

PUBLIC HEARING - INCREASE of the
WATER RATE STRUCTURE for
COMMERCIAL and INSTITUTIONAL &
ROCKY RIDGE TOWN MEETING

August 16, 2023

7:30 pm

M.L.A. Building

Approved

Opening:

Presiding: Bethany Sturgeon

Present from the Town Council: Bethany Sturgeon, Lucy Gold, and Andrew Aagard. Mayor Ronald Allred is excused. Shannon Allred is excused.

Present from the Town Staff: Marilyn Bronson, Rachel Bronson, Terry Allred, Cathy Lummus, and Lane Allred.

Others Present: Chase Bronson, and Patricia Allred.

Invocation was given.

Meeting was called to order at 7:37 p.m.

Approval of Minutes:

Changes to July's minutes: A few minor amendments were noted. Council Member Lucy Gold motioned to approve July's minutes as amended and Council Member Andrew Aagard seconded the motion; all others voted in favor.

PUBLIC HEARING:

Bethany Sturgeon opened the Public Meeting to review and approve an increase of the Commercial and Industrial water rate structure.

Ordinance 2023-02 was reviewed by the Town Council. Town Council Member Bethany Sturgeon asked if the Public had any questions regarding the Ordinance. The Public had no comment. A Roll Call Vote was taken:

	Aye	Nay	Absent	Abstain
Mayor Ronald Allred	___	___	<u>X</u>	___
Shannon Allred	___	___	<u>X</u>	___
Lucy Gold	<u>X</u>	___	___	___
Bethany Sturgeon	<u>X</u>	___	___	___
Andrew Aagard	<u>X</u>	___	___	___

The Public Hearing was then closed.

NEW BUSINESS:

1. RR Park's North Parking Lot; Food Truck & Precision Welding Parking/Agreement

Treasurer Rachel Bronson informed the Town Council that Barbara Rasmussen Jessop had asked for permission to park her Food Truck in the Park's north parking lot; due to the last two (2) Town Meetings involving Employees of Precision Welding parking in that area, Rachel felt that this needed to be discussed. Town Council Member Andrew Aagard felt that the understanding with Precision Welding in parking at the park was not connected with getting permission for a Food Truck to park there. As this also was a Business, Rachel felt that the two were connected.

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Department Head Casey Reynolds suggested the food truck could park over by Quality Craft for better sales.

Town Clerk Marilyn Bronson suggested, as a solution for this ongoing issue, that the Town could implement some sort of permit process. There's benefit to the Business receiving a place to park and by having a permit process the Town would also benefit.

Town Council Member Andrew Aagard questioned whether you could charge a fee to park in a Public Park. Casey expressed that he had recently rented a space in Payson Park. Town Council Member Lucy Gold affirmed that day use parking at some public beaches/parks require a fee.

Casey informed the Town Council that in regards to Food Trucks, permits are typically issued to sell food within City limits. This includes requiring a Business License and a Public Health Permit. Casey later quoted **Utah State Code** regarding Food Trucks.

Town Council Member Andrew Aagard expressed that he was in favor of those requirements.

Road Department Head Terry Allred expressed that he was opposed to charging Businesses a fee to park in the Park's north parking lot. In regards to the Food Truck, he felt that if they could find a place to park to sell food – that would be enough.

Regarding Precision Welding, Marilyn informed the Town Council that she did not feel that there was anything wrong Precision Welding parking there. As far as agreements are concerned, it is important to keep those agreements with the Town. If a Business has an agreement that has lapsed and that Business does not ask for an extension, it would be in the best interest of both parties to proactively address the agreement, and update that accordingly.

After further discussion it was decided that the Food Truck is more than welcome to park wherever they can find space, though Quality Craft would be more of an ideal spot for them. The Food Truck would be need to meet the requirements as stated in Utah's State Code. Town Council Member Bethany Sturgeon asked Rachel to follow up with Barbara. As far as Precision Welding is concerned, Town Council Member Bethany Sturgeon asked that Marilyn retrieve the past written agreement between Precision Welding and the Town, if there was one. This could then be readdressed when that written agreement could be reviewed at the next Town Meeting in September.

2. Cemetery: Shawn Allred

This was tabled until next month.

