorney Linares stated he would email the resolution with the changes to the City Council for their review prior to the Mayor signing it.

#### **7. Consideration of hiring a police officer.**

Chief Turner addressed the City Council. He stated this is a request on a personnel matter for a replacement position. The retirement of Officer Dave Aagard left a position open. The Grantsville Police Department currently has an active hiring roster. Chief Turner stated he would like to offer the full-time position to Officer Josh Moody who is next on their hiring list. Chief Turner provided the City Council with a brief background. Chief Turner reported Officer Moody was selected due to passing a background check and has provided dedicated service to the department as a reserve officer and intern; he is an army veteran and has served as a reserve officer for the last year. Josh also completed a college internship with the Grantsville City Police Department and worked an additional 300 plus hours during the last twelve (12) months. Josh and his wife currently reside in Grantsville and Chief Turner stated he felt Josh would be a valued addition to our police department.

Officer Moody was available and answered all questions from the City Council. Attorney Linares stated the consideration is for the expenditure not necessarily to approve the officer.

**Motion:** Councilman Colson made a motion to approve the hiring of an officer at \$17.24 per hour as submitted by Chief Turner. Councilman Critchlow seconded the motion. All voted in favor and the motion carried.

#### **8. Report from Chief of Police.**

Chief Turner reviewed some of the accomplishments and updates of the Grantsville Police Department for 2012. Chief Turner reported monthly dispatch meetings are attended where problem solving takes place to improve an important lifeline between citizens and emergency services. An inventory and assessment of the current SWAT Team have been conducted and improvements have been made, equipment has been purchased or donated and standard training for the SWAT Team has been implemented. The police department has implemented a regular training day each month which has helped update all officers' certification.

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Chief Turner stated with a restructuring of our vehicle purchase plan we were able to lease several new vehicles at a lower cost than a single purchase. By implementing this program we were able to reduce our aging vehicle fleet maintenance costs and save money. The leased vehicles are basically paying for themselves.

Chief Turner reported the current figures show a 240% increase in arrests; a 35% increase in crime reports; and a 38% increase in citations over the prior 18 months averages. He also stated our warrant numbers to date show: \$5,932.00 cash bail collected and \$99,022.00 values of warrants booked into jail. The Chief explained they have replaced outdated technology and procedures which was accomplished at minimal cost and reduced the need for office supplies and resources.

Chief Turner stated they received six (6) written complaints which were all investigated and of those five (5) were founded and dealt with and one that was unfounded. The police department received a total value of donated equipment year to date of \$34,580.00. Chief Turner reported the department took 5131 cases and had an average response time of four (4) minutes and 20 seconds to priority calls. Those response times have only been tracked since June. Chief Turner also reported volunteer hours, the patrol schedule and reorganization. These measures have resulted in a reduction of overtime. He reviewed money received from grants. Chief Turner stated our two elementary schools accepted the DARE Program to be re-introduced to their schools.

Chief Turner stated they are continuing the full audit of the police department and all of the programs including Risk Management Mitigation. They are also working with local schools and school district to update emergency programs and responses. Chief Turner will continue to update the City Council.

Councilman Colson commented the Police Department does a good job. The City Council expressed appreciation for the frequent communication.

#### **9. Report from Judge Butcher.**

Judge Butcher stated it was a privilege to present the yearly report of court activity and the progress which has been made. Judge Butcher stated the court hired Officer Chavez as a bailiff and a warrant officer. Judge Butcher explained the court now has defendants coming in to take care of warrants rather than waiting to be picked up. He reported they are keeping the court certified by direction of the State Code. Judge Butcher was retained for another six (6) years as the Grantsville Justice Court Judge. Jolene Sturzenegger is the TAC and lead clerk for their office and recently went through an audit and there were no state or fatal findings.

Judge Butcher reported the number of traffic cases for the year was 2,390 which was a 50% increase from the previous year. Judge Butcher stated the revenue collected was \$253,383.36, the revenue disbursed to the county treasurer was \$83,778.08 and the revenue retained was \$169,605.28.

