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MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON FEBRUARY 20, 2019 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.

Mayor and Council Members Present:

Mayor Brent Marshall
Krista Sparks
Scott Stice
Jeff Hutchins
Neil Critchlow
Jewel Allen

Appointed Officers and Employees Present:

Christine Webb, City Recorder
Jesse Wilson, Human Resource
Brett Coombs, City Attorney
Jacob Enslen, Police Department
Sherrie Broadbent, Finance Director
Kristy Clark, Zoning Administrator

Citizens and Guests Present:

Mark Watson
Krista Hutchins
Debbie Spilman

Mayor Marshall asked Debbie Spilman to lead the Pledge of Allegiance.

AGENDA:

1. Public Comments.

No comments were offered.

2. Summary Action Items.

- a. Approval of Minutes from the February 6, 2019 City Council Meeting.
- b. Approval of Bills in the amount of \$95,715.65.
- c. Personnel

The Council Members inquired about various items on the bills.

Jesse Wilson, Human Resource Director, explained the personnel items. Judge Elton currently has one full time employee and one part time employee. He has requested either another part

time employee or to allow the part time clerk to become a full time employee. Mayor Marshall and Jesse Wilson reported the reasons for the added need. Councilman Stice commented that he did not like to make a budget change in the middle of the budget year. Councilman Hutchins inquired if this position should be opened up. Jesse answered that Lori is already transcribing the court proceeding and has been trained. Councilman Hutchins felt that it is a best practice to not just promote or move up employees; it is a job change to go from a part time to a full time clerk. He added that Lori may be the best person for the job, but he felt that this should be slowed down and to go through a process. Councilman Stice asked if they could approve the one and hold off on the court clerk.

Councilman Critchlow stated that he talked with James Waltz, Public Works Director, about Ryan Giles and he felt this is a need and earned position. Mayor Marshall reported that we lost a person that we spent a little over a year on training at the sewer plant for the same reason. Councilman Stice inquired if Ryan has attended any of the water training. Mayor Marshall answered that it is one of his new duties; that he will get his grade 2.

Motion: Councilman Stice made a motion to approve the summary action items with the exception of the part time to full time Justice Court clerk appointment.

Second: Councilwoman Sparks seconded the motion.

Vote: The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

3. State of the City Address.

Mayor Marshall gave the State of the City Address. A copy is attached.

4. Consideration of Ordinance 2019-04 amending Title 6, Chapter 1, Cemeteries, of the Grantsville City Code.

Mayor Marshall asked Attorney Coombs if he was able to get the additions made to this ordinance. Mr. Coombs answered that he did not because they were not put on with twenty-four (24) hours’ notice. He there was a change in the ordinance provided but there were also changes that need to be made regarding the size of the headstones. He reported that he did not get it added in time for the Council to review. He stated the Council could either approve it tonight or table it and he will get it for the next meeting.

Motion: Councilman Critchlow made a motion to table Ordinance 2019-04 amending Title 6, Chapter 1, Cemeteries, of the Grantsville City Code.

Second: Councilman Stice seconded the motion.

Vote: The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

5. Consideration of Resolution 2019-03 appointing members to the Grantsville City Employee Appeal Board and alternates.

Jesse Wilson reported the appeal board is a two-year election. We realized that it expired last May. This resolution is to elect a new board and have two City Council Members serve as active members and two serve as alternates. Mayor Marshall stated the Council had to name the members they wished to elect to the board.

Motion: Councilman Critchlow made a motion to appoint Jeff Hutchins and Jewel Allen as active members of the Employee Appeal Board.

Second: Councilwoman Sparks seconded the motion.

Vote: The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

Motion: Councilman Critchlow made a motion to appoint Krista Sparks and Scott Stice as the alternate members of the Employee Appeal Board.

Second: Councilwoman Allen seconded the motion.

Vote: The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

6. Consideration of purchasing water rights or water shares.

Mayor Marshall recommended that the City purchase four (4) shares that have not been leased from Michael Naeger for \$6,995 per share. He reported that we have checked with the Irrigation Company to be sure they have not been leased. Mayor Marshall suggested after we purchase these shares, that the City asks for a study on the Water Source Impact Fees and that we put it out an RFP.

Motion: Councilman Critchlow made a motion to approve the purchase four (4) water shares from Michael Naeger for \$6,995 and have an RFP to get a Water Study done.

