

Hildale City Council Meeting

320 East Newel Avenue, Hildale, Utah 84784

Wednesday July 11, 2018 6:30 p.m.

Present:

Mayor: Donia Jessop

Council Members: Stacy Seay, JVar Dutson, Jared Nicol, Maha Layton, Lawrence Barlow

City Recorder: Vincen Barlow

City Manager: John Barlow

Staff: Weston Barlow, Ralph Johnson Jr. John Todd Barlow, Dean Cooke, Mark Askerlund, Nathaniel Barlow, Warren Darger

Court Monitor:

Public: Eric Velandar, Brigham Holm, Charles Hammon, Joseph Allred (this list may be incomplete)

#1 Call to Order/Pledge of Allegiance

Mayor Jessop called the meeting to order at 6:32. Roll was taken. Quorum present. Jared led the group in the pledge of allegiance.

#2. Approval of Minutes from 6/20/2018 and 6/27/2018 City Council Meetings

JVar Dutson moved to ratify the minutes of the June 20, 2018 and June 27, 2018 City Council Meetings.

Maha Layton seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#3. Public Comment

JVar Dutson addressed the council. He gave an apology for his countenance at the last meeting. He also discussed how wonderful the very successful 4th of July event was. Mayor Jessop acknowledged JVar for his persistence in pushing for employee benefits.

#4. Reports of Administrative Departments

Public Works: Dean Cooke presented. There was a Public Works Advisory Board Meeting this morning. They have completed the chip seal on Utah Avenue and previously completed striping for the 4th of July. They have a pile of chip made to get them through this season and possibly next, ahead they will work on road base. They are putting together a larger crusher that they

think will make road base 4 or 5 times faster. He acknowledged the new help, stating that their work makes these things possible. No rocks went out onto SR-59 during the last rainstorm because of the work completed on Utah Avenue. They are presently focusing on the potholes on Airport Avenue and Canyon Street. It was clarified that the road up to Maxwell Park is privately owned, but has been maintained by Hildale City so that individuals can access the park. Christian informed the council that there is a statute in Utah that automatically makes land such as this public road. There has been quite a bit of vandalism at the parks, Dean is hoping to get trail cameras up to deter this. Public Works received word from the oil supplier that they will no longer be able to supply oil after this week. This will cause them to have to go further to get oil and it will be more expensive.

Landfill: John Todd Barlow presented. He and Andy Barlow spent a week down in Phoenix at a Flood Management Conference. Hildale is a member of NFIP, which makes individuals in this area able to purchase flood insurance. The whole valley will be re-mapped so that individuals can see where their property is in relation to the flood zones. Lawrence pointed out that this will be critical for planning and zoning. The landfill has been pretty busy. The roll-off dumpsters have been booked, they are having trouble keeping up, so they have just ordered 4 new ones. He expressed his appreciation for Jonathan Fischer. The landfill provided 30 garbage canisters for the 4th of July as a community service. JVar asked for an update on the garbage truck. John Todd informed him that there have been many concerns, but with \$10,000 worth of repairs, it is now in pretty good shape. He is hoping to get a new truck by the end of the year.

Building Department: Andrew Barlow asked to be excused.

Correspondence: Vincen Barlow presented. There have been a number of business licenses issued as well as 4 special event permits. He is working on fulfilling 4 record requests.

Dispatch Department: Warren Darger presented. They just hired 4 new employees, 3 of which are attending a Dispatch Academy to get certifications. There was a fire on the 4th of July at the base of El Capitan. They took an enormous number of calls just on that. There has been an issue with funds previously provided by the Utah Communications Authority because of how the center crosses the state line. In Utah they were disbursing the tax monies through the cities; they changed the law to send the funds directly to the dispatch centers. Because the center is located in Arizona, they will not send the funds.

Police Department: Chief Askerlund presented. In June there were 2 trespassing cases, 2 sexual offense cases, 2 traffic accidents and a missing juvenile. Vandalism seems to be on the rise. They had 7 officers working on the 4th of July. He has spoken with the UEP and has received permission to do some training at vacant houses. He spent some time in Kingman meeting with the Mohave County Attorney and Mohave County Sheriff in an effort to restore the strained relationship. Someone will be flying up to administer the waiver test for the officers to get them dual certified. He spoke about the process of arresting somebody, specifically in regards to sexual offenses. There was also discussion on how the victim is kept safe during this time. Officers attended training at the CJC yesterday. JVar asked for verification on the curfew law. Hildale is presently 9:30 p.m., Colorado City is 10:00 p.m. Lawrence thanked Chief Askerlund for holding to due process. Chief Askerlund is working on his certification, and is hoping the

