

**ESCALANTE CITY COUNCIL MEETING
JUNE 18, 2024
REGULAR MEETING/ELECTRONIC MEETING – 6:00 P.M.
PUBLIC HEARING/ELECTRONIC MEETING -6:00 P.M.
PUBLIC HEARING/ELECTRONIC MEETING – 6:00 P.M.
ESCALANTE CITY COUNCIL CHAMBERS - 56 NORTH 100 WEST**

Mayor Melani Torgersen called the meeting to order at 6:00 p.m. in the Escalante City Council Chambers.

Present at said meeting were Mayor Torgersen, Council members Blaine Porter, Sally Orme, Lenza Wilson, Marlene Stowe, Chad Lyman, City Attorney Barry Huntington and City Recorder Stephanie Steed.

Also present were Janalee Bernardo, Fred Spencer, Terence Tontlewicz, Julie Brugger, Lawrence Barnes, Bill Weppner and Paula L. McNeill.

Mayor Torgersen led the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Council member Porter moved to adopt the agenda as written. Council member Lyman seconded the motion. Motion carried with Council members Stowe, Lyman, Wilson, Orme and Porter voting aye.

APPROVAL OF THE MINUTES OF JUNE 4, 2024 MEETING

Council member Orme moved to approve the minutes of the June 4, 2024 meeting as written. Council member Stowe seconded the motion. Motion carried with Council members Wilson, Orme, Lyman, Stowe and Porter voting aye.

OPEN PUBLIC HEARING

Council member Lyman moved to open the public hearing at 6:02 p.m. Council member Wilson seconded the motion. Motion carried with Council members Porter, Orme, Lyman, Stowe and Wilson voting aye.

ORDINANCE 2024-10 – AMENDING ORDINANCE 1.32.020 COMPENSATION OF ELECTIVE AND STATUTORY OFFICERS.

Mayor Torgersen explained Ordinance 2024-10 Compensation of Elective and Statutory Officers and asked if there were any questions or comments from the public.

There were no questions or comments from the public.

CLOSE PUBLIC HEARING

Council member Orme moved to close the public hearing at 6:03 p.m. Council member Porter seconded the motion. Motion carried with Council members Stowe, Porter, Wilson, Orme and Lyman voting aye.

**DECISION ON ORDINANCE 2024-10 – AMENDING ORDINANCE 1.32.020
COMPENSATION OF ELECTIVE AND STATUTORY OFFICERS.**

Council member Wilson asked when the last time the compensation was changed. Mayor Torgersen said it has been a while. Council member Wilson said he does not see a problem with the raise in compensation for the Mayor and Council. **Council member Wilson moved to adopt Ordinance 2024-10. Council member Lyman seconded the motion. Motion carried with Council members Lyman, Orme, Stowe, Porter and Wilson voting aye.**

OPEN PUBLIC HEARING

Council member Stowe moved to open the public hearing at 6:05 p.m. Council member Orme seconded the motion. Motion carried with Council members Porter, Orme, Lyman, Stowe and Wilson voting aye.

RESOLUTION 2024-11 ADOPTING THE 2023-2024 REVISED BUDGET

Mayor Torgersen explained the revised budget and asked if there were any questions.

There were no questions or comments from the public.

RESOLUTION 2024-12 ADOPTING THE 2024-2025 BUDGET

Mayor Torgersen explained the 2023-2024 proposed budget and asked if there were any questions.

There were no questions or comments from the public.

ORDINANCE 2024-13 ADOPTING ORDINANCE 7.04.060 USE OF CITY RIGHT-OF-WAY

Mayor Torgersen explained Ordinance 2024-13 and asked if there were any questions or comments.

There were no questions or comments from the public.

CLOSE PUBLIC HEARING

Council member Orme moved to close the public hearing at 6:07 p.m. Council member Porter seconded the motion. Motion carried with Council members Lyman, Stowe, Orme, Porter and Wilson voting aye.

