

SOUTH WEBER CITY COUNCIL MEETING

DATE OF MEETING: 27 January 2015

TIME COMMENCED: 6:00 p.m.

PLEDGE OF ALLEGIANCE: Mayor Long

PRAYER: Council Member Thomas

PRESENT: MAYOR: Tammy Long

COUNCILMEMBERS: Scott Casas
Randy Hilton
Michael Poff
Marlene Poore
David Thomas

CITY RECORDER: Tom Smith

CITY MANAGER: Duncan Murray

Transcriber: Minutes transcribed by Michelle Clark

*A PUBLIC WORK MEETING was held at
5:30 p.m. to
REVIEW AGENDA ITEMS*

VISITORS: Bryon Saxton, Lynn Poll, Wes Johnson, Darren Hess, Brent Poll, Mark Anderson, Amy and Perry Mckorkle.

Mayor Long called the meeting to order and welcomed those in attendance.

APPROVAL OF THE AGENDA: Council Member Poff moved to approve the agenda as written. Council Member Casas seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

CONFLICT OF INTEREST: There was none

CONSENT AGENDA:

- Approval of the 12-9-14 City Council Meeting Minutes
- Approval of the 12-16-14 City Special Meeting Minutes
- Approval of the 12-16-14 City Closed Meeting Minutes
- Approval of the 1-13-15 City Council Work Meeting Minutes

- **Approval of the 1-13-15 City Council Meeting Minutes**
- **Approval of the 1-20-15 City Council Work Session Minutes**

Council Member Poff moved to approve the consent agenda tabling the 20 January 2015 minutes. Council Member Casas seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. Council Member Poore abstained from 16 December 2015 closed meeting. Council Member Thomas abstained from 20 January 2015 meeting. The motion carried.

Darren Hess with the Weber Basin Water Conservancy District to report on Parson's Pit Feasibility Study: Darren Hess discussed water rights that could be used. He said the concern would be how long it would take to fill Parson's pit with the 16,000 AF required. He estimated it would take several years to fill it. He reviewed option #1 in which it would be kept full all the time and would allow recreation. Option #2 would allow for Weber Basin to use the water for storage which would decrease the water level at times. Option #3 would be to allow for water storage in the bottom of the pit with no recreation available. He said the pit could be dry at times with this option. Option #4 would be commercial area with a small lake. He said obviously the city would want the recreation and Weber Basin is interested in a place to store water. The cost would be an extensive endeavor. Darren said Weber Basin does have an ASR facility in South Weber. It currently stores approximately 1,400 AF. He said this was built for approximately half a million. He said they have purchased more acres for that particular facility. He said it is operational. Council Member Thomas said this is obviously a partnership with the city and Weber Basin, but what are the options to include the Bureau of Reclamation. Darren said there are grants available which would probably require a 50/50 match. Mark Anderson, Assistant General Manager for Weber Basin, he said they are promoting to the Legislature the need for water funding. He said the Federal Government is not funding water projects. He said there is a need for a State supported fund for water. He said there is some momentum with the State with some big projects that have been identified. He said this would be a project that could be added to the list. He said they do need to look at getting more water rights. Council Member Thomas said the concern has always been the infiltration of the Great Salt Lake and the need for other options. He is wondering about getting other cities involved. He said they also need to sit down with Parsons to discuss reclamation of the pit. Council Member Poff said one of the reasons for the study was to see if this is feasible. He feels in moving forward the council needs to meet with Parsons and work towards an end. He said the information from the report states it is feasible. Council Member Poore asked if it is financially realistic. She said is millions and millions of dollars worth it. She asked what portion of the dollar expense would Weber Basin Water be looking at from South Weber City. Mark said the project would be approximately \$50 million however, he feels it would be too early to tell. He said the pit would need to be lined to keep the water in it. Council Member Thomas said Parsons has indicated that they have enough stuff in the bottom of the pit to contour it. He said there are ways to get the cost down if everyone is on board and partners. He said the State of Utah is the second largest driest State. He said we know this is a place that can store three times the Causey Reservoir. He feels it is worth our time to continue to explore it. Council Member Hilton asked how Weber Basin feels about putting water in the pit. Mark Anderson said they see the gravel pits as a very good ASR project. Council Member Poff said this study wasn't commissioned to assign a price to it but whether or not it was actually possible.

