

Sterling Town Council Meeting
May 17, 2022
7:00 p.m.

Board Members Present: Mayor Keenan Pearson; Council Members: Tami Privett, Justin Alder, Yvonne Larsen, Heather Myers; Town Clerk/Recorder, Cindi Madsen

Community Present: Judith A. Wadley, Alexandria Bonilla, Jane Voorhees, Kendal A. Voorhees, Nick Lyon

Meeting is called to order at 7:05 pm.

Sterling Town Council and audience stand and recite the Pledge of Allegiance.

Roll Call: Tami Privett, here; Justin Alder, here; Heather Myers, here; Yvonne Larsen, here; Mayor Keenan Pearson, here; Cindi Madsen, here.

Approval to Sign Fire Protection Agreement with Sanpete County Fire Services in Un-Incorporated Area:

Nick Lyon, fire chief for Sterling Fire Department explains the Fire Protection Agreement as follows: They pay each department based on coverage area and qualifications, and each department is paid once per year to provide fire services in unincorporated areas (our department has been paid \$6,000 per year). Yvonne asks if this amount is budgeted in, and Nick explains that he tries to budget it in based on grants they receive. We just need to make sure we have workers compensation and other minimum qualifications, as well as an updated roster for the Utah League of Cities and Towns.

Cindi asked about the updated Roster that Heather Myers provided her at the last meeting, as instructions were never provided on how to update the fire department roster with the state. Nick was unsure, and Heather suggested calling the Utah League of Cities and Towns. Cindi agreed to do this in order to get the Roster updated.

Nick continues on to clarify that this agreement only covers unincorporated areas, not state and federal land. This would be covered under an MOU Agreement, and those are not signed every year. Nick will make sure we are up-to-date on this. All inspections are done and have been turned into the state. In short, this is an agreement stating we will provide fire protection to unincorporated areas.

Motion is made by Justin to sign Fire Protection Agreement, seconded by Heather, all in favor, motion passes. Tami, aye; Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye.

Mayor Pearson states that he met with Six Counties, and they told him that we must state "Tami, aye; Justin, aye; etc." in our minute notes instead of saying the vote was unanimous. This is how the minute notes formatting will need to look moving forward.

Nick reports that the fire department is good. They have sent all certifications to the state as far as red cards, but will need to do re-certifications through the fire academy as they are two separate entities

now. They helped fight a pretty bad fire in Ephraim on Sunday which had devastating damage, and the family lost everything.

Recommendation on Fireworks: Nick won't shoot big fireworks like 6-8", but 2.5" is fine. The sooner we place the order, the better. Firework costs have doubled in the past two years; normally the cost is around \$3,000. Nick suspects we will have a fire season this year.

Clarification and Discussion on Non-Compliant Properties That Are Grandfathered In:

Tami states she has had two neighbors tell her that they were told she had illegally sold Jim Christensen the lot because it was attached to the trailer, and that the trailer could not be rebuilt if it burns down without the additional land. Tami states that from her experience from real estate, you can't devalue someone's property because we have changed annexation and that "Grandfather laws cannot be modified. Utah dictates Grandfather laws.

Mayor Pearson states that, for example, if we expanded the Sterling area and there is a property where someone lives in an RV which is not legal in Sterling code, they would be a non-compliance property as long as they didn't take the RV away from that plot. As long as the property is rebuilt on the same lot, it is legal. This would only apply to those built after 2017.

Tami just wanted people to know because he has been told his lot is illegal, and it is not.

Discussion on Planning & Zoning Policies and Procedures:

Mayor Pearson states that we have had several interpretations on how it needs to get taken care of. Tami states one of Zeb's concerns is that Tami is taking over and that she needs to choose between city council and planning and zoning, and this is not correct. Mayor Pearson states that Zeb got this from the Ground Rules Book from the Utah League of Cities and Towns, which Sterling Town does not necessarily go by and is not a code book. Mayor asks if we got a bill for it, and Cindi says it has been paid. Tami stated that in 1994 code, it reads how we are supposed to have a 4-year term on each commissioner and this has not been done. Jane states it is extremely difficult to get anyone from the town to participate in any of the organizations, and Tami states many people have been interested. Mayor Pearson asks if they can run again, Tami says members have to be appointed just like everyone else. Jane states we will find it hard to find someone as qualified as Zeb Wignall, as he has lived in Sterling his whole life, and knows where all the water is. Tami states that he did not know where the water was when Mike from Jones & Demille was here. Jane then states that Tami runs the show, and Tami asks Jane not to snap at her. Jane continues to say that Tami runs the show, then says she is done and takes a seat. Mayor Pearson tells Jane he is interested in what she has to say and we will not interrupt her. Jane still refuses to go any further. Judy asks again when Zeb was put in, and says she has no doubt about his abilities. Mayor Pearson asks Kendal if he knows when Zeb was put in but the answer wasn't heard in the records. Yvonne and Justin agree that if the intention was to have Zeb continue as a member of the committee, but Zeb would probably like to be released. Justin states he would like to see the Jones & Demille project through, then see someone else take over. Mayor Pearson states that Jane, Zeb, and Tami all have good character and have done a great job.