DECISION ON RESOLUTION 2024-11 ADOPTING THE 2023-2024 REVISED BUDGET

Mayor Torgersen asked if there were any questions on the revised budget or need for discussion. **Council member Porter moved to adopt Resolution 2024-11. Council member Stowe seconded the motion. Motion carried with Council members Wilson, Orme, Porter, Lyman and Stowe voting aye.**

DECISION ON RESOLUTION 2024-12 ADOPTING THE 2024-2025 BUDGET

The proposed Budget includes a five percent cost of living raise. Mayor Torgersen asked if there were any questions on the proposed budget or need for discussion. **Council member Lyman moved to adopt Resolution 2024-12. Council member Orme seconded the motion. Motion carried with Council members Wilson, Orme, Lyman, Porter and Stowe voting aye.**

DECISION ON ORDINANCE 2024-13 ADOPTING ORDINANCE 7.04.060 USE OF CITY RIGHT-OF-WAY

Council member Stowe said she is concerned on section 3-1 d prohibiting parking livestock trailers on the City right-of-way. Mayor Torgersen said she thought the council talked about it being unlicensed trailers. Council member Wilson asked City Attorney Huntington if they could consolidate section 3-1 a, b, c, and d to say unlicensed vehicles and trailers and add operable to section 2 B. City Attorney Huntington said that would work and it is not a complete list of prohibited uses because it states, “but is not limited to”. **Council member Wilson moved to adopt Ordinance 2024-13 with the changes discussed above, consolidate section 3-1 a, b, c, and d to say unlicensed vehicles and trailers and add operable to section 2 B. Council member Lyman seconded the motion. Motion carried with Council members Orme, Stowe, Porter, Wilson and Lyman voting aye.**

PUBLIC COMMENTS

There were no public comments at this time.

PLANNING AND ZONING ITEMS

PLANNING AND ZONING UPDATES

JANALEE BERNARDO –CONDITIONAL USE PERMIT - STATE IMPOUND YARD (ESSENTIAL FACILITIES) 1125 SOUTH CENTER STREET – RR-1

Council member Stowe explained this item. Council member Stowe said during the Planning and Zoning meeting there was a couple that owns property next to Ms. Bernardo that commented they were in favor of issuing the permit. Council member Stowe said during that meeting Ms. Bernardo asked if she were to sell her property if the Conditional Use Permit would go with the property or if the new owners would have to apply for a new permit. Council member Stowe said Ms. Bernardo was told the Conditional Use Permit is for her and any new owners would have to apply for a new one. Council member Stowe said Planning and Zoning recommends the Conditional Use Permit to the City Council for approval. **Council member Porter moved to approve the Conditional Use Permit for Ms. Bernardo. Council member Orme seconded the motion. Motion carried with Council members Wilson, Lyman, Porter, Orme and Stowe voting aye.**

SCHEDULED ITEMS

FIRE DEPARTMENT - BATTERIES FOR SCBA’S

FRED SPENCER

Mr. Spencer explained the Fire Department would like to use their remaining budget to order rechargeable batteries for their SCBA’s. This item was discussed at length. **Council member Lyman moved to purchase batteries for the Fire Departments SCBA’s up to \$4,100.00. Council member Porter seconded the motion. Motion carried with Council members Lyman, Stowe, Porter, Orme and Wilson voting aye.**

SHADE STRUCTURE AND INSTALLATION FOR CITY PARK PLAYGROUND

Council member Stowe explained the shade structure. Council member Stowe said the installation seems like a lot of money but due to state codes and liability she feels it would be best to have the company do the installation. Mayor Torgersen said the new shade will help preserve the playground equipment. This item was discussed at length. **Council member Stowe moved to purchase the Shade Structure and have it installed for \$73,850.00. Council**

member Lyman seconded the motion. Motion carried with Council members Wilson, Orme, Porter, Lyman and Stowe voting aye.

ROAD MAINTENANCE

Council member Lyman explained he would like to widen Center Street on the South end of Town. Council member Lyman said in some places Center Street is too narrow and the shoulder is chipping off. Council member Porter said the city has waterlines on the edge of the existing road. Council member Lyman said he would like to go look at the road with Council member Porter. Council member Lyman said there are also corners around town that are chipping off and he would like to order some cold mix and road base to fix them. Council member Lyman said he has a call into the County to see if the city can get some hot mix for the streets when they are hauling again. This item was discussed at length. **Council member Lyman moved to purchase road base and cold mix for the City Roads up to \$10,000.00. Council member Porter seconded the motion. Motion carried with Council members Porter, Lyman, Wilson, Stowe and Orme voting aye.**