The purchase of security cameras for the court

Duncan explained that the city did receive a \$2,000 grant. The city recommends the bid for the total cost of the security system to Bodily Works for \$8,704.75. This will include all installation, supplies, cameras, computer hardware, & software. The first option would to charge all of it against the Capital Projects Fund or the second option is to charge it against the General Fund. Council Member Poff asked about the overall policy for GRAMA requests. Tom will look into it. Duncan said this system has a useful life of ten years. Council Member Thomas would prefer taking the expense out of Capital Projects.

Council Member Thomas moved to approve the purchase of security cameras for the court to Bodily Works not to exceed \$8,704.75 and to charge the Capital Projects Fund. Council Member Casas seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

Check Register for Dec. 16-31, 2014 & Check Register for Jan. 1-15, 2015:

Duncan explained the council's questions received from the work session prior to this meeting.

Council Member Poff moved to approve the check register for December 16-31, 2014 & check register for Jan. 1-15, 2015 noting that the city staff will get back to the council concerning questionable items noted in the work session. Council Member Hilton seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

Dec. 2014 Budget to Actual:

Council Member Thomas asked Duncan if there is any weakness in terms of revenue. Duncan feels the city is doing really well with the revenue anticipated. He feels expenditures are on track, but the challenge is getting all the right money in the right place as well as identifying the right budget codes. He feels the budget committees will be able to specifically identify items. He feels this next year will allow them to track items better. Duncan said building permits are going up and the new software will help in tracking.

Council Member Poff moved to approve the December 2014 budget to actual. Council Member Thomas seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

Resolution 15-03: Amending Resolution 12-17, and approving Amendment #2 to the Inter-local Agreement with Davis County for Animal Control Services: Tom said the city previously entered into an inter-local agreement with Davis County for Animal Control Services for 1 January 2013 to 31 December 2017. Davis County has proposed amendments to paragraph 5 of the original agreement outlining a 3% increase in the compensation to be paid to the County for animal control services. He said the monthly cost was \$834.93 and will be amended to \$875.50. The yearly cost was \$10,019.15 and will be amended to \$10,526.08. The compensation paid by the City to the County will be reviewed annually.

Council Member Hilton moved to approve Resolution 15-03 amending Resolution 12-17 and approving amendment #2 to the inter-local agreement with Davis County for animal

control services. Council Member Poore seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

Confirm Country Fair Days dates August 1-8, 2015: Duncan said by tradition the city has conducted Country Fair Days the first week of August. He said they would like to lock in certain days for some events. Council Member Poff said items have been scheduled in conjunction with these dates. He said sometimes there are conflicts with Weber County Fair, but there really is no other place to put it.

Council Member Poff moved to confirm Country Fair Days dates of August 1-8, 2015. Council Member Hilton seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

Summit: Council Committee Assignments: Tom explained the various assignments of the committee members. He said these assignments are tentative and can be changed. Duncan said the idea would be the following proposed assignments and have been based on the council’s current assignments.

Council Committees

Public Safety

Tom Grayden
Tom Smith
Council Member Casas
Council Member Thomas

Goal: VRP = Fire Trucks

Sewer, Water, Storm Drain

Mark/Bryan
Michelle/Paul
Council Member Poff
Mayor Long

Goal: Water Tank (2 million gal)

Streets & Garbage

Mark/Clint
Duncan
Council Member Hilton
Council Member Poore

Goal: VRP = Snow Plow

Parks/Trails/Beautification

Mark/Jason
Michelle
Council Member Casas
Council Member Poff

*Goal: Canyon Meadows
Baseball Field*

Recreation/Events

Curtis Brown
Tom Smith
Council Member Thomas
Mayor Long

*Goal: CFD & Resurfacing
Rec. Floor*

Audit & Finance

Paul
Duncan
Council Member Hilton
Council Member Poore

*Goal: Fund Structure,
CIP/Finance Software*

2015 South Weber City Guiding Financial Principles: Duncan said this item will be discussed extensively at the summit to be held on January 30-31, 2015. He would like to look at community fundraising. He would also like to look at identifying projects. He suggested the City Council think about this item prior to the summit. He would also suggest the City Council complete the survey. He said there will be an economic development presentation.