3. Park Care & Maintenance reassessment; update on current situation

Park Department Head Lane Allred asked if this item on the agenda met the requirements of the State in regards to Public Noticing; he expressed that he did not see this item on the agenda. Marilyn assured Lane that it was on the draft agenda as well as the final agenda.

Town Council Member Bethany Sturgeon gave Marilyn the floor.

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Marilyn informed the Town Council that the Mayor had been contacted concerning this item - she expressed that this would need to go the Town Council and that she would be speaking to each one individually. Marilyn conveyed that one of the Town Council Members had asked her to pull hourly wage information for all Town Employees. The Department of Labor had some (DOL) questions; asking Marilyn what she saw in the history of past timesheets (for an anonymous Employee) that was the determining factor in making the decision that this Employee qualified for Exemption (Salary) pay. Marilyn provided the Town Council a layout of that information as well as Town Employee Wage information. According to the DOL, Lane did not qualify to be paid a Salary; this was illegal.

Office Manager Cathy Lummus asked Marilyn why the DOL was asking questions.

Marilyn informed her that due to past Town Meeting minutes last year, as well as what happened in the Closed Session, she did not feel that the Town Council was aware that a salary was being paid to Lane. Ultimately, Marilyn contacted the Fair Labor Standards Act (FLSA) in order to see if the Park job qualified for salary pay. After speaking with them, they sent her over to the DOL.

Lane expressed confusion regarding what had prompted Marilyn to look into contacting the FLSA and the DOL. Marilyn gave an overview of concerns that she had as well as concerns that Treasurer Rachel Bronson expressed in regards to this.

Office Manager Cathy Lummus informed Marilyn that she should have spoken to her about her concerns and that this did not need to be brought up in a Town Meeting. Cathy also expressed to Marilyn that she needed to be careful speaking to the DOL. Doing so could result in the State auditing the Town. Marilyn expressed that she talked to the DOL carefully and had communicated to the DOL that this was in the process of being taken care of.

Chase Bronson expressed that this subject was being taken personally and it didn't need to be; if Public Funds are being used inappropriately then this needs to change.

Town Council Member Bethany Sturgeon was in agreement; the matter should not be taken personally. She also expressed that both sides of the issue needed to be addressed.

Office Manager Cathy Lummus informed the Town Council that she spoke to the Mayor about this issue and that Marilyn was present. What needed to be done to remedy the situation was that the Town would need to 1099 Lane and that would make the situation legal.

Lane expressed that he had always been happy to help the Town. He said that didn't need the Park job. He further expressed that it had never been accurate the kind of man-hours that go into the Park. Past employment history was given - that the job required more than one (1) individual, which is why he has been having his family help him, etc. Further information regarding monies used to take care of the Park that had come out of Lane's own pocket - not paid by the Town - were reasons given for why he was put on a Salary - to have the means of employing family members to help him.

Town Council Member Lucy Gold informed those present that last year when this issue was brought to the Town Council, she was in agreement with paying Lane \$2000 a month for maintaining the Park. However, according to her understanding, that amount of money was to be broken down to an hourly wage and Lane would turn in

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timesheets for his work. She expressed that she was in both the Open Meeting and the Closed Meeting in which this was discussed and that she did not recall approving a salary. The Town Council knew that Lane did not meet the Federal or State requirements for that. A Contract with Lane to care for the park was discussed in Town Meeting last year and Lane was asked to get Liability Insurance. After Insurance was obtained, the Town Council would take a further look into the Contract; the understanding being that this was all done on a trial basis. The Town Council asked to readdress this last year and it has come time to do so and legalize it as well. If paying Lane a salary is illegal then it needs to be done differently; it has to change. Town Council Member Lucy Gold expressed that this was not personal. This needs to be legalized and the Town needs to do whatever it takes in order to get there. It was expressed that if Lane did not want to turn in the hours, then the Town would be running into a different problem.

Lane expressed that he was willing to turn in hours. However, it would be easier to contract with the Town.

Town Council Member Lucy Gold agreed that it would be easier for him to do the 1099 and that he would need to look into getting Liability Insurance, a Business License, etc. That was originally on the table last year when this was discussed as a Town Council and was left for Lane to figure out. It was understood by the Town Council that Lane would be paid that amount, as previously stated, in order to pay his family to help him in the Park. As far as paying Lane a salary went, Town Council Member Lucy Gold communicated that she did not know if the decision to pay Lane a salary was made by the Mayor but as far as she was concerned, as Town Council Member, salary was not approved.

