

TOWN BOARD MEETING

July 14, 2021 – 7pm

Town Board: Mayor Kevin Eldredge, Tony Dinges, Melissa Poulsen, Jon Spendlove & Kurt Sawyer

Staff: Jacie Torgersen, David Barnhurst

Public: Brett Burrows, Guy & Raquel Thompson, Casi Thieme & Russ Riggs

1. Meeting Called to Order

1.1 Invocation by Invitation & Pledge of Allegiance

2. Approval of June 16, 2021 Previous Minutes

Councilor Sawyer motioned to approve the minutes and Councilor Poulsen seconded the motion, the vote was unanimous.

3. Review June Invoices, checks & financial report

There was an extra invoice paid to Garfield County for the chip seal on the roads for \$30,000. We should be able to make one more payment next year and have them paid off. Councilor Sawyer motioned to accept the financials and Councilor Dinges seconded the motion, the vote was unanimous.

4. Public Hearings

5. Petitions, Remonstrations and Communications

5.1 Bid to rewrite land ordinances by Kaden Figgins

Mayor Eldredge turned the time over to Kaden Figgins. He would like to do another map for the town that is a little easier to read along with the zoning and subdivision ordinances. The proposal is from Kaden Figgins from High Mountain Consulting. He would do all the zoning, land use applications and zoning map for \$5,000. He is trying to help out and make it affordable for the town. He does use some Garfield Resources, like the zoning map. Everything is separate and done on his own time. Councilor Sawyer feels like it is a great deal and it is something that is needed. The contract is for 50% down and 50% upon completion. He reviewed the timeline and scope of work with the council. He feels like he can get it done by September. Councilor Sawyer motioned to sign the contract and Councilor Dinges seconded the motion, the vote was unanimous.

5.2 Pay for training for city employees

Councilor Dinges requested this to be on the agenda. When employees go to training, they are given per diem but he wondered whether they need to be reimbursed hourly or per day. Mayor Eldredge stated that it is not something that has been done in the past. Councilor Dinges suggested that the town do a flat rate per day allowance when employees attend training.

David Barnhurst brought this up to Councilor Dinges. The council has told Mr. Barnhurst to turn in his extra hours and so he did. When he went to pick up his check there was a note

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on it that the mayor said he wasn't going to be paid the full amount. He had turned in all the time that he attended the water conference. Mr. Barnhurst is thinking about giving it up. It bothered him that no one talked to him about it, that there was just a note left from the clerks. He was donated way more time than he has asked to be paid. He doesn't think that anyone has had a job where they are expected to get trained for free. Mayor Eldredge agreed with that. Mayor Eldredge said that in the past Ben Neilson felt like the winter time balanced out the salary since it isn't as busy. The last couple years Mr. Barnhurst stated that he has made less than minimum wage because he has put so many hours in. He has not turned in hours for the conference for the last two years and he. He took off a week of his job that pays him more an hour than the water job does. When he was told to turn in his extra hours he did and then all he got was a note that he was not going to be paid for all of that time. Mayor Eldredge thought the understanding was that the extra time was for installing lines, repairing lines etc. and things out of his regular scope and asked Mr. Barnhurst if he understood it that way and he said he did not. Mr. Barnhurst feels like if he has to take off work from his other job to do something for the water it is not worth it. The only time this job benefited him was the first year. The rest of the time with the road construction and fiber optics he has put in a lot of hours and it hasn't been worth it. Mayor Eldredge asked him how he felt about the winter months when there are only a couple hours each month. Mr. Barnhurst was asked if he would like to just get paid for a couple hours in the winter months or continue getting a salary. Mr. Barnhurst said that reading meters is at least 3 hours and he disagreed with the mayor on the amount of time he spent in the winter doing the job. Mayor Eldredge has done the job for 1 ½ years before and knows what it entails. The Mayor and Council donate a lot of time to the town that they are not paid for. Mr. Barnhurst feels like he has donated plenty of hours to the town that he has not been paid for. Mayor Eldredge has asked twice for a list of hours that Mr. Barnhurst has worked each month and he has not gotten it. Mr. Barnhurst said that he was just asked to keep track of his hours but it got so frustrating that he quit doing it. Mayor Eldredge asked him if he remembered being asked to keep track of his hours and he wanted to know if the clerks or other town employees are asked to do the same thing. Mayor Eldredge said they are not asking for anything extra. Mr. Barnhurst said that the clerks have gotten two raises since his started and Russ has gotten \$100 raise also. He said that both times he wasn't present to stand up for himself because he was at the water conference. Mayor Eldredge said he is valued as an employee of the town but Mr. Barnhurst said it doesn't feel like it. There needs to be a give and take on both sides.