Officers will be certified by the end of July. There is money in the budget for the new police station, but not enough for a complete renovation. They are working on a few necessary rooms, but may not get far following the guidelines. Jared asked if there were any issues specifically on the 4th of July. Chief Askerlund suggested that at public functions like that alcohol not be permitted. There were a few tipsy individuals, but there were not really any problems. There were a lot of fireworks calls. They went around and informed individuals that aerials were not allowed because of the fire restriction. There is a ban in the state of Arizona on aerials. Four wheelers and motorcycles are still a big issue. He sought direction on how to proceed, he would like to do an educational campaign before cracking down on the offenders. There has been more animal cruelty and no leads. He discussed the importance of public awareness and reporting these matters. Chief Askerlund mentioned that individuals have inquired about disposing of medications/narcotics. He would like to get a prescription drop-off box at the Police Station. He will be working on this.

Planning and Zoning: John Barlow presented. The Planning and Zoning Commission had their first separate meeting. Commissioners are noticing that there are holes that need filled, there needs to be an administrator. John is researching funding options for how to proceed. There was a brief discussion on the role of the CIB.

Maha requested a flow chart outlining how the Commission ties into Hildale City, and outlining roles and responsibilities. Charles Hammon, Planning Commission member, addressed the Board. He has done some research, and the Planning Commission role varies throughout every City. He reiterated that there needs to be an administrator. Not having things in place that need to be in place makes this a high risk area.

Utilities: Weston Barlow presented. The Utility Board met on June 26, 2018. The Utah State Fire Marshal informed him that their certifications had lapsed. The crew all took a 4 hour test for recertification. With the rainstorm, the tanks are full. The Consumer Confidence Report has been received and is posted on the website and available in the office. Maha Layton asked about TCWW's request for rate increase. This matter will have to be taken before the Utility Board before it comes before the City Council.

Wastewater: An odor complaint led to a water quality representative researching, he did not have any suggestions. A pond will have to be taken out of service to continue processing through the plant. There was discussion on how to proceed. Jared thanked him for driving the vac truck in the parade.

Parks: Nathaniel Barlow presented. In the last month they cleaned up the reservoir in Maxwell Canyon, but there needs to be a new dam put in. They are hoping to get dog waste stations put up within a week in hopes of getting people to clean up after themselves. As previously stated, there are four-wheeler and motorcycle vandalism issues. The Utility Department pumped out the septic tank at the park. The bathrooms are stifling hot and need some kind of ventilation system. He has been doing destruction on the lobby at the Utility Office removing the windows at the front desk. Nathaniel was thanked for driving the float in the parade.

Managers Report: John Barlow presented. He gave updates on the priority task list. The budget has been approved; he still needs to complete a few minute details. City Annexation is less of an emergency than thought, he and Christian are working on creating a plan to move forward, but it may be put on the back burner for now. On-line payments are now available. Interviews for the Utility Business Manager position will be held Thursday the 12th by a 5 board hiring commission selected by the Utility Board. Auditor training has turned into a lot of pre-audit preparation, Hinton and Burdick has been very helpful. Council equipment and manhole situation have not yet been addressed. Water sources and water acquisition: there is an agreement to go before the Utility Board that the Council will probably see in their next packet. General Liability Insurance is in the works, insurance broker should have the information by the end of the week.

The council and commissioners would like to take a tour of each facility. Mayor Allred offered to take this project on. John acknowledged how each department contributed to the 4th of July. The event was a smashing success. John is putting together a task force, pulling resources, and creating a coalition to attack the animal cruelty issue. There needs to be education, ordinances and resources available. Hildale City is sponsoring a free Health Fair on July 28th.

#5. Approval of Minutes and Ratification of Action Items from 5/29/2018 and 6/12/2018 Utility Board Meetings

Minutes were presented to the Council.

**JVar Dutson moved to approve the minutes and ratify the action items of the 5/29/2018 and 6/12/2018 Utility Board Meetings.
Lawrence seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#6. Approval of Minutes and Ratification of Action Items from 5/4/2018 Planning and Zoning Commission Meeting

Minutes were presented to the Council.

**Lawrence Barlow moved to approve the minutes and ratify the action items of the 5/9/2018 Public Works Advisory Board Meeting.
JVar Dutson seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#7. Approval of Minutes and Ratification of Action Items from 5/9/2018 Public Works Advisory Board Meeting

Minutes were presented to the Council.