MOVE POWER POLES FROM CITY STREET

Council member Lyman explained Garkane Energy has two power poles in the road easement on two hundred South and three hundred East. Council member Lyman said the road is a two-track road but needs to be brought up to grade. Council member Lyman said he has contacted Garkane Energy and they quoted him \$8,000.00 to \$11,000.00 to move the poles. Council member Lyman said he is not sure if it is the City's responsibility to pay for the removal or if it is Garkane Energy's. Council member Lyman said Garkane Energy told him they have a right of way access in the City right of way. City Attorney Huntington said normally utility companies have an easement for ingress and egress. Council member Lyman asked who should bear the cost to move the poles where the road has not been maintained. City Attorney Huntington said Garkane Energy can argue that the poles have been there for years, but we can ask them to share the cost. This item was discussed at length and Council member Lyman will contact Garkane Energy to see if they would be willing to share the cost. **Council member Lyman moved to table this item until the next Council meeting so he can work something out with Garkane Energy. Council member Wilson seconded the motion. Motion carried with Council members Stowe, Porter, Orme, Lyman and Wilson voting aye.**

STREET MOWER

Mayor Torgersen explained the yellow mower used for street mowing is nearing the end of its life and we cannot get parts for it. Mayor Torgersen said Terry Olsen got a bid for a new eXmark 96- inch Lazer Z diesel mower for \$44,399.00. Mayor Torgersen said it is important to keep our streets mowed. Council member Lyman said he likes the proposed mower because you can get around things easily, and it looks like it has all the specs we need. Mayor Torgersen said the city owns three eXmark mowers and they are good machines. Council member Wilson said he likes having all the same brand of mowers. City Recorder Steed said if the Council moves forward with the proposed mower Mr. Olsen asked if we could purchase two sets of new blades with it. **Council member Wilson moved to purchase the proposed street mower and two sets of blades. Council member Lyman seconded the motion. Motion carried with Council members Wilson, Lyman, Porter, Orme and Stowe voting aye.**

DEPARTMENT REPORTS

ADMINISTRATIVE

City Recorder Steed had nothing to report at this time.

PUBLIC WORKS DEPARTMENT

The Public Works Department was not present at said meeting.

FIRE DEPARTMENT

BILL WEPPNER

Mr. Weppner said the Fire Department has had two calls since the last Council meeting. Mr. Weppner said they had a dumpster fire at Outfitters and did traffic control for a motorcycle accident.

Mr. Weppner said they continue making progress on fixing ladder one.

COUNCIL REPORTS

MAYOR MELANI TORGENSEN

Mayor Torgersen said the annual splash pad day was a success.

COUNCIL MEMBER CHAD LYMAN

Council member Lyman had nothing to report at this time.

COUNCIL MEMBER LENZA WILSON

Council member Wilson said he is filling in holes around the Airport fence so animals cannot get in.

Council member Wilson said on the South side of the Airport Hangers the wind is blowing sand against the fence. Council member Wilson said he is removing the sand.

Council member Wilson said the contractor will be back to do the final painting on the Airport Runway in three weeks.

Council member Wilson said he will be installing a timer on the splash pad, so it is only operable during daylight hours.

Council member Wilson said he has been doing maintenance on the water tank agitator.

COUNCIL MEMBER BLAINE PORTER

Council member Porter had nothing to report at this time.

COUNCIL MEMBER MARLENE STOWE

Council member Stowe had nothing to report at this time.

COUNCIL MEMBER SALLY ORME

Council member Orme had nothing to report at this time.

UNPAID BILLS

Council member Orme moved to pay the unpaid bills. Council member Lyman seconded the motion. Motion carried with Council members Stowe, Orme, Lyman, Wilson and Porter voting aye.

EXECUTIVE SESSION

There was no executive session needed at this time.

**Council member Stowe moved to adjourn the meeting at 6:56 p.m.
Council member Lyman seconded the motion. Motion carried with all in favor.**

Stephanie Steed, MMC
City Recorder

Date minutes approved:

**ESCALANTE CITY COUNCIL MEETING
JUNE 19, 2024
SPECIAL MEETING/ELECTRONIC MEETING – 4:00 P.M.
ESCALANTE CITY COUNCIL CHAMBERS - 56 NORTH 100 WEST**

Mayor Melani Torgersen called the meeting to order at 4:00 p.m. in the Escalante City Council Chambers.

Present at said meeting were Mayor Torgersen, Council members Blaine Porter, Marlene Stowe, and City Recorder Stephanie Steed. Council members Chad Lyman, Lenza Wilson and City Attorney Barry Huntington were excused.

Council member Sally Orme joined electronically.

There was no one else present.

Mayor Torgersen led the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Council member Stowe moved to adopt the agenda as written. Council member Porter seconded the motion. Motion carried with Council members Stowe, Orme and Porter voting aye.