Councilor Dinges said it would be different if the employees were moonlighting but where the training is just for the town, he doesn't have an issue with paying some time besides per diem. He suggested maybe a \$50 a day allowance. Councilor Spendlove asked if the training was required and it is. The town has to have a certified water operator. His gas money and motel and conference fees were paid for. Mayor Eldredge said from his point of view as an EMT they have to attend training every month and they are not compensated for it. It is a privilege to work as an EMT. He asked whether Dave Barnhurst felt like it was a privilege until he turned his time in and just got a note back. Councilor Dinges feels like there was a miscommunication. Jacie Torgersen feels like there needs to be a policy in writing. The only thing written is that the town pays per diem. If the town wants to pay for

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this there needs to be a policy in place. Jacie feels like the town could do this moving forward but they can't go backward because there wasn't a policy in place. She has attended training for years and not been compensated for it. Mayor Eldredge said it comes back to our previous water operator who did not want to be compensated for his time at water conference. When the town put it out to keep track of hours Mayor Eldredge didn't think of conference hours, he thought of hours fixing frozen lines or something out of the normal scope. Mr. Barnhurst hasn't turned it in in the past because he felt like he was somewhat respected and does not now. Mayor Eldredge is not against him getting paid for his hours for going to the conference. It just needs to be all encompassing and there is not a policy in place for that yet. Mr. Barnhurst said that it is not his fault that no one else who has done training has asked to be compensated for it. He feels like he shouldn't be punished for that. Mayor Eldredge just wondered why he didn't ask for it two year ago and Mr. Barnhurst said because he felt like he was doing service for the town. Mayor Eldredge asked what changed and if he wasn't still giving service to the town. Mr. Barnhurst said he is giving service to the town because he makes very little per hour. Mr. Barnhurst wanted to go back to when he was hired for the job. He said he was asked to leave the room while he was discussed and it is not a soundproof room and he could hear what was being said. He told Mayor Eldredge that he spoke directly against him and tried to recommend another water operator from Paunsaugunt Cliffs. Mayor Eldredge said his job as the mayor is to bring up the options that are available and that is all that he was doing that night. Mr. Barnhurst said that job was being offered to someone who didn't even apply for it. Mayor Eldredge had talked to him previously but he was not hired so it was fine. Mr. Barnhurst felt from overhearing the conversation that Mayor Eldredge was against him and the mayor apologized that it came across that way.

Councilor Dinges thinks it would be beneficial and fair to the employees to instate some kind of pay when they attend training. He feels like the past was a misunderstanding. Mr. Barnhurst said the council could go back and listen to the recording. He told everyone that he was going to turn in his time sheet and what it would have on it: the conference and the well. Mayor Eldredge said in the past the town has been really strapped for money and now the town has a little more money to do more things with. Mayor Eldredge feels like this is definitely something the town could do now. Councilor Dinges thinks that an evaluation of all the wages of employees would be good. Some may be overpaid and some may be underpaid. Jacie Torgersen suggested that the town have something in place that there is a certain percentage of a raise every year given to all employees because it is very awkward to have to come ask for a raise. Councilor Dinges feels like it would be good to set some base rates and then a percentage of increase each year. He feels like the town is out of whack on some of the pay schedule. For the miscommunication in the past, it is up to the council and how to proceed. Councilor Dinges didn't understand that Mr. Barnhurst wanted to be paid for the classes because that is something that has not been done in the past but he understands why you would want to be. If he isn't paid enough and it isn't worth his time Councilor Dinges would hate to lose Dave who is a great employee but there is a point that the town can only cover so much. Councilor Dinges appreciates that time that Dave gives to the town and what he does.