Tami states Zeb would not work with her or communicate with her, so she has decided to step down as head of Planning & Zoning Committee. We are 70% done with Jones & Demille. Mayor Pearson reiterates that all parties involved want what is best for the town. The council members agree that we need to add an agenda item to next month's agenda to discuss all members' positions on the Planning & Zoning Committee. All terms are 4 years, and Justin asked if we could remove someone as well. Mayor Pearson stated it would mainly depend on our codes, and we don't have anything in our codes covering that. We can also appoint additional members if needed, but Tami states we would need to add an amendment to the policy. Mayor Pearson would like to do a temporary appointment so we are doing things by the book. Judy has a few points: She has been made aware there is an opportunity for her to learn more about planning and zoning, and she would like to know when it is, where it is, and if there is a cost, does the town take care of it? One thing we do not have that is in the book is there needs to be an appeal process, person, or body to take a look at decisions that are made by the Planning and Zoning Committee. This is a requirement according to what Judy has been reading. Yvonne used to be on this commission. Justin asks if the town council is not essentially an appeal board, and Judy states it needs to be stipulated as such. Yvonne stated this commission used to be in place until around 2008. Jane also stated that Utah League of Cities and Towns puts on a YouTube Webinar once per week, and they also hold trainings in St. George that the town should pay for. Tami states Planning & Zoning commissioners are to vote on the chair according to Utah Code.

Mayor Pearson states he would like all concerns regarding Planning & Zoning to be brought up now to avoid any misunderstandings. Tami asked if we will still be having regular meetings, and Mayor Pearson states we will still be having monthly meetings. Mayor asks how many we have been having monthly, and Tami states zero, as she has not gotten any feedback from anyone. Justin states we should be meeting monthly, if anything to review the rural project. Mayor asks if Planning & Zoning members can be on the Steering Committee, and Yvonne and Tami state that anybody can be on the committee. Justin and Tami reiterate again that we will need to revitalize and get things going since Jones & Demille need feedback. They are about 70% done, and our lack of feedback is what is holding them back from finishing. Judy suggests that maybe some of the people who volunteered for the Planning & Zoning Committee could volunteer for the Steering Committee.

Mayor Pearson goes on to vote out Tami as head of Planning & Zoning, but Yvonne doesn't think she needs to be voted out, as it is an assignment. Justin still thinks it would be a good idea as an agreement and the appropriate way to do it, but it is ultimately up to the Mayor.

Mayor Keenan Pearson makes a motion to remove Tami Privett as the council member over Planning & Zoning. Tami abstains from voting as it is about her appointment. Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye. Mayor Pearson refuses to appoint anyone else and takes on the responsibility as the council's representation for Planning and Zoning.

Discussion and Adoption of Wage Scale:

Mayor Pearson does not feel the mayor position should get an increase, and Justin thinks Mayor Pearson should get a raise due to all the work that goes into the job. Mayor Pearson states he does not

think Yvonne should not be at \$15 per hour, as they would not be able to hire anyone at that rate. Tami thinks the treasurer and clerk should have the same rate. Heather asks Mayor Pearson what Yvonne's rate should be, and Mayor states we should see pay rate increases over time. This is something we are not ready to discuss at this time. Justin thinks it is perfectly reasonable to pay the treasurer more than \$13 per hour, given Yvonne's years of experience and service with the town. He also thinks Mayor Pearson should get at least \$100 per meeting to help pay basic expenses accrued to do his job, as well as personal time dedicated. Mayor Pearson asks if these raises will be prorated, as wages were not discussed when Cindi was hired as the new town clerk and pay raises have been discussed since she was hired in March. Tami states we need to be careful with full-time employees because of benefits, as it will take more than half of our annual budget to fund this. We need to keep this in mind when discussing raises. For example, if we increase Jim Butcher to 27.5 hours per week, he will by law need to be given benefits because he will at that point be full time. Yvonne lists off his duties as water master, including checking the chlorinator, replacing water meters (which hasn't happened yet but will), driving to Richfield which chlorinator report, checks level of springs, etc. These additional duties will require more hours. Justin states we can hire a younger individual to do things like mowing and things like that. Heather thinks we need to increase his hours until we find someone else who can do this work. She also states that when we hired Jim, we hired him for maintenance. If we are planning on moving his duties from maintenance to water, we need to make sure Jim is okay with that. Mayor Pearson asks Justin if his intention is to become Water Master, and he states he is considering getting certified while Jim is working on his. Scott has advised we have more than one person certified for water master duties. Heather offered to be a proctor for Jim for the water master test.

