

**ST. GEORGE CITY COUNCIL MINUTES  
REGULAR MEETING  
FEBRUARY 25, 2016, 4:00 P.M.  
CITY COUNCIL CHAMBERS**

**PRESENT:**

**Mayor Jon Pike  
Councilmember Jimmie Hughes  
Councilmember Michele Randall  
Councilmember Joe Bowcutt  
Councilmember Bette Arial  
Councilmember Ed Baca  
City Manager Gary Esplin  
City Attorney Shawn Guzman  
City Recorder Christina Fernandez**

**OPENING:**

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by a Scout and the invocation was offered Russ Cashin with the Free Spirit Community.

Mayor Pike mentioned a thank you gift he received from the Huntsman City Games thanking the City for their support. He provided statistics on the economic benefit of the Games. The Solid Waste District will not pass along the increase they had anticipated.

**EMPLOYEE APPEAL HEARING:**

**Hearing of an appeal regarding the termination of an employee.**

City Attorney Shawn Guzman explained that Debbi Grant was terminated and appealed the termination to the City Council. The Department Head recommended termination and the City Manager agreed after which the employee appealed to the City Manager, who decided to uphold the termination. At that time, the employee then appealed to the Council. He read and reviewed policy 4.50 outlining the appeal process. The hearing was scheduled for Thursday, February 11, 2016 at 4:00 p.m.; that morning, Ms. Grant sent an email to City Recorder Christina Fernandez stating that she was sick and would not be able to attend the hearing. At the City Council meeting, the Council rescheduled the hearing for February 25, 2016 at 4:00 p.m. Because Ms. Grant is not present, he asked City Recorder Christina Fernandez to outline the notices given to Ms. Grant regarding tonight's hearing.

City Recorder Christina Fernandez stated that the following notices were sent to Ms. Grant:

February 19, 2016:

- An email was sent informing Ms. Grant that the hearing will be scheduled for tonight.
- A letter was mailed via United States Postal Service.
- A copy of that letter was delivered by a Police Officer to Ms. Grant's home.

February 23, 2106:

- A message was left on Ms. Grant's cell phone voicemail asking her to call back; there was no response.

City Attorney Shawn Guzman asked for clarification on when Ms. Grant was first notified of the new hearing being held tonight. He asked if it was on Friday, February 12, 2016.

City Recorder Christina Fernandez replied yes.

City Attorney Shawn Guzman then mentioned that Ms. Grant sent an email to the City Recorder on February 12, 2016. The email states:  
"Christina,

Sorry I did not get back to you sooner. I was sick and couldn't talk. I did receive your messages. I forgot to let you know (if it makes any difference) I have prior commitments the next 4 Thursdays. If it has to be on the 25th, I don't think I will make it. I do not know what to do.

Thank you for your help.

Debbi Grant"

He then continued to read policy 4.50 and reiterated that Ms. Grant was notified of the initial hearing date as well as the rescheduled date, per the request from the employee. The Council rescheduled the meeting on April 25, 2016 and the employee was notified. Ms. Grant stated that she may not be able to make the hearing on April 25, and may be unable to attend the next four Thursdays. Efforts were made by the City to confirm her attendance; however, there has been no response by Ms. Grant.

Mayor Pike opened the hearing.

Assistant City Attorney Victoria Hales stated that Ms. Grant's termination date was January 15, 2016. Prior to the termination she was put on paid administrative leave.

Mayor Pike pointed out that the Council has a packet containing all of the documents that could be referred to.

City Attorney Shawn Guzman noted that Ms. Grant is not present.

Councilmember Hughes commented that the policy states that the appealing employee has the burden of proof. He asked, if the employee is not present, why does the hearing need to proceed.

City Attorney Shawn Guzman stated that Legal staff would prefer to have the evidence on the record. Witnesses are present, but they do not have to be called. If the Council permits, Assistant City Attorney Victoria Hales could proffer the testimony of the witnesses. Ms. Grant had the opportunity to be present.

Assistant City Attorney Victoria Hales explained that following the procedure protects the City. She suggested proffering the evidence. City Attorney Shawn Guzman and City Recorder Christina Fernandez provided the notifications that were provided to Ms. Grant as well as the appeals process. She stated that Exhibit A includes copies of letters and emails sent to Ms. Grant and her responses and a copy of policy 4.50. Ms. Grant was given more than adequate notice. She pointed out, that it is not the City's burden of proof; however, when there is a termination of an employee, it is best to show that the City has gone through a thorough process to terminate the employee.