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Councilor Sawyer feels like the town should have a written policy. He did not know that David Barnhurst was not getting paid for the training. Councilor Sawyer thought if you went to a training you were compensated for your time there and he thinks that it is fair. It is hard to go back. He thinks that the town can put something in writing and move forward. The policy just says we pay mileage and meals, we don't have anything else written down. Councilor Sawyer thinks it can be remedied and moved forward with it. He knows that you don't spend 8 hours at the conference. Mr. Barnhurst said he just put down the hours that he was at the conference. Councilor Sawyer suggested \$50 a day for a conference for everyone. Councilor Dinges thinks that would be easier so people are not under the illusion that they are getting paid hourly while they are at the conference. Councilor Dinges said the training is specific to the town so they should be compensated for it. Councilor Sawyer feels that from hereon anyone who goes to a training should be compensated for it. Councilor members who work at other jobs are paid their normal salary while they attend training. Maybe that was part of the misinterpretation is the town looked at Mr. Barnhurst as a salaried employee not an hourly employee. Russ Riggs feels like if employees are sent to a mandatory training the town has an obligation to pay it. The training would need to be approved by the town.

Mayor Eldredge said he has not problem in paying Dave, it just hasn't been the policy in the past. Mayor Sawyer feels like there needs to be something in writing to do it. Mr. Barnhurst is getting paid \$15 an hour for extra time and his salary is \$400 a month plus \$50 for his cell phone. There were 31 hours that he was not paid for out of his 52 hours that he was at his conference. He did not charge for his travel time and the last day was 5 hours. He was only there for 5 hours on Wednesday because he came home to mark a grave. Mayor Eldredge suggested going retroactive. Jacie Torgersen is concerned that the town can do that legally, she feels like the town should check with legal counsel. Mayor Eldredge said Dave Barnhurst is the only one that has asked for it. Councilor Dinges wants to make sure it is something that can be done. Mayor Eldredge asked Dave if he was going to quit if he doesn't get this money and he said that he has seriously considered it. Councilor Dinges would like to write the policy and go forward with \$75 a day, he doesn't know that the town can go back because it isn't fair to another employee. Nothing against David Barnhurst but it was a miscommunication. Councilor Sawyer also doesn't think that town can go back. Mr. Barnhurst said that every time sheet is going backwards and paying for the time. Mr. Barnhurst said it has been 2 months since he turned a time sheet in. Councilor Dinges just feels since there wasn't a policy then anyone could turn in time for conferences attended in the past to get paid. Mayor Eldredge said that there is one big difference though is that Dave did write time down for it and no one else has written down time for it. Mr. Barnhurst would like the hourly rate of \$15 an hour rather than the \$75 a day but the \$75 a day is better than nothing.

Councilor Poulsen thinks we need to pay him but isn't sure if the town can go back and pay him. Mayor Eldredge said we could pay him wages since he does have it written down and itemized. He suggested doing that and moving forward with the \$75 a day. Councilor Sawyer wanted to know how many hours a month are spent by each employee, he wanted to know if everyone spends that much time to justify that much money or are they spending

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more time and need to be compensated more. Should snow plowing go to an hourly rate since it depends on the year. Councilor Dinges feels like it needs to be evaluated. Jacie Torgersen said every employee could keep track for a month or two to see the amount of time spent. David Barnhurst estimates 30-35 hours a month even in the winter for him.

Councilor Poulsen motioned to pay his back pay that was submitted and then in the future pay \$75 a day for the training and write a policy for future trainings. The policy needs to be specific so that the training needs to be approved by the council in order to be paid for. Councilor Sawyer amended the motion to say that the town can pay back pay for Mr. Barnhurst after checking with legal counsel and seconded the motion. Mayor Eldredge asked Jacie Torgersen to check on it and get back to the council. They told her to check with Barry Huntington and text the council. Councilor Dinges seconded the motion with the amendment and the vote was unanimous.