SCHEDULED ITEMS

CLINIC ADDITION BID AWARD – CONTRACTOR

Mayor Torgersen explained the city received one bid for the Medical Center Addition. Mayor Torgersen said the bid was from Tushar Contracting Inc for the amount of \$1,847,000.00 which is over budget. Mayor Torgersen said Kendrick Thomas with Jones and DeMille Engineering said he would like to contact the bidder and see why the price is so high and look at the plans to see if we can eliminate anything. Mayor Torgersen said she feels it would be in the best interest of the City to table this item and have a meeting with Tushar Contracting and Jones and DeMille Engineering to see if we can reduce the cost. **Council member Stowe moved to table the bid until we talk with the contractor and look at ways to reduce the cost. Council member Orme seconded the motion. Motion carried with Council members Stowe, Porter and Orme voting aye.**

**Council member Porter moved to adjourn the meeting at 4:17 p.m.
Council member Stowe seconded the motion. Motion carried with all in favor.**

Stephanie Steed, MMC
City Recorder

Date minutes approved:

P.O. BOX 18 ESCALANTE, UT 84726



Phone: (435) 826-4644 F:435-826-4642

CITY COUNCIL MEETING AGENDA ITEM REQUEST

1. The undersigned, request(s) the opportunity to present the following matter in city council meeting (please be as clear and specific as possible)

close E. Main street section on the
afternoon due to a fundraiser for the
Vet clinic 12pm - 5pm of
Aug. 3, Saturday
(280 + 283 E. Main street)

2. The undersigned requests 5 minutes for presentation.

Dated this 3 day of July, 2024.

Printed Name Suzanne Stedler Daytime Phone (435) 446-1548

Signature [Signature] Evening Phone _____

Please note: Items on the agenda for city council meeting are set at the discretion of the mayor. If the mayor approves the above request, you will be on the next agenda. If the request is not approved, you will NOT receive any further notification.

The remaining portion of this form is for office use only

DECISION ON REQUEST FOR APPEARANCE

☐ The above item is APPROVED for hearing before the city council. The city recorder is instructed to place the item on the next available council agenda for 5 minutes.

☐ The above item is NOT APPROVED for hearing before the city council.

Dated this 9th day of July, 2024.

[Signature]
MAYOR

P.O. BOX 18 ESCALANTE, UT 84726



Phone: (435) 826-4644 F:435-826-4642

CITY COUNCIL MEETING AGENDA ITEM REQUEST

1. The undersigned, request(s) the opportunity to present the following matter in city council meeting (please be as clear and specific as possible)

Repairs for ladder 1

2. The undersigned requests 5 minutes for presentation.
Dated this 10th day of July, 20 24.

Printed Name Bill Weppner Daytime Phone ~~801-831-5357~~

Signature Bill Weppner Evening Phone 11

Please note: Items on the agenda for city council meeting are set at the discretion of the mayor. If the mayor approves the above request, you will be on the next agenda. If the request is not approved, you will NOT receive any further notification.

The remaining portion of this form is for office use only

DECISION ON REQUEST FOR APPEARANCE

☐ The above item is APPROVED for hearing before the city council. The city recorder is instructed to place the item on the next available council agenda for _____ minutes.

☐ The above item is NOT APPROVED for hearing before the city council.

Dated this _____ day of _____, 20____.

MAYOR



Jones & DeMille
Engineering

1-800-748-5275
www.jonesanddemille.com

Owner: Escalante City
Project: Medical Center Addition
Proj. #: 2302-038

Bid Date: Wednesday, June 19, 2024
Bid Place: 56 North 100 West, Escalante
Bid Time: 2PM

TABULATION OF BIDS

Bid Schedule

Bidders:

No. 1
Tushar Contracting
P.O. Box 2366 Beaver UT 84713
US Fire Insurance Company

Engineer's Probable Cost:

Unit Price	Price
\$ 1,200,000.00	\$1,200,000.00
TOTAL	\$1,200,000.00

Estimated
Quantity
1

Item Description

Item No.
1-1
Lump Sum

Unit
L.S.