Going back to discussion on wages, Justin thinks these positions should be a merit increase. Yvonne states that Manti starts at \$16 for their clerk position. Justin feels there should be an increase based on inflation. Heather thinks we should leave Cindi at \$13 for a year to gain more experience. Tami thinks it should be more like \$15 per hour. Mayor Pearson states pay was never discussed when Cindi was hired, and we have been operating under the assumption that we were giving her a raise and pro-rating her pay. Heather asks why we would give her a raise when she hasn't been here long enough to learn anything or prove herself yet. Cindi states she has a lot of experience, and has spent a lot of hours fixing things that were not previously done and working to get things caught up. Heather argues Cindi's experience wasn't stated in her job interview, and Cindi states a lot was discussed in the interview, and experience was one of those things. Justin states it is more along the lines of a 90-day probationary period, and not to do with how Cindi is doing as the clerk. \$13 per hour is pretty poor, and \$15 for clerk and \$17 for treasurer seems reasonable to Justin. He feels it would be fair to keep Cindi at \$13 for 6 months and then move her. Tami argues we should move Cindi to \$15 now, as even Maverick pays their employees at \$15 an hour. Tami also argues that Cindi has been working with the auditor to get us caught up and doing other things, she has earned the raise. Jane asks about background checks and drug testing for employees, and Mayor Pearson states we need to put in a city ordinance for that. Justin states he is fine with that, but moving forward we need more of a structure for new employees. Clerk at \$15, Yvonne at \$17 is reasonable for pay per Justin. Fire Chief needs double raise - \$2400 per year instead of \$1200. Justin asks what the fire department clerk is, and Heather states she has now taken over as that role. Justin thinks Heather should earn as much as the town clerk, and Heather states is

okay with this rate. Heather asks how many hours she is able to work, and Justin states it would be up to Nick, as it comes out of his budget. Tami suggests we look at the budget from last year to get an idea of what hours Emily had. We also need to figure out which budget Jim needs to be paid out of due to his many duties. Justin also states he needs a key to the spring. Tami states if we get a part-time person for maintenance, they can help with the meters. Yvonne states we have 66 meters that need to be installed. Tami asks if the meter by her house is working or being used, and Yvonne states it should be capped off. Steering Committee Meetings for Planning and Zoning count as meetings they will get paid for as there is a lot of work involved per Justin. They will stay at \$20 per meeting. Justin thinks we should not do it prorated, as it would be too confusing. Tami thinks we should prorate it as there is room for it in the budget, and we can do it. Yvonne thinks we should call the auditor to make sure we can do it, and Tami thinks that as long as it is within the current budget, we can do it. Mayor Pearson also states we made a mistake by not discussing the pay rate when Cindi was hired, and it has been on the agenda at every meeting Cindi has been at. He does not think it would be right to not prorate her raise given that this has been an expectation the whole time she has been working.

Justin makes a motion to give Mayor Pearson a rate \$100 per meeting, city council members \$30 per meeting, clerk/recorder \$15 per hour, treasurer \$17 per hour, fire chief \$2,400 per year, fire department clerk \$15 per hour, maintenance/grounds keeper staying at \$20 per hour, sexton \$85 per grave, planning & zoning \$20 per meeting, all retroactive January 1st, 2021. Motion is seconded by Tami, all in favor, motion passes. Tami, aye; Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye.

Suggestion is made by Tami to table discussion and vote on personnel policy so we can hire an attorney, especially with all the issues we have been running into lately. Mayor Pearson would like to get an attorney that specializes in municipalities. Mayor asks if any of the city council members have to go through background checks, and Tami states it is whatever is required by the state for voting. Mayor Pearson asks Tami to do research on attorneys we could hire as a town, and would like to add Discussion and Review of Attorney Fees for the Town to next month's agenda. He is still not convinced with our current budget, but still thinks it is worth looking at.