Judge Butcher said the court was asked to submit a capital outlay. He stated one of the items he would like to include on the capital outlay is a digital finger printer. Judge Butcher explained a digital finger printer would help with offense tracking numbers. Judge Butcher deferred to the City Prosecutor for pending cases. Judge Butcher gave the credit for the smooth transition from Caselle to Coris to the court clerks.

The City Council expressed appreciation for Judge Butcher's work with the City's youth. The benefits and success of Youth Court were discussed. Judge Butcher commented on the x-ray machine and its benefits. He also said thanks to the City Council for honoring the Court's request to not adjust the computer equipment.

#### **10. Report from City Attorney.**

City Attorney, Joel Linares, stated he planned to focus on what has been done in the City Council Meetings. He felt the first big thing we did this year was deal with the smoke shop. He stated a lot of research went into the

constitutional and business license rights. Mr. Linares has worked on updating the City Code and Policy and Procedures books. He has worked on revising several policies and procedures regarding the merit pay system, garnishment issues and chase policies for the police department. Mr. Linares explained that a lot of research was done on other cities' policies regarding the warrant officer's position and the special events permits and then drafting the ordinances and having them be compliant with the law. He stated another big thing we had was the mid-term vacancy when Councilman Vera left and how we could legally fill it. Mr. Linares stated he drafted several RFPs. He listed the Hale Street Project, the sewer project and the Worthington Water Loop. He also drafted the contract between Grantsville City and the library. There were also several smaller contracts for land issues, water rights issues and contract for use of City facilities.

Mr. Linares stated this year he spent a lot of time on the library, annexation processes, expanding business and employment opportunities for the community and replacing Chief Johnson upon his retirement.

Mr. Linares reported his office filed 309 criminal cases, attended 275 pre-trial conferences, sent out 167 Response to Request for Discovery and prepared for and represented the City on Appellant cases in the District Court. Mr. Linares has also laid the ground work for prosecuting cases in the District Court which are not prosecuted by the County Attorney's office. A contract was signed for a public defender to represent defendants being charged with Class A Misdemeanors.

Councilman Tripp inquired about Class A Misdemeanors and who decides to prosecute those. Mr. Linares explained he and the police department look to see if the elements are met and then determine if the charges are worth prosecuting. He also takes into account mitigating circumstances before filing charges. Councilman Tripp asked if the City has provided Mr. Linares with a laptop. He believes providing a laptop would aid in the productivity of Mr. Linares for those times spent waiting at the District Court. Mr. Linares stated the City is working towards getting one. He explained the police department has gone to a paperless system and the prosecutor's office has taken steps in that direction.

#### **11. Consideration of contract with Firetrol Protection Systems for the sprinkler system at the library.**

Mayor Marshall explained this system is used in conjunction with the sprinkler system installed in the library uses a call down system. The cost is \$360.00 per year. The City has a contract with Firetrol for the Fire Station. The Mayor asked if the Councilmen would like to go with Firetrol or find a different one. Councilman Critchlow stated this company is good and we have a good working relationship with them. Councilman Colson has also worked with this company and likes working with them.

**Motion:** Councilman Critchlow to accept the contract with Firetrol for a monitoring system for the sprinkler system at the library. Councilman Colson seconded the motion. All voted in favor and the motion carried.

#### **12. Consideration of library construction issues.**

Mayor Marshall stated the library has been a beehive of activity, they have been working weekends and late into the evening. He said the siding is nearing completion and they started laying carpet on Monday. He reported some things are still behind. The electrician is running the most behind. The auditorium room is completely carpeted, the two small rooms are carpeted and essentially have ceiling work to finish and they will be completed. Century link is finished installing, Tritel is working on the phone systems, the cabinetry is mostly installed and they are moving forward with the work on the bathrooms.

#### **13. Mayor and Council Reports.**

Approved

Mayor Marshall attended the library construction meeting. The Mayor stated they are moving forward with corrections and are projecting completion around January 20<sup>th</sup>. He said they are working hard to make this date a reality.

The Mayor reported the light parade was interesting with many comments saying next year they will plan on putting in an entry. He also received suggestions to include the light parade with the Santa parade.