Mayor Pike asked the Council if they had any questions at this time.

Assistant City Attorney Victoria Hales stated that City Manager Gary Esplin's decision was made mindfully and with great caution and consideration to the employee and her circumstance. If Shiloh Kirkland were to testify, she would testify that she worked with Ms. Grant until July, 2015 and was Ms. Grant's immediate supervisor. Ms. Kirkland would testify about an incident that occurred on June 17, 2015 - an elderly woman came to Ms. Grant for help. Ms. Kirkland, whose office was in close proximity to Ms. Grant's desk, had a monitor in her office to see when customers arrive. Ms. Kirkland overheard the conversation in which an elderly woman asked Ms. Grant to help her fill out a check because of her arthritis, Ms. Grant said no, the woman had to fill it out herself. Ms. Kirkland went out to the counter to help the woman fill out the check. With tears in her eyes, the woman thanked Ms. Kirkland for her help. This is one example of Ms. Grant's customer service demeanor; customers sometimes had to put up with this demeanor when they came in for a business license. Additionally, Ms. Kirkland would testify to numerous incidents such as this relating to Ms. Grant's customer service. At this time, Ms. Grant's primary job was to help customers with business licenses. She was reprimanded for this instance and many other instances such as this. When Ms. Kirkland ended her employment with the City in July, Ms. Grant was put on an employee improvement plan. The plan is shown on pages 74-77 of the booklet - it includes additional situations.

Councilmember Randall asked to hear from the witnesses because it seems weird to have Assistant City Attorney Victoria Hales talk for the witnesses who are present.

Assistant City Attorney Victoria Hales stated that she will proceed as the Council determines, but the question and answer format takes much longer.

Councilmember Hughes mentioned that since Ms. Grant is not present, the Council will only hear things they cannot ask Ms. Grant about.

City Attorney Shawn Guzman explained that in order to get all of this on the record, Assistant City Attorney Victoria Hales can summarize what all of the witnesses would testify to. Ms. Grant does have the burden of proof. The Council's findings will need to state that Ms. Grant was given adequate notice.

Assistant City Attorney Victoria Hales stated that she understands this is a strange process; however, getting the evidence on the record protects the City.

Councilmember Baca mentioned that all of the material has been pretty well documented. Since the employee chose not to be here, the Council should stipulate the facts are acceptable as presented. If Ms. Grant chooses to pursue this further and seek other remedies; that is her decision.

City Attorney Shawn Guzman noted that the Council needs to know what is in the packet.

Assistant City Attorney Victoria Hales summarized by pointing out the following:

- Pages 78-80, Philip Peterson, her supervisor at the time, suspended Ms. Grant for two days without pay due to customer complaints over a short period of time.
- Pages 44-45, performance evaluations reflected low performance in customer service as indicated on pages 44-45.

- Economic & Housing Development Director Matt Loo, one of her former supervisors, would confirm that Ms. Grant had low performance evaluations and many customer complaints.
- Planning & Zoning Manager John Willis, Ms. Grant's immediate supervisor at the end of her employment, signed the performance improvement plan and was in charge of seeing that she followed the plan. Ms. Grant was told to improve on customer service, citizen focus, teamwork and cooperation
- Mr. Willis, Assistant Public Works Director Wes Jenkins and Public Works Director Cameron Cutler met with Ms. Grant on numerous occasions to discuss her performance. After placing Ms. Grant on the employee improvement plan, Mr. Willis and Mr. Jenkins met with her monthly to discuss what she was doing to improve and to also discuss with her additional customer complaints received as well as staff complaints regarding Ms. Grant's failure to perform her duties, which is reflected in the termination documentation.
- Ms. Grant was not performing duties required as outlined in her job description which is included as Exhibit B.
- Development Office Project Manager Laura Woolsey, another of Ms. Grant's immediate supervisors, had an occasion to go through Ms. Grant's desk upon her termination and created a packet of items that were not completed, which was approximately 70 pages, some of which are very crucial. Ms. Woolsey found checks that were not deposited within three days per State law. Some of the checks found resulted in late fees which creates a nightmare, not only for the customer, but also City staff, to reverse wrongly imposed late fees.
- During the monthly meetings with Mr. Willis and Mr. Jenkins, Ms. Grant lashed out, calling them two-faced supervisors because they brought customer service complaints to her attention and at the same meeting praised her for positive things she had done.
- In September, 2015 Ms. Grant was notified that her job description had changed. Her pay did not change; however, she was very unhappy with the changes as she would not be able to advance in pay in the future. Ms. Grant also complained that she wanted to stay involved with business licensing because of her knowledge and experience; however, when assigned the business licensing tasks, she failed to perform them, some of which have been previously outlined.
- Mr. Willis and Mr. Jenkins tried to address Ms. Grant's issues by shifting her duties in an effort to make her successful, it was not their goal to write her up and terminate her. Because of her customer service issues, she was moved to the desk by Mr. Cutler's office, which saw fewer customers. Ms. Grant failed to assist customers when asked to step up in her new location. It was discovered that she was asleep at her desk. Additionally, she failed to call customers when it was time to renew their rental dwelling licenses as assigned.
- Pages 34-37, it was determined that she was not performing well under the performance improvement plan and Ms. Grant received a poor performance plan review at the end of 2015, right before her termination.
- Pages 4-16, Mr. Cutler prepared a "Notice of Intent to Discipline" letter and held a formal meeting with Human Resources and Ms. Grant's supervisors. All of the customer service complaints are outlined on page 11. Ms. Grant was given a time to return to explain the events. At the meeting held on January 4, 2016, Ms. Grant was informed about the customer service complaints and items not being addressed in her work performance; one of the possible disciplines was termination. At the subsequent meeting, Ms. Grant provided her responses as outlined in these pages, which were found to be inadequate.