Second: Councilman Hutchins seconded the motion.

Vote: The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

7. Consideration of Resolution 2019-04 amending the Grantsville City Employee Handbook regarding employee reimbursements of cellular telephones required use.

Mayor Marshall explained the Building Inspector was not listed for reimbursement for his cell phone use. Councilman Stice asked if there was a reason the Building Inspector had not been added. Mayor Marshall answered at that time we only had the Building Official. We have since hired Lyle Perkins as a Building Inspector.

Motion: Councilwoman Allen made a motion to approve Resolution 2019-04 amending the Grantsville City Employee Handbook regarding employee reimbursements of cellular telephones required use.

Second: Councilwoman Sparks seconded the motion.

Discussion: Councilman Hutchins asked if the City has employees using their personal cell phones and reimbursing them for that use. Mayor Marshall answered that was correct. Councilman Critchlow asked about the Police Sergeants receiving less and if that was enough to compensate them. Chief Enslin reported that all of the officers have been issued a cell phone. He was not sure if any of the officers were currently receiving the reimbursement. Councilman Stice asked why it was in the Employee Handbook. Chief Enslin answered that it leaves the option open. Councilman Hutchins asked who is a volunteer on the list. The Fire Chiefs are the volunteers. Councilman Critchlow asked about the Fire Marshal, Brad Clayton, and whether he receives a cell phone reimbursement. They will find out and review it during the budget.

Vote: The vote was as follows: Councilman Critchlow, “Aye”, Councilwoman Allen, “Aye”, Councilman Hutchins, “Aye”, Councilman Stice, “Aye”, and Councilwoman Sparks, “Aye”. The motion carried.

8. Discussion on adopting meeting procedures.

Mayor Marshall provided information on how other cities run their meetings. He pointed out that most cities have a public comment period either at the beginning of the meeting or the end and some do not have a public comment period at all. He reported that most of the cities that have public comments at the beginning of the meeting, state on their agenda that those wishing to comment have a time limit and that they cannot comment on the items on the agenda. He added that most suggest sending comments to the City Recorder prior to the meeting and they will provide the comments to the City Council Members. Mayor Marshall explained this does not prevent the public from commenting at public hearings. He said one city provides instructions for public meeting etiquette.

Mayor Marshall stated the agenda is an administrative function, not a legislative one and people get confused on the difference between a public hearing and public comments. Public comment should not be public discussion.

Jaime Topham, Planning Commission Chair, addressed the Council at Mayor Marshall's request. She explained that the Planning Commission is over land use issues. Land use is their authority; they make recommendations to the City Council. The Planning Commission has to follow the City Codes. The public hearing takes place at their meeting so they can deliberate over the information before them. Ms. Topham stated their concern is that when they make a recommendation to the City Council and they allow public comment on the issue, they might receive information that the Planning Commission did not receive but would have altered what they decided. She added that allowing additional comment causes a disconnect between the two bodies. Councilwoman Sparks stated the public can email the Council Members or talk to them in person or by phone, so she did not understand how that was different from someone making a public comment in the meeting. Mr. Coombs explained the difference is that commenting at the City Council Meeting, essentially makes the comment another public hearing and if you don't notice a public hearing that is against the law and the City could be sued for that. Individuals can contact Council Members and that is not a public hearing.

Councilman Stice pointed out that currently we do not have any rules. Mayor Marshall stated that he and Ms. Webb found information for meeting etiquette that he felt the City should look at adopting. The Council and Ms. Topham discussed public hearings on land use items. Mr. Coombs reported that he spoke with several other city attorneys about their procedures for public comments. He explained that there is no requirement for cities to hold a public comment agenda item; it is optional. He stated that in a body like the City Council, public comments are needed. The reason some of the cities have added statements regarding public comment is because they were finding that it was difficult to limit the comments. People would begin commenting on the land use issues and the Mayor would have to stop them which creates a backup in the meeting. Mr. Coombs explained that by having the public comments at the end of the agenda, you do not have to add the statement.

Councilwoman Sparks stated that she understands the legalities when it comes to land use items. She added that there are many items on the agenda which are not land use related and people can comment on those.