Councilor Sawyer wants all employees to keep track of their hours for a couple hours and then adjust accordingly after that. They would like employees to do this from July 15th – September 15th. Russ Torgersen, Lincoln Poulsen, Jacie Torgersen, Melissa Poulsen and Dave Barnhurst. Mayor Eldredge asked David Barnhurst to please come talk to him in the future if he has a problem with things. Councilor Dinges just thanked all of the town's employees. Mayor Eldredge asked employees to itemize what they were doing with their time.

6. Ordinances

7. Report of Officers – boards – committees

7.1 Water Department – Water Usage

7.1.a New Water hook-ups/first month reading in winter

Jon Spendlove brought this up because of this issue with his house. His house went for 3-4 months without having a reading done because he bought it in the winter. He feels like if the home changes ownership there should be a reading done regardless of the weather. He would like a baseline reading on the first month of the new ownership to prevent further problems. He moved in the home in November and the meters were not read until the spring. Mr. Barnhurst said it is weather and temperature related. Councilor Poulsen said it would be a good idea to get the reading but sometimes the town doesn't know when the homes are sold and the accounts are changed. Jacie Torgersen said this has been a bit of problem in the past when homes change ownership. Councilor Sawyer asked a question about the radio read meters and was told the town does not have the money to do those at this time. Russ Riggs suggested the town ask for the first month's deposit instead of the letter of credit and this would help with some of the town's problem. Councilor Sawyer suggested the council discuss this more in the future. The council suggested possibly putting a lock on and turning the water off when they move out. Mayor Eldredge said that for years other around us having been doing certain things and the town hasn't been doing them because they haven't had to. There has been a family feel to the community and we don't need to do all of this. Councilor Spendlove got stuck with an \$800 water bill because the meter was not read. He didn't know there was a leak until it started bubbling up under the concrete in the spring so Councilor Poulsen feels like something does need to change.

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Mayor Eldredge feels like there needs to be better communication between the secretaries and the water operator also. Councilor Spendlove is just concerned about a base reading for the new move ins during the first month. It was suggested that if David Barnhurst is aware, he can make sure it is read.

Water usage for May 2021 was 1 841,000 gallons from well #4 and water usage for June 2021 was 2,041,000 gallons from well #5. There is a new water application. Mr. Barnhurst said they didn't understand that they needed to pay the \$1,100 fee and hire the contractor. He knows that Melissa Poulsen is learning it all where the forms are but she said she sent it all to them. They said they didn't know all of that. They do need to get the water meter installation policy. They bought a piece up by Kerry Barney's house. Raquel Thompson clarified some questions she had on the water meter installation policy. The water operator will need to be present to inspect the installation of the water but it has to be an underground certified contractor doing the work.

7.1.b Consumer Confidence Report

David Barnhurst gave the council the consumer confidence report. There were not any problems with the water quality during 2021. It needs to be presented to the council for review and in the future, it could be posted on the website that it is available.

7.2 Fire Department-

Councilor Dinges said that there are restrictions on open fires and fireworks and wondered if the town wanted to do anything with banning them in town limits now are not. Chad Justus is a citizen in town that is concerned about it. There was an issue with the vacation rental on the river last night with a big fire. There was a further discussion about fireworks, areas and regulations. Councilor Poulsen would say to ban it all. Councilor Dinges feel like there are enough rules and regulations now. Jacie Torgersen wanted to know if you put regulations in place who is going to enforce it. Councilor Dinges and Chad Justus will work on writing something up to post at the town hall and post office. There have been a couple fires in town before caused by fireworks. They will make a sign of what is acceptable: ground displays, controlled area, hose standing by, fire pits in incorporated area and on your own property.

Dave Dodds is happy to help the town to try and get their ISO rating back. Mayor Eldredge has talked to him and gave him Lincoln Poulsen's number. He said it would probably take 6 months to change the rating.

7.3 Road Department-

There is a highway 89 corridor meeting next week that Councilor Sawyer will be attending by zoom. Councilor Sawyer asked about the funding meeting for the CIB funding. The town missed the application period and has to apply again for the next funding. He asked Jacie Torgersen to find out further information on the next funding cycle.