Cathy informed those present that the Town Council had approved to pay Lane a Salary in the Closed Meeting.

Town Council Member Lucy Gold stated that she specifically addressed this; that Lane did not meet the requirements to be paid a Salary but that he could be paid the amount of \$2,000 a month, at an hourly rate, with hours turned in (timesheet). This is what was approved; a Salary was not.

Casey informed the Town Council that anyone can request a meeting with anyone - discussions can happen. However, no decisions can be made in those meetings. It is against Utah State Code. Furthermore, it is against the law to make decisions in a Closed Meeting. The specifications for holding a Closed Meeting are very specific and laid out in State Code. Town Council Member Lucy Gold agreed. Casey then gave some history regarding Conflict of Interest - due to our Town being one big Conflict of Interest, (everybody is related to everybody) Attorney Dave Church informed the Town years before that the Town should not only have Conflict of Interest Disclosure Forms signed - the Town needed to be extra careful about conversations behind closed doors. Discussions need to be done in an Open Public Meeting. This would eliminate a lot of these struggles we are having and bring more clarity to such issues as this.

Town Council Member Bethany Sturgeon expressed that the issue needed to be readdressed, as stated by the Town Council last year – that there would be a one-year probationary period. This subject should be worked on legally and professionally. Town Council Member Bethany Sturgeon also communicated that she did not feel anyone was pointing fingers or blaming. This is a situation that needs to be addressed and legalized.

Marilyn expressed that she had done her best to go the right people when these problems came up. In March Marilyn attended a Clerks Conference in which Closed Meetings were discussed. Due to the recent Closed Meeting Marilyn contacted a lawyer in 2022 who gave advice in regards to this and the Mayor was contacted in

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order to make sure everything was done above board. Marilyn communicated that she was not aware that she needed to bring all of these concerns to Cathy; it was not her understanding that Marilyn answered to her. Cathy informed Marilyn that both the Town Clerk and the Treasurer answer to her. Marilyn informed Cathy that she was not aware of that; she did her best to follow correct procedure. If Cathy could provide the information where that is specified in our Municipal Code or Policy - that was welcomed.

Town Council Member Bethany Sturgeon referred to Terry getting some help in the Town; that the care and maintenance of the park could be taken care of in that way. The Town was already looking to hire another person. Perhaps they could be paid to help take care of both the Park and Roads under Terry. Town Council Member Bethany Sturgeon also informed those present, that to her knowledge, Lane would pay those that did the mowing, weeding, watering, cleaning bathrooms, etc. out of his pay as an Employee of the Town. She then asked for clarification regarding Domingo Hernandez, who had been doing some work for the park and asked how that was being handled.

Marilyn conveyed to the Town Council of the information she had regarding this. She expressed that Domingo's work in the Park and Lane's pay was confusing; she informed the Town that Cathy called Marilyn and let her know that she left instructions to pay Lane the sum of \$600 every two weeks and Domingo was to be paid \$1,600 monthly/\$400 weekly throughout the summer months. The total of those wages was put under Park Wages and was approved by the Town Council in June (2023) when the Final Budget was presented. Marilyn informed the Town Council that Lane is not directly paying Domingo for services rendered. An invoice is received monthly by the Town for the work done by Domingo and the Town pays the invoice. Lane expressed that he did not know why Cathy set it up that way and that someone would need to ask her why that was done. He also expressed that he informed the Mayor that this was not the best option for the Town.

Town Council Member Lucy Gold expressed that those doing work for the Park should all have 1099's and set up as a Business. She expressed that with the situation with Park Wages and paying Domingo without a 1099 or a W9 – the situation puts the Town in a questionable position. Cathy expressed that a W9 had not been requested. Marilyn asked for clarification as to whose job it was to obtain a W9. Cathy explained that this was something that had not been established. Town Council Member Lucy Gold communicated that as a Business, both a W9 and Liability Insurance is required. As far as Lane is concerned, if these things can be obtained by Lane and 1099'ed then that would be an appropriate legal route. Otherwise, the Town would need to do an hourly wage for Lane and whether or not Lane pays Domingo out of those wages, as he does his family, as a volunteer, is up to him but that would be the best solution.