Ms. Topham commented that something helpful for the Planning Commission would be to have some consistency between them and the City Council. She suggested that if the City Council stepped away from the recommendations of the Planning Commission, they send the Commission a memo as to why so they can consider it in their decision making. Councilman Stice clarified that she was asking them to provide a statement as to why they denied or approved an item when the Planning Commission had recommended the opposite. Councilwoman Sparks felt that information is in the minutes. They discussed the Council's position on rezones and that the Council is hesitant to approve rezones while the City is updating the General Plan.

Councilman Stice looked at the agendas for the cities of high school sports teams that we play against. He found that they all have public comments at the beginning and not one of them restricts what people can say. He stated the issue is when a public comment becomes a public hearing. If public comment becomes public hearing, then you have to allow the other side to rebut.

Mayor Marshall requested that the Council review the provided rules of procedure and order. Mr. Coombs added this is a sample and there are other samples that he can send them to review.

9. Mayor and Council Reports.

Mayor Marshall attended the JPAC Meeting at the State Capital, a suicide prevention training, and a planning meeting for the 4th of July. The theme for this year's celebration is "Salute to Freedom – Hometown Celebration". He met with Rocky Mountain Power to discuss the power at the North Well, trees in the City, and a power issue in Anderson Ranch. He attended the monthly safety meeting with the employees. The Black Rock Reconstruction project is scheduled to close I-80 westbound on Monday, February 25th. Eastbound traffic will be diverted on Tuesday, February 26th. Both are scheduled for closure from 8:00 pm to 5:00 am. Mayor Marshall asked Councilman Critchlow to contact Chris Bell, President of the Little League, the high school baseball and softball coaches to make a schedule for practices and games with dates so that everyone has access to the diamonds. The Mayor will post the schedule on FaceBook.

Councilman Critchlow stated that he talked to James Waltz. They talked about the bleachers and are going to see if they can get some volunteers to help set the forms. Councilman Critchlow reported the water level is at 144% on the Sno-tel. He commented there are blood drives scheduled from time to time and suggested putting information about them in the Mayor's letter. Councilman Critchlow explained the Fire Department has access to a chipper and would like to allow residents put their tree limbs in front of their yards. Then the Fire Department would come and chip up the limbs. Doing this will help with the hours for the Wildfire Prevention. Councilman Critchlow reminded everyone that the Sociable is the 30th of March.

Councilwoman Allen attended the ULCT Legislative Policy Committee meeting where they discussed the sales tax decrease. She attended the employee handbook training. She expressed appreciation for the Public Works Department and their work to remove snow. She commented that the water supply issue in Sandy has made her think about whether we are prepared in our city if something were to happen here.

Councilman Hutchins commented that he had been out of the country for the last ten (10) days. He stated that when you leave Grantsville, you realize what a great place this it and he was reminded of it. He felt it was important and appreciated the email that went out about the General Plan asking for feedback. He stated that he appreciated the Mayor's State of the City Address and echoed the Mayor's gratitude for the volunteers, employees, etc.

Councilman Stice agreed with Councilman Hutchins about the State of the City Address. He commented that this was a very busy year and many things took place. He attended the

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Mosquito Board meeting last week and they are proceeding with their new building. He told Councilman Hutchins that they hold their meetings on the second Tuesday of the month. Councilman Stice will be at the water conference next week.

Councilwoman Sparks commented that the City is in a good position because of the hard work he does and the City staff. She stated she has seen more plows this year than ever before.

10. Closed Session (Personnel, Real Estate, Imminent Litigation).

Motion: Councilman Stice made a motion to go into a closed session to personnel. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Hutchins, "Aye", Councilman Stice, "Aye", and Councilwoman Sparks, "Aye". The motion carried and the Council went into a closed session at 8:21 p.m.

Those in attendance were: Mayor Marshall, Councilwoman Sparks, Councilman Stice, Councilman Hutchins, Councilwoman Allen, Councilman Critchlow, Christine Webb, Brett Coombs, and Jesse Wilson.

Motion: Councilwoman Allen made a motion to go back into an open session. Councilwoman Sparks seconded the motion. The vote was as follows: Councilman Critchlow, "Aye", Councilwoman Allen, "Aye", Councilman Hutchins, "Aye", Councilman Stice, "Aye" and Councilwoman Sparks. The motion carried.

11. Adjourn.

Motion: Councilman Stice made a motion to adjourn. Councilwoman Sparks seconded the motion. The meeting was adjourned at 8:47 p.m.