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There is a stop sign that is tipped over at the cemetery. It is on state right of way so the state will need to take care of it. David Barnhurst would also like them to do the approach to the cemetery from the highway. David Barnhurst will contact UDOT about the sign.

7.4 Parks & Recreation-

7.4.a 24th celebration

6:30 Fun Run

7:00 Flag Raising

7-9am Breakfast

10am – Parade, kids race, water games

2pm Corn Hole and Horse Shoes available

6pm – Pit BBQ dinner (\$8 a plate)

Dusk – Movie in the Park

Jacie Torgersen feels like the town should do more on the 4th if they are doing the celebration because there was not a good turn out just for the breakfast. The sign was taken down at the post office so some people didn't see the notice for the sign. Councilor Dinges will make sure the fire truck is out with the sign on also to advertise. Jacie Torgersen will also put it in both newspapers so people will know. The council will need to meet at 6pm Friday to help do the meat and Councilor Poulsen is looking for volunteers to cook Dutch oven potatoes. The town is planning on doing 170 lbs. of potatoes. The council wants to do water games and get some money to throw on the water slide for the kids to get while being sprayed with the fire hose. Councilor Poulsen will get \$100 in change. She was thinking that each of the council members could man a game. Councilor Dinges said he usually helps with the dunking booth. Jacie Torgersen asked if they wanted to do tickets and prizes for the games and the council didn't want to. The council decided not to do all of the games and just do water games. Mayor Eldredge has a commemorative movie that needs to play on the 125th anniversary of the statehood for the grant. There is also a program scheduled at 6:30pm. There will be a movie in the park at dusk.

There is a movie in the park scheduled for Monday. Mayor Eldredge didn't feel like that was very good timing to have it then.

400 lbs. of meat have been ordered so there should be extra roast. Jacie Torgersen and Councilor Poulsen reviewed the numbers since 2000 and are estimating 200 people for the celebration this year. She will start a list for the extra roasts. Mayor Eldredge said some people were asking about the omelets for breakfast and were missing that. The town is going to use everything left from the 4th breakfast for the 24th though.

7.5 Grants-

7.6 Planning & Zoning Commission

7.6.a Shed on right of way

Kerry Barney has a different work schedule right now so he isn't able to attend. Jacie Torgersen has given him a conditional use permit to approve for Kimberlee Hamblin

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and she is waiting to hear back on that. They have been approving those by text. There have been 5 new business licenses issued for vacation rentals in the last 2 months.

Councilor Sawyer has tried to contact Tyler Mackaben twice and he did not answer. He also went down to old town and didn't find him. Councilor Sawyer feels like the county attorney should send them a letter that the building is going to be removed and they will pay for the cost of having it removed if it is not done by a certain time and then will have to pay rent for where it is stored. Raquel Thompson feels like that is a bit severe. Councilor Sawyer feels like he has had plenty of time to do it. The council thinks it could be removed with a slider by a towing company and they could take it to their impound lot. Councilor Sawyer said Mr. Mackaben has a great business in town and employees a lot of people but he needs to live by the rules. Mayor Eldredge suggested setting a day to move it and then that will give him some time to take care of it himself. Councilor Sawyer thinks that it should be impounded and he will have to pay to get it out. Raquel Thompson said he wants to leave it until November so it doesn't impact his business. Mayor Eldredge said he know that he is in violation of the town's ordinances. He did not get a building permit for it either. We also have another building of Zina Chaver's setting on a property being stored there without a permit. The original letter to Kevin Mackaben was sent in April. It was sent certified mail and regular mail. Kerry Barney has also talked to him twice. The county attorney suggested having the letter served by a deputy so that they get it. The council decided to serve the letter to Tyler Mackaben since he lives here and manages the businesses here. Councilor Poulsen suggested giving him 15 days to move the shed once he receives the letter. The town law is being violated and the town is trying to enforce it. Councilor Poulsen motioned to have Barry Huntington write the letter. Mayor Eldredge didn't feel like this needed a motion; it is just enforcement of the ordinances. A discussion was made from Russ Riggs about the letter sent from the town but the council feels like the letter needs to be sent from the county attorney instead of another one from the town.