Treasurer, Rachel Bronson informed the Town Council that the Town is required to request a W9 when it has not been obtained. After the request has been made three (3) times, the Town is required to withhold 24% from, in this case, Domingo's pay. The Town would need to personally send that percentage to the IRS.

Rachel explained that this subject may feel personal but that every person has to be able to do their jobs. She expressed that Utah is one of the top five (5) States that experiences the highest level of fraud. Due to our small town and the Conflict of Interest that Casey referred to, Rachel requested to meet with the Mayor because she answered to him. She stated that requesting a meeting with the Mayor to discuss concerns should not be frowned upon; each person needs to be able to do their jobs in looking out for the Town's best interest. The issue is not personal; it is important to do everything above board.

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Town Council Member Lucy Gold wanted it understood that any discussion or conversation needs to be done without making any decisions. Due to the Conflict of Interest on this specific issue with Cathy being the Assistant to the Mayor, having authority over financial matters and this issue regarding Lane's pay, those decisions need to be made in an Open Public Meeting. Town Council Member Lucy Gold stated that Domingo's work in the Park needed to be discussed in an Open Public Meeting because it changed Lane's pay status.

Marilyn communicated to the Town Council that because of the Town Meetings in 2022 – she did not feel that the Town Council was aware that Lane was being paid a Salary. That is why she began to look into the FLSA and DOL Laws. As soon as Marilyn was aware of the problems, she did the best she could to bring this to Cathy's attention; requesting a meeting with the staff and the Mayor as soon as possible. Rachel requested a meeting with the Mayor and Marilyn together, regarding the same. Marilyn expressed that she had followed correct procedure to the best of her knowledge.

Town Council Member Bethany Sturgeon expressed that all of these issues would not be able to be settled at this meeting. She suggested the Town Council continue the discussion next month in order to give everyone time to think about this, work on it and give everyone an opportunity to give their input. She further commented that, from the sound of things, the Mayor had been in contact with Lane and discussed this with him - that all Mayors do that to a certain degree.

Town Council Member Andrew Aagard expressed his gratitude to Lane for being willing to do the job in the Park and further expressed that he hoped that Lane would be patient as the Town Council tried to sort this all out.

Lane communicated to the Town Council that he knew nothing about the fact that being paid a salary was illegal.

Town Council Member Bethany Sturgeon asked Lane to fill out a timesheet until this was straightened out. Perhaps this would ease the pressure of things.

Town Council Member Andrew Aagard asked Lane if he could do a 1099 as a consultant and use what he already has in place. Lane answered in the affirmative. Town Council Member Andrew Aagard expressed that this route would be simple as long as the legalities of it were satisfied.

Terry asked the Town Council to clarify a Conflict of Interest regarding his mini-ex. The Town uses this equipment to do some projects and he bills the Town. He gets 1099ed for that but he is not a Business; he has not been W9'ed. Should the Town be billed for that? Terry expressed that he would like to do things above board and if not, this needs to change.

Town Council Member Lucy Gold explained that you can 1099 someone personally. It depends on how much they are being paid and if the pay is consistent. If it is random then that is not a problem. When this is ongoing, as it is with Lane, these requirements need to be met.

In regards to Lane being paid for consulting, if Lane desires to do this through his Inspectors License, then the matter of Insurance needs to be clarified. Insurance covers specific things. An example was given: If Lane is working under Inspectors Insurance, then if something were to happen at the park, the Insurance would ask questions such as, "Why are you running a mower?"

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Town Council Member Andrew Aagard suggested that if the Town Council wanted to put a Band-Aid on the issue, then the Town could 1099 Lane or do an hourly wage, right now. Either fix is better than what the Town is currently doing.

Rachel informed the Town Council that if Lane were to work for the Town under a contract, it would be in the best interests of the Town to have a contract with specifics laid out and correct language instead of putting a Band-Aid on the issue.

Town Council Member Bethany Sturgeon asked Lane to look into what he needed to do in order to be compliant with law in regards to contracting. For now, Lane will turn in a timesheet and be paid hourly, if that is acceptable to Lane. Marilyn asked what the hourly wage would be. Lane expressed that the pay would be \$27 an hour for the work he is doing. Marilyn informed the Town Council of the history of past Employee wages for the Park; Lane was making \$19 an hour before he started getting paid a salary.