Bid Unit
Price

Bid Price

\$1,847,000.00	\$1,847,000.00
Accepted Total:	\$1,847,000.00
Submitted:	\$1,847,000.00
Correction:	\$0.00

I hereby certify that the above is a true and correct summary of the bids received:

Project Manager: _____
Kendrick Thomas

Correction Notes
Corrected Bid Item:

**ESCALANTE CITY
RESOLUTION 2024-14**

Utah State Tax Commission - Property Tax Division Resolution Adopting Final Tax Rates and Budgets	Form PT-800 Rev. 02/15
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County: GARFIELD

Tax Year: 2024

It is hereby resolved that the governing body of:

ESCALANTE CITY

approves the following property tax rate(s) and revenue(s) for the year: **2024**

1. Fund/Budget Type	2. Revenue	3. Tax Rate
10 General Operations	132,584	0.001570
	\$132,584	0.001570

This resolution is adopted after proper notice and hearing in accordance with UCA 59-2-919 and shall be forwarded to the County Auditor and the Tax Commission in accordance with UCA 59-2-913 and 29-2-920.

Signature of Governing Chair

Signature: _____ Date: _____

Title: _____

5.9.100 WORKERS' COMPENSATION

Any injury occurring on the job must be immediately reported to the employee's supervisor. The job-related injury shall be detailed on forms prescribed by the Utah Industrial Commission and the City. These forms must be completed within one (1) week following the incident producing the injury.

SECTION 1: AMENDMENT “3.2.050 STATUS” of the Escalante Policies & Procedures is hereby *amended* as follows:

AMENDMENT

3.2.050 STATUS

A volunteer, authorized by the governing body, shall be deemed an employee of the City, only for the purposes of:

A. Worker’s Compensation. Worker’s Compensation Benefits for medical reimbursement only for any injury sustained by him/her while engaged in the performance of any service.

1. Any injury including beyond basic first aid must be reported to the City Office immediately.

B. Licensing. Property licensed operation of City vehicles or equipment.

C. Liability Protection. Liability protection normally afforded salaried employees.

D. Employee Indemnification. Indemnification normally afforded salaried employees.

SECTION 2: AMENDMENT “3.1.120 EMPLOYEE BENEFITS” of the Escalante Policies & Procedures is hereby *amended* as follows:

AMENDMENT

3.1.120 EMPLOYEE BENEFITS

a. **Holidays.** Employees of Escalante shall not be required to work on the following holidays:

- i. New Year’s Day (January 1)
- ii. Civil Rights Day (3rd Monday in January)
- iii. President’s Day (3rd Monday in February)
- iv. Memorial Day (Last Monday in May)
- v. Independence Day (July 4)
- vi. Pioneer Day (July 24)
- vii. Labor Day (1st Monday in September)
- viii. Columbus Day (2nd Monday in October)
- ix. Veteran’s Day (November 11)
- x. Thanksgiving Day (4th Thursday in November)
- xi. Day after Thanksgiving Day (4th Friday in November)(Floating Holiday)

of her duties because of pregnancy and stating the expected delivery date. The employee shall be responsible for providing any physician's statements which the City may require in order to determine the commencement and termination period of physical disability.

- ii. Amount of Time. An employee will be expected to work before delivery until she cannot adequately perform the duties of her position or it is no longer safe for her to do so as certified by her attending physician. An employee who intends to return to duty after delivery will be expected to do so as soon as she is physically able, but in no event more than ninety (90) days following the date of delivery.
- iii. Sick Leave. The use of paid sick leave for maternity leave shall be only for the period that the employee is physically disabled and only to the extent that the employee has sick leave accumulated. Paid sick leave for the purpose of providing child care shall not be allowed. An employee who has indicated that she does not intend to return to her duties after delivery will be granted the use of any sick leave to her credit during the periods before and immediately after the actual delivery which can be supported by her physician's certificate. She will submit her resignation at the time she begins her maternity leave. When she has used the sick leave approved, she will no longer be employed by the City.
- e. Military Leave. Employees may be granted leave to perform military duties, such as National Guard, Reserves, or a call to active duty in military service, as required by law.
- f. Worker's Compensation. Worker's compensation insurance shall be obtained as required by law.
 - i. Any injury including beyond basic first aid must be reported to the City Office immediately.
- g. Medical Insurance. Full-time City employees may be insured under group insurance programs either at no cost to the employee or with some or all the cost thereof paid by the employees enrolled in the plan. The plan may provide health, accident and/or life insurance to employees. Employees may, by regulation, be required to contribute all or part of the cost of such insurance.
- h. Retirement Plan. All permanent employees shall participate in the Utah State Retirement System under the rules, procedures, and agreements applicable thereto.
- i. Annual Vacation.
 - i. Entitlement. All employees of the City shall be entitled to vacation in accordance with the following schedule:

1.	Service Time		Vacation Days
	0-1 years		1 week
	2-9 years		2 weeks
	10-14 years		3 weeks
	15 plus years		4 weeks