Leased Vehicles:

Tom Smith, City Recorder, explained that this is a sensitive topic and a lot of the city’s information is incomplete. He said there is probably more information out there than he has been able to collect. He said they would like to discuss this tonight with the end of being able to find

a conclusion. Tom said on 8 January 2013 in an open meeting the City Council approved P.O.# 2312 for \$48,005.44 to Young Chevrolet for a 2013 Chevy Silverado 3500 HD four-wheel drive diesel truck. The additional cost was for a snow plow \$15,489 to Legacy Equipment. He said he has the title, receipts, and contract for that purchase. The contract was between South Weber City and Young Chevrolet on 4 March 2013. On 1 December 2013 the city went to Hink Lease Inc. and took five total vehicles including the diesel truck making the decision to lease their vehicles. Council Member Casas asked if the five vehicles were sold to Hink Lease Inc. Tom said this is where it remains inconclusive, and said he would like to suggest “yes” but documentation to support that, he could not find. He said however, in the lease there are five vehicles. Tom explained that in the exchange the city got four 2014 Dodge trucks and one 2013 Chevy truck. He said the lease agreement is for three years and the payment is on December of each year in the amount of \$35,233.00 per truck. Tom said that is the documentation that he has to support the leasing of the vehicles. He realizes that leaves lots of questions, but it has been brought to the city staff’s attention and it was directed per council that this was an administrative facet and that it why you may or may not find minutes to support the lease. Tom said whether or not that is correct, the city staff isn’t sure.

Council Member Poore said she thinks the original issue was the documentation and sale of the trucks so she asked if there is anything to indicate what happened to the sale of those trucks. Tom said it is possible that there is a record but we can’t find it at this time. Council Member Poore asked why the sale of those trucks was not made public and the city has no record of the sale, and why the purchase of the lease agreement was not made public. She said there was a statement in the paper that it was an administrative decision and she would like to see proof as to how that applies to the truck sales and the lease purchase issues.

Council Member Casas addressed the senior council members, since this happened while he was not part of the council. He would like to know how this happened without their approval. He said it was never discussed in a public meeting. Councilmember Casas said Rodger Worthen was the City Manager at that time, and he questioned if Rodger decided to take it upon himself to sale all the Public Works Department’s trucks without going through the council. He said that is what he is trying to understand because there is no public discussion. He doesn’t understand how the council never questioned that. Council Member Thomas explained that as long as it is in the budget, then one of the things we pay the staff to do is administrative things. He asked would it have been nice for Rodger to comments from the council, “yes”, but did he have the authority to do what he did, as long as it was in the budget “yes”. Council Member Poore disagrees because the procurement policy says and procurements and acquisitions the council makes need to be discussed, even when it is in the budget. She explained that even though money was there, there was no specifications for the lease agreement or anything else to go along with this. She said the city staff did go to the council when the truck was purchased. She said they are supposed to follow the same regulations when a truck is sold. She sees nothing in the State or City code or policy procurement that allows the City Manager to make that decision. She said so he made that decision without any consultation from the council or approval from the council. Council Member Thomas said he doesn’t recall ever talking about it. He said in the city code where it talks about being able to dispose of property, he does have that authority. Council Member Poore said no he doesn’t, in fact, she would like to know where it says that. Council Member Casas said in the city code it states that purchases of \$5,000 or more not budgeted for require approval of the department head, City Manager, and City Council. He said this was a transaction over \$5,000. He said it also didn’t follow the proper disposal policy. He said it is a