Discussion and Approval of Cost for Post Hole Auger for Cemetery:

Heather states we are getting ready to do aisle markers for cemetery, and Jim has been trying to put the signs up, but there is very rocky ground down there. Heather is asking if we can purchase a single-man auger, or rent one for \$75 per day. Heather thinks would be more cost-effective to just buy one outright. Tami says Kyle Denton has an auger we might be able to borrow, and a couple of other people might have one as well. Mayor Pearson has an electric one that may or may not work. Justin suggests we buy an auger that will fit our tractor. Tami thinks the one Kyle has attaches to the equipment he has. Heather asks if he would be willing to come help dig holes this weekend, and Tami states she doesn't know. Heather asks if we can't borrow one from someone, can she rent one? Tami offered to send Kyle Denton a text to ask if they can borrow his auger. Heather is hoping as a committee, they can dig all 40 holes and get it done. Justin is wondering if we can use the CARES money or ARPA funds to buy the auger, and Yvonne says she doubts it. It would need to be water-related for the most part. We could use it for 66 meters, or 3 turnouts for the fire department. Budget for auger can be split between different

budget sections, and amount is up to \$1500-2000. If it goes over, Heather will send out a text once she has an answer. It will need to fit on a tractor or skid steer.

Motion is made by Heather to purchase auger for town for \$2000 or less, seconded by Justin, all in favor, motion passes. Tami, aye; Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye.

Mayor Pearson states we will get the CIB funding in June 2023 instead of January.

Discussion and Approval of Purchase of Pickup with Dump Bed:

Yvonne says the truck we have sits more than it's used, so she suggests we get one that can be used to take water samples to Richfield or used for other tasks around town. Council members agree moving forward the water samples should be mailed to save on gas and payable hours, as it is only required to deliver the water samples in person when there is a problem with the water. Idea would be to sell dump truck, then buy a used truck with the money made. We could split the cost between different accounts, like cemetery, parks, maintenance, and roads, and then we would have room in our budget. Justin thinks if we can afford it, we should have Jim go take a look at it to make sure it is a good truck before we make the final decision. He also thinks the dealership should put new tires on as part of the deal.

Motion is made by Justin to pursue purchase of the 2005 Ford F-350 Super Duty for \$8,900 with the purpose of using it for water, roads, cemetery, and maintenance. Truck has dump bed and snow plow included with purchase. This is pending Jim's approval of mechanical condition of truck. Motion is seconded by Yvonne, all in favor, motion passes. Tami, aye; Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye.

Discussion and Vote on Specific Water Master Duties Assigned to Jim Butcher:

Justin states Jim is comfortable doing all water master duties, but Yvonne would help with paperwork and Justin would become certified as water master for the town. Jim would then end his training with Scott for water master. There is no need to vote.

General Review of Budget:

Justin asks what is putting us over budget under Streets and Maintenance, as we are at \$11,415. Cindi states she is also learning how to allocate things so things may look off due to that. She asks that if anything specific looks off, to please tell her. We need to look at Streets and Maintenance and possibly allocate money elsewhere to balance the budget out. Cindi will need to call and talk to auditor about fixing any overages. Tami asks if we can add a chipping line item for yearly maintenance. Discussion was had on signing a contract for snow removal.

24th of July Celebration:

Dolan Miller said he would only charge us for the meat and is looking at it as a donation, but Mayor Pearson agrees with Justin that we should be paying him a fair price. Yvonne states that it is too late in the game to get a committee of people together, we will need to just put a celebration together now.

We can do a breakfast held by the bishopric and fireworks show put on by the fire department. We will have to forego the parade due to short notice. Tami wants to do a fundraiser with a pie-eating contest. Justin suggests that if we have an agenda with flyers, there will be more of a turnaround of attendees. We won't be able to come up with a set budget for the food portion because we will be buying fresh meat. Justin thinks we should pay Dolan Miller for meat plus 20% or more for services. Yvonne thinks we can use the \$3,000 donation we get every year to fund the fireworks. Tami asks if we should designate \$10,000-11,000 for the budget. Justin thinks we should approve the fireworks, approve Dolan, and the rest of the agenda will fall into place with the budget. Tami states we will need to wait to approve the amount for Dolan, as we will need to wait to find out the amount after the fact and then get the amount approved at the council meeting following the celebration.

Motion is made by Yvonne to use the \$3,000 donation to fund fireworks for the Pioneer Day Celebration, seconded by Heather, all in favor, motion passes. Tami, aye; Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye.

Discussion on Setting Up Committee for 24th of July Celebration:

Due to the short notice, there will not be enough time to set up a committee. We will just need to round up volunteers to plan the celebration put things together.