- Mr. Cutler recommended Ms. Grant's termination to City Manager Gary Esplin.
- Pages 1-2, City Manager Gary Esplin prepared and sent a letter to Ms. Grant recommending termination. Ms. Grant was on paid administrative leave from January 4 through January 15, 2016.

Assistant City Attorney Victoria Hales closed by saying that the City would seek a finding that City Manager Gary Esplin's decision to terminate Ms. Grant was based on behaviors that were in clear violation of City policies, particularly behaviors that violate policy 4.50(VII). Ms. Grant failed to improve her performance within a prescribed timeframe as proven by the performance improvement action plan and her failure to meet benchmarks in the plan. Further, Ms. Grant failed to conduct herself in a professional and competent manner, showed insubordination to her supervisors by refusing to or being unwilling to do as directed, neglected her job duties and responsibilities, refused to perform her assigned work and failed to be respectful, courteous and cooperative with customers. Ms. Grant was given clear, verbal, written and corrective action to take which she did not do, resulting in suspensions and termination. Ms. Hales requested the Council uphold the City Manager's decision to terminate Ms. Grant and find that procedures were given to Ms. Grant outlined in Exhibit A, showing that adequate notice of the procedures and this hearing were given and that Ms. Grant had an opportunity to be present and heard, but that she chose not to attend. She thanked the witnesses for being present.

Councilmember Arial commented that she appreciates the thoroughness, compassion and concern shown for this employee. Staff wanted her to succeed; processes were thorough and exact.

City Attorney Shawn Guzman handed a ballot to each of the Councilmembers.

Councilmember Baca stated that the record reflects this situation has been going on for a number of years. She signed and acknowledged notifications outlining the allegations; supervisors have been quite patient.

Mayor Pike asked if the Council had a chance to look through the documents which were well gathered.

Councilmember Randall commented that some employees need to be terminated long before they are; this is one of those cases.

Mayor Pike stated that it isn't easy to be terminated; documentation is appreciated. The City values its employees. He asked the Council to mark their ballot to either affirm or reverse the decision of the City Manager to terminate Debbi Grant.

Mayor Pike read the ballots, as follows:

Councilmember Arial – affirm  
Councilmember Randall – affirm  
Councilmember Baca – affirm  
Councilmember Hughes – affirm  
Councilmember Bowcutt – affirm

City Attorney Shawn Guzman explained at this time, it would be appropriate to add findings as follows:

- Procedures were followed.
- Adequate notice was given on both hearings.

- The morning of the first scheduled hearing, Ms. Grant called stating that she was sick and could not make it.
- The Council accommodated Ms. Grant by setting the second hearing for tonight.
- Ms. Grant was notified, by numerous methods, about tonight's hearing and asked that she advise the City Recorder if she would be present, but failed to respond and appear or present evidence on her behalf, or meet the burden of proof as required by policy and procedure.
- The decision of the City Manger was reasonable based upon the evidence as presented to him.

Assistant City Attorney Victoria Hales noted that this list of findings is what was requested at the beginning of the hearing.