done deal and happened over fifteen months ago. His frustration is that it was never made public and secondly, we have city ordinances and policies and we don't have anyway of enforcing them. Council Member Poff said Council Member Casas raises some good questions, but he doesn't have any recollection or answers to those questions. He said he isn't going around everyday looking to see what vehicles are in the parking lot. He said he couldn't tell you all the equipment the fire department or public works department has. Council Member Poore would like Council Member Thomas to provide the proof that the City Manager had the authority to do that. Council Member Thomas said we can certainly ask the City Attorney to look into it and then come back and talk to the council. Council Member Poff said there has been a lot of feedback from the city staff to confirm this information. Council Member Hilton said the council received an email from Steve Noel today in which he is willing to look into this item. Council Member Hilton would like for the council to be put together and move forward. Tom explained the city policy and stated that if there is a discrepancy than we turn it over to the City Attorney. Council Member Thomas feels that is what should be done in this situation. Council Member Poff said when these concerns were discussed previously he thought this was turned over to City Attorney. Council Member Thomas said he thought the same because when they had similar discussions last May, he thought those concerns would be turned over to Steve Noel and he would be able to investigate those and then come back to the council, but now we have an email from Steve stating no one has ever talked to him. Mayor Long asked who has the authority to sign the bill of sale and title over. Council Member Thomas said we can give an opinion but we can turn it over to the City Attorney to give us an opinion. Council Member Poore said he does recall in the past when it came time to dispose of property, the council was presented with a list and we approve that list, but in this situation, he doesn't recall ever seeing the trucks. Council Member Poff said he didn't know there were vehicles unaccounted for. He said he doesn't notice where every asset of the city is located. Council Member Poore feels that seeing the staff drive around in new trucks would be noticeable. Mayor Long and Council Member Poore agreed to have the City Attorney review this item.

Council Member Thomas moved to turn over this issue with regard to the sale lease of vehicles to the City Attorney and have him investigate and report back to the City Council. He would suggest anyone who has information to turn it over to Steve Noel. Council Member Poore seconded. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

COUNCIL MEMBER ITEMS:

Council Member Casas:

Daughters of Utah Pioneers Monument: He has been in contact with the DUP

Council Member Poff:

Colonel Hammond returned after six months: He helped install the flags. He appreciated that this was put on the city web-site.

Utah League of Cities: Council Member Poff will be taking the Youth Council.

USU Leadership Conference: This will be held on March 12-14. The Youth Council will attend.

Council Member Poore:

City Code: She requested information concerning what authorizes the City Manager to make those kinds of purchases from Council Member Thomas.

Council Member Thomas:

Gas Tax: He said there is a debate between the tax gas and local option. He said if we want to talk to our Legislator. He said the local option will not require an election.

PUBLIC COMMENTS:

Brent Poll, 7605 S. 1375 E., stated he is concerned with turning the vehicle leasing over to the City Attorney so quickly. He feels the council needs to exhaust all avenues prior to turning it over to the City Attorney. He said some of us saw the newspaper come out. He is concerned about how South Weber is coming across.

Lynn Poll, 826 E. South Weber Drive, he suggested going to the company that the vehicles were leased from. He suggested talking to Perry Homes concerning using the dirt they are digging up to help with another ball diamond

Council Member Poff said it has been his understanding that if there are accusations or allegations about a council member doing something inappropriate then it should go to the City Attorney for review. He said we are taking those steps to come to some kind of conclusion. He said we can sit here and go back and forth on what took place but we already addressed legal questions that they will need interpretation from the City Attorney. He said unanimously the council voted to do that.

Council Member Thomas said it is taken to the City Attorney if there are concerns and there have been allegations with regard to former city employees. Certainly if he finds something and discusses it with us he may refer it to the City Prosecutor or County Attorney. He said the concern is we are talking about former employees that are not here to defend themselves and their characters are being discussed. He said that is why we turn it over to the City Attorney. Council Member Poff said which is what we were instructed to do in a closed meeting and receive recommendations from the City Attorney and County Attorney.

CITY MANAGER ITEMS:

Annual Street Projects: He said last summer some streets were chip & sealed. He said Morgan Pavement will be paid the \$102,366.38 plus. Duncan will issue a check tomorrow, but will ratify on the next City Council agenda.

CITY RECORDER'S ITEMS:

Communication Committee Meeting: Tom reported progress has been made on the city website, but should be operational by February.

Election Year: Tom stated this is an election year and applications for three City Council positions will be taken June 1-8 2015.

ADJOURNED: Council Member Poore moved to adjourn the City Council Meeting at 7:46 p.m. Council Member Casas seconded the motion. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

APPROVED: _____ Date
Mayor: Tammy Long

Transcriber: Michelle Clark

Attest: _____
City Recorder: Tom Smith