Lane reminded the Town Council that he had tried to contract with the Town last year and the Town did not want to do that. Marilyn clarified that a contract had been given to the Town Council to review. After review of said contract, the Town Council asked Lane to get Liability Insurance and then this could be further discussed. At the next Town Meeting Lane had informed the Town Council that was not the route he wanted to take due to the expense. Town Council Member Lucy Gold reminded Lane that doing a Contract with the Town was not a refusal.

Town Council Member Bethany Sturgeon stated that in order to legalize this specific issue, Lane would no longer receive a salary. He would be paid an hourly rate of \$19 an hour and instructed Marilyn to give Lane the percentage increase that was approved of last year (6%) as well as a 5% increase this year, as was approved by the Town Council. Lane was asked to turn in a timesheet from here on out. Due to the Mayor's recent surgery, the Mayor would inform the Town Council of where things are at when is able. Town Council Member Bethany Sturgeon asked Marilyn to put this on the agenda for next month.

DEPARTMENTAL UPDATES:

1. **EMS/CERT:** EMS is going well; we have good participation. **CERT:** through the Emergency Budget the Town has tried to attain Disaster Preparedness items and preparation materials. A trailer was bought and this trailer with all of its contents has been turned over to CERT. Town Council Member Lucy Gold reminded the Town that on September 16th there will be a mock drill. Casey encouraged communication between EMS and CERT in regards to this. Town Council Member Lucy Gold said that she would speak to Neva Ray about this and further stated that there are six (6) active members of CERT. The CERT Team will need more participants so they will be doing a training. Anyone 16 years and older are welcome to participate. CERT will need more books for that training and will gather those.
2. **Water:** Casey informed the Town Council that because of his recent surgery, he had been able to do a lot of computer work in regards to the water updates (lead/copper). Assessments have been done; this entailed a lot of hours. There are a few things that he will need to put into categories where definitions and explanations are needed. This will then be complete. On August 4th, Casey received an email stating that the State had authorized funds to allow Sunrise Engineering to do that work for us. The Town had to apply for this and we were able to get it. Casey spoke to Terry and both expressed that they were glad that they still did the work.

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The information was given to Sunrise Engineering for a final review. This report is not due for another year but it is done. Town Council Member Bethany Sturgeon expressed her gratitude for Casey's and Terry's work.

3. **Road:** Terry had several updates for the Town Council: (1) Terry informed the Town Council that he received a bid for patching the asphalt on Mountain Ridge Road. It will be \$11,000 to get that done. He informed the Town Council that he could do the work for \$5,000 (just in materials). However, after calculating the labor to take care of the project, he felt that it would be worth it to hire the project out. (2) Commander Concrete is supposed to pour the waterways before winter. (3) Terry expressed that the building of the New Town Hall would change the Town's contract (for snow removal) for the use of the MLA Building for Town Meetings as well as for the library. This will need to be addressed in the future and would be good to keep in mind. (4) Terry communicated that he has been working at the Reservoir, using Town equipment. He wanted to inform the Town Council that he has been spending a lot of time there, this work directly impacting water use at the park.
4. **P & Z:** None
5. **Admin: Monthly Expenditures:** The Town Council reviewed said expenditures. **Harassment Training** will be Sept 20th at 6:30pm – prior to Town Meeting. Town Staff is encouraged to attend. **Special Mtg to canvass the election** – 9/6-9/18: It was decided that **September 15th** would be the day the Town Council would meet to canvas the election - 7:30pm. Marilyn informed the Town Council that there is a UMCA Conference in September during the week of the next Town Meeting.
6. **Park:** Tim Allred – Recreation/Sports: this item was tabled until next month.
7. **Library:** None

***OPEN FLOOR:**

1. **Citizen Items:** None
2. **Town Council Items:** None

Adjournment:

Council Member Lucy Gold moved to adjourn the meeting. Council Member Andrew Aagard seconded the motion; all others voted in favor and the meeting was adjourned at 9:31 p.m.

/s/ Marilyn Bronson

Approved by Town Clerk/Recorder