The Mayor and Joel Kertamus met over the sewer proposal to review the engineer's design and the pump station at the treatment plant. They plan to have Civil-Ex prepare the bid documents for review and then have the project put out for bid. Mayor Marshall stated he was told we should receive the documents on the water project within the week for review. Both projects will be ongoing.

Mayor Marshall attended the Tooele County Chamber of Commerce meeting. The annual banquet will be held February 2<sup>nd</sup> at the CLC. The award ceremony will be held at that time. Awards to be given include the Business of the Year, Citizen of the Year, Volunteer of the Year, Customer Service Award, the Come Together Award, Lifetime Achievement Award and the new Community Service Award for each city. Mayor Marshall encouraged members of the City Council to submit local businesses or individuals for these awards. The nominations need to be turned in by January 18<sup>th</sup> to the Chamber Office. The form is available on the Tooele Chamber of Commerce website.

Mayor Marshall asked if the Councilmen would like to have a library work meeting on the 16<sup>th</sup> of January. The Council decided they would have a work meeting at 6:00 p.m. on January 16<sup>th</sup>. Mayor Marshall said we need to select a name for the library for the application of grants. The City Council decided the name will be the Grantsville City Library.

The Mayor stated items for review in the City Council packets will be placed under a new tab so the Councilmen will have the opportunity to be able to review them before they are placed on the agenda. Councilman Tripp requested an index page for those items.

Councilman Stice attended a budget meeting for the Mosquito Abatement last month. He asked where we are the new schedule for Impact Fees. Mayor Marshall stated we should receive them in the next two weeks. Councilman Stice asked about the training for new council members. Tooele City provided training last year and if they have it again this year, he would like to attend. This will be researched. Councilman Stice stated with the recent holidays trash pick-up has been moved to different days. He requested changes to trash pick-up times be placed on the website to notify citizens.

Councilman Critchlow asked if the young man wishing to help with the 4<sup>th</sup> of July had been to speak with Mayor Marshall. The Mayor stated he has and they will schedule a time to meet with Tom Hammond to go through the packet and make plans for this year. Councilman Critchlow reported he had a volunteer to help run the basketball tournament.

Approved

Councilman Tripp stated he received comments about the Light Parade; many were that the Santa Parade and the Light Parade be combined. He commented on the enthusiasm for the Light Parade being greater than the Santa Parade. Councilman Tripp reported winter activity has picked up at the East Side Park with many children riding snow saucers, etc. He stated there have also been ATVs using the park and expressed concern for the safety of others. Placing signs prohibiting ATVs in the park was discussed. Councilman Tripp suggested having a City Council Meeting in the library when it is completed.

Councilman Colson reported he has also received suggestions to combine the Light Parade and the Santa Parade. He stated Debbie Winn is the new Tooele City Council Member. Councilman Colson said he has received suggestions to email the business license renewals.

A citizen suggested developing maps with zone names for fireworks use. She explained this could be provided to citizens to make it easier to know if they are safe and legal to have fireworks. She also stated it could be adjusted for drought conditions. Attorney Linares suggested she propose it to the Fire Chief.

#### **14. Closed Session (Personnel).**

**Motion:** Councilman Stice made a motion to go into a closed session to discuss personnel issues. The motion was seconded by Councilman Tripp. All voted in favor and the motion carried.

The City Council went into a closed session at 9:00 p.m.

**Motion:** Councilman Colson made a motion to go back to an open session. Councilman Stice seconded the motion. All voted in favor and the motion carried.

The City Council went back into an open session at 10:05 p.m.

**Motion:** Councilman Tripp made a motion to approve the job description and materials presented for Clerk II – Legal Administrative Assistant and the Grantsville City Recorder. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

#### **15. Consideration of appointment of City Recorder.**

Mayor Marshall stated the Council had approved Christine Webb and made a salary offer of \$50,000 annually and asked if she would accept. Ms. Webb accepted the offer.

**Motion:** Councilman Tripp made a motion to ratify the appointment of Christine Webb as the City Recorder at the agreed salary. The motion was seconded by Councilman Colson. All voted in favor and the motion carried.

#### **16. Adjourn.**

Approved

**Motion:** Councilman Stice made a motion to adjourn. Councilman Critchlow seconded the motion. All voted in favor and the meeting was adjourned at 10:09 p.m.