If the town does not have an ordinance against storing a shed on the town's property, then there is nothing that can be done about Zina Chaver's shed being stored on Mike Rudolph's property. A letter could be sent to him about going through the proper procedures for having the shed on his property by going through planning & zoning. Mr. Rudolph did talk to Councilor Dinges and said he does have a signed letter from Zina Chavers about when it will be moved. She has purchased a lot in long valley and is supposed to be moving it there. The town does not have an address on file for Mr. Rudolph. He does live in the town limits but he does not have a water connection. Councilor Dinges will help write the letter to send out.

7.7 Cemetery

All the material has been delivered for the parking lot and Russ Riggs has been smoothing it out for us. Councilor Eldredge asked if a day could be scheduled to fix the fence. Jacie Torgersen said it is a big project and a lot of work, new posts and things are needed to replace it. It is not very sturdy and it has been broken in the winter trying to plow snow for the vault truck and hearse. Russ Riggs suggested that the town get a different fence and Councilor Sawyer just suggested tearing the vinyl fence down. There is another fence in place if the vinyl was taken down. It is a wire fence to keep cows out. Mayor Eldredge

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asked if a little money should be spent to repair or not. It is old and brittle and probably just needs to be replaced.

Jacie Torgersen and Councilor Poulsen have scheduled a training the first part of the August with Pelorus and they need to get the books from David Barnhurst. He says he has one more person to show and then he will bring the books in. The account is being switched from a money market account to a checking account so there will not be any funding available until the switch is made.

8. Public Input

9. Unfinished or New Business

Garfield Memorial Health Care Foundation is doing their annual fundraiser and asking for donations. The town council decided they would do \$250 like they have previously. It will be on the agenda next month for the council to vote on and Jacie Torgersen will let them know the amount.

Jacie Torgersen is working on getting the information to start working on the website. The council gave permission to have their emails listed on the webpage. Councilor Dinges would like his gmail address listed instead of his Hotmail. Jacie Torgersen asked for help on what to put on the "To Do" page. It was suggested to put ATV trails on the site for reference. Councilor Dinges will write up something about fishing. He also suggested asking Chad Justus to help with the trails since he is on the ATV committee. The town could also list Bryce Canyon and Zion's and maybe get some help from Falyn Owens with the county tourism.

Casi Thieme, a new business owner in time has some questions or concerns. Her first question was on her business license. She was charged \$35 for her business license in March and then it expired in May and she was sent an email to pay another \$35 for her license. The council says it could be pro-rated.

She was also concerned about the speed of the cars that are coming by her business. She asked what could be done about that. She has tried to contact UDOT and they have not responded to her calls. She would like one of the flashing lights put out by her business to show the speed change to 40mph. The sign at the south end of town was put where it was because of where the power was located. The town has had a discussion with them before about the speeding in town. If they put a solar sign in then it could be moved out farther. Russ Riggs suggested that the council and town ask for more law enforcement on speeding in town. They could send a letter to the Utah Highway Patrol or the sheriff's office to get more help in the town limits. Mayor Eldredge will call the Garfield County Sheriff Danny Perkins and talk to him about it. Raquel Thompson suggested putting a dummy in a car to slow people down like they have in Kanab.

She asked if the trash can near the kiosk could be secured to the post. It blows over a lot and trash and goes all over the place. The porta potty requested that a trash can be out there. Councilor Dinges said he could strap it down with a motorcycle strap to the post. If it

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is strapped down the garbage service will not pick it up, it will need to be pulled out each week. Councilor Dinges volunteered to take it on.

She likes the looks of the town planter boxes and would like to get one on her property. Councilor Sawyer is going to Cedar tomorrow and will get the stuff for her if she will water it and take care of it for her. Councilor Dinges says that there are still flowers at Ladybug Nursery and they should be able to get the flowers there and the troughs.

The next meeting will be on August 19th.

10. Adjournment

Councilor Sawyer motioned to adjourn and Councilor Dinges 2nd the motion, the vote was unanimous.

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