Discussion and Vote on Getting Clerk a New Laptop, and New Microsoft Office Program if Current Software is Not Transferrable to New Device:

Mayor Pearson states that he offered to give up his Chromebook for Cindi to use for her clerk duties even though he does use it to check his emails for the town, but he wasn't sure if it works for what Cindi needs. Justin asks if her current laptop is dying, and Cindi states it is over 10 years old and extremely slow. The council agrees she needs a new laptop and asks what would be needed. Cindi states the main thing she would need would be Microsoft Office and internet. Justin suggests we should be able to buy a laptop for under \$500, and Tami states Microsoft Office alone is \$249. Mayor Pearson suggested getting Microsoft Office 365, but Tami advises against it as it is all online and uses the Cloud. Justin states he has a friend who could help us find a laptop if needed, and provided his contact information to Cindi.

Motion is made by Yvonne to purchase a laptop within a budget of \$500, seconded by Heather. Tami thinks we will need a higher budget to get what we need, and Justin again suggested his friend Jeremy Madsen. Cindi states she would like something with at least a 15" screen. Mayor Pearson asks if we should wait, and Justin thinks we should give Cindi an all-inclusive price (laptop plus Microsoft Office) and let her choose a laptop within that budget. Heather is concerned about virus software, and Tami states it is easy to obtain.

Motion is made by Tami to amend first motion, to purchase a laptop within a budget of \$800. Motion is seconded by Heather, all in favor, motion passes. Tami, aye; Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye.

Discussion and Vote on Having the Town Print and Purchase the Paper and Envelopes for Project Prepare's Emergency Checklist and Door Flags for the Town's Benefit:

Mayor Pearson states that Shayne wanted to be here but could not be. Using colored paper as door flags for town (code green, code yellow) makes it is easier for emergency response teams to find people who need help. Shayne is wondering if the town council is willing to pay for these materials. Heather sees there being an issue with everyone knowing where the flags are in the event of a disaster. Mayor Pearson thinks it will be a huge benefit, but fears people will misplace them and not know where they are in the event of an emergency. We can push this back another month and table it at the next meeting with numbers. Heather and Justin would both like more of a list of what is needed so we can get more of an idea of cost. Tami asks if we help with the checklist, but have some of these packets so we can pass them out if needed. Code Black was suggested for if there is a dead body, but it was a concern that it would be thrown away and would be the last thing anyone would have access to. If something like this isn't addressed quickly, people can get very sick. Heather states that the State of Utah will be the ones to check for dead bodies in a big emergency, not us. Due to Shayne not being here and for the sake of time, Justin thinks we should table this discussion.

Motion is made by Heather to table Discussion and Vote on Having the Town Print and Purchase the Paper and Envelopes for Project Prepare's Emergency Checklist and Door Flags for the Town's Benefit, seconded by Justin, all in favor, motion passes. Tami, aye; Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye.

Report Of Officers - Boards – Committees:

Heather states the committee meeting tomorrow night, paperwork has been dealt with for fire department, and Cindi states she will get the Fire Protection Agreement out tomorrow as long as all needed signatures are on it. Yvonne, Justin, and Tami state that their business has all been covered.

The bills are as follows and are read by Cindi:

Badger Meter	\$81.40
Jim Butcher	\$76.97
Central Utah Public Health Department	\$20.00
Dominion Energy	\$152.15
Hermannsen's Company	\$79.51
Manti Telephone	\$217.66
McKay & Associates	\$90.00
Pelorus Methods	\$800.00
Rocky Mountain Power	\$2,300.35
Rural Community Consultants	\$1,041.60
Sanpete County Fire District #2	828.75
Sanpete Sanitary Landfill Cooperative	\$822.00
US Postmaster	\$4.33

Utah League of Cities and Towns	\$500.00
Utah Local Government Trust	\$492.00
Utah State Tax Commission	\$15.41

Motion is made by Justin to pay bills as presented, seconded by Tami, all in favor, motion passes. Tami, aye; Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye.

Approval Of Minutes from Previous Meeting:

Mayor Pearson asks Cindi if she can get the minutes sent out before the meeting moving forward so the council has a chance to look over the minutes prior to the meeting, and Cindi agreed to doing this.

Mayor Pearson also stated that, according to Six Counties, minutes should be recorded as the intent behind them rather than what was actually said, as that is what the recording is for. Tami has one amendment – Laurie, not Lori. Justin also gave an amendment on first new paragraph on second page.

Motion is made by Justin to approve the minutes as amended, seconded by Tami, all in favor, motion passes. Tami, aye; Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye.

Motion is made to adjourn the meeting at 10:10 pm by Tami, seconded by Yvonne, all in favor, motion passes. Tami, aye; Justin, aye; Yvonne, aye; Heather, aye; Mayor Pearson, aye.