**MOTION:** A motion was made by Councilmember Arial to accept the findings.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes – aye

Councilmember Randall - aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

Councilmember Baca – aye

The vote was unanimous and the motion carried.

Councilmember Baca recognized what has taken place. He referred to the mission and vision statement which includes language about good public relations and expectations. The City values the citizens of this community regardless of their social position; they should be treated equally and fairly at all times.

City Manager Gary Esplin suggested adjourning to the Administrative Conference Room for the remainder of the meeting.

#### **DISCUSSION AND PRESENTATION FROM DIXIE STATE UNIVERSITY REGARDING BANNERS:**

Mayor Pike introduced Jordan Sharpe, the Marketing Director for Dixie State University.

Mr. Sharpe explained that they are in the process of rebranding Dixie State University. He presented a PowerPoint presentation covering the following topics: Articles regarding the best college towns in America; 10 Reasons to Retire in a College Town – US News & World Report; St. George, Utah #1 College Town in America; Rebranding and Identity Concepts; Dixie State Raptors; Logo rendering; Dixie State University Trailblazers; Logo rendering; Dixie State Sun Warriors; Logo rendering; Logo rendering; photos of possible marketing avenues; and proposed signs.

City Manager Gary Esplin stated that he is concerned that 400 East is the historic district; the Council may want something more historical there.

Mr. Sharpe stated that the final decision with the mascot will be within the next 2-3 weeks; the Identity Committee will make the decision. The hope is to unveil the new mascot during D-Week.

Mayor Pike encouraged Mr. Sharpe to work with Support Services Director Marc Mortensen.

**UPDATE ON THE 2016 LEGISLATIVE SESSION:**

Mayor Pike mentioned that most concerning for him, are the bills that want to take away local control. He asked City Attorney Shawn Guzman to review the 2016 Legislative Session.

City Attorney Shawn Guzman provided the Council with an update on the 2016 Legislative session.

**REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:**

Councilmember Hughes mentioned the Animal Shelter Board meeting; things are going well. The board is pleased with the number of animals coming in and being adopted out of the shelter. Sergeant Fuller explained the process of euthanizing animal if it is found to be unadoptable. There was some discussion about the County Shelter. The County will hold an open house to discuss the shelter March 29<sup>th</sup> at 6:00 p.m.

Councilmember Bowcutt stated the Planning Commission met for four hours – some items will come to City Council for their consideration as they were not decided at the meeting.

Councilmember Baca mentioned that a citizen met with him regarding a claim on an accident; City Attorney Shawn Guzman informed the gentleman on how to proceed. Another citizen met with him regarding an employee issue.

Councilmember Randall reported that the University is doing a veteran's monument of some sort. There is \$1,700 in the Veteran Affairs budget; she asked if some of that can be donated to them if the Board would like to donate some of the funds. The Shade Tree Board does not meet for a few weeks.

A discussion took place regarding the trees that are being removed from certain businesses; replacing them with smaller trees.

Councilmember Arial stated that Jim McDonald will replace Dana Meier at UDOT. The Youth City Council has seen an issue with the kids bad mouthing each other and bickering about choosing the next mayor. She would like an adult to talk to them about their behavior. The Excellence in the Arts awards will be given to the recipients at the March 17<sup>th</sup> City Council meeting. She mentioned that the quarry dedication will take place on Saturday March 19<sup>th</sup>, the Arts Festival on March 25<sup>th</sup> and 26<sup>th</sup>, and the Spring Swing on April 1<sup>st</sup>. The Arts Commission meeting was this morning; Gary Sanders went through and described the RAP tax. The Commission would like the Going Home piece to be purchased by the Cemetery to place at the Cremation Gardens. She mentioned other pieces the Arts Commission recommends purchasing.

Mayor Pike would like Leisure Services Director Kent Perkins and City Manager Gary Esplin to look at the trees sculpture for the All Abilities Park. If sufficient funds are raised, those funds can be used to purchase them.

Councilmember Hughes reported that the MPO spent time discussion Envision Utah, it was interesting to hear about the process; information can be found online.

**ADJOURN TO CLOSED SESSION:**

**MOTION:** A motion was made by Councilmember Hughes to adjourn to a closed session to discuss property sales.

**SECOND:** The motion was seconded by Councilmember Baca.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye  
Councilmember Baca - aye

The vote was unanimous and the motion carried.

**RECONVENE AND ADJOURN:**

**MOTION:** A motion was made by Councilmember Randall to reconvene and adjourn.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye  
Councilmember Baca - aye

The vote was unanimous and the motion carried.