JVar Dutson moved to approve the minutes and ratify the action items of the Maha Layton seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#8. Consideration and Possible Action to Pay Bills and Approve Check Register

Check register for 6/1/18 – 6/30/18 was presented to the Board. There was brief discussion on how Department Heads get purchases approved to assure it is in the budget.

JVar Dutson moved to approve paying the bills as funds become available and approve the check register as presented. Maha Layton seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#9. Consideration and Possible Action on Ratifying Contract for Fiber Optic

John Barlow presented. This contract has been presented to the council previously. It is on the agenda again to make sure the council understands the options. There is presently a contract in place with Ezra Nielson. This is a better option than the one that is currently in place, clarifying relationship terms. The current agreement allows Ezra Neilson and Associates to do pretty much whatever they would like. The new agreement makes Hildale City sole owner of fiber infrastructure owned by Hildale. Profit share is 60/40, excluding expenses. If Hildale were to make investments, the profit share percentage would go up. Agreement allows Hildale to be the sole provider for commercial use of the network. The cost breakdown was estimated.

Stacy Seay moved to ratify the contract dated 4/20/2018 with Ezra Nielson and Hildale City Concerning Fiber.

Lawrence Barlow seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#10. Consideration and Possible Action on Approving Contract with Sunrise Engineering for SRTS Grant

John Barlow presented. A letter of engagement was provided for council to review. It will cost roughly \$10,000-\$12,000 overall. Engineering will be presented to the Public Works Department so see if they are able to take on any of the items to cut costs before Sunrise steps in. The entire program will be cost reimbursement. Council requested that two or three bids be included when getting contracts. There was discussion regarding building relationships vs. trying to be competitive with every bid.

JVar Dutson moved to approve the engagement letter with Sunrise Engineering for the SRTS project with the stipulation that staff reach out to engineering firms and obtain a few more bids.

Jared Nicol seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#11. Consideration and Possible Action on Municipal Advisory Services

John Barlow presented. John and Christian have done a substantial amount of research and discovered that most cities have a financial advisor with a compensation plan. For advice on any financings of the City. Provided was a standard contract for their services. They will provide free advice. If a loan is taken out they will be compensated.

There are a number of different firms that provide this service. Zions is overwhelmingly recognized as the best. They have worked with Hildale City in the past and is very knowledgeable regarding municipalities and debt.

JVar has been up to their office in Salt Lake City and confirmed that they are very good. He recommends them as a service organization. He disagrees with the minimum \$10,000 compensation. John explained that if compensation were tied to a percentage rather than a minimum amount, the Advisor may not have the cities best interest in mind.

**Maha Layton moved to approve the Municipal Advisory Services with Zions.
Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#12. Consideration and Possible Adoption of a Resolution Amending City Council Resolution 2017-10-01 to Change the Terms of Sale of Industrial Lots 3A and 15

Christian Kesselring presented. This came about when reviewing the closing documents for the sale to DT Associates that was previously approved. All parties had been operating for some time on the assumption that leaseholders owned their improvements, which was legally and factually incorrect. This is the only transaction offered by the City Council that has not closed. He recommends that the adoption, which deletes section 2 of resolution no. 2017-10-01, be approved. The Mayor will then sign a new purchase contract to replace the old one. If this resolution is adopted Christian will be working to get the closing scheduled.

JVar asked why this was never noticed previously. Christian reached out to Blake Hamilton who said that the City never asked him to look at these. Maha requested that when these are presented Christian provide a copy of the original resolution so that they can compare.

Charles Hammon addressed the Board. He does consulting work for individuals who have leased property in the industrial lot. He would like to know how the City will address past sales. Christian stated that that will have to be discussed. Christian explained that once a deed is signed and recorded a purchasing agreement becomes null and void except where the parties have made a mistake. John suggested that the administration come back with a plan on how to proceed now that the public is aware.

Stacy Seay moved to adopt City Council Resolution 2018-07-01, changing the terms of sale of Industrial Park Lots 3A and 15.

Lawrence Barlow seconded. Roll call vote:

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#13. Consideration and Possible Action on City Attorney Contract

Hildale City Council – July 11, 2018

John Barlow presented. He asked Christian to draft up this contract. He has communicated with Christian that going forward it is unlikely that Hildale City will need a full time Attorney once some of the current problems are resolved. Maha asked if we can prioritize the things that need done while he is under contract.

JVar asked what Christian intends to do with his private practice. Christian has talked about that and committed to scale back significantly. He does criminal defense work in the North Canyon Justice Court and some local public service type work that he will continue, only to the extent that his ability to direct his best efforts toward what he is doing to the city is not hindered.

It was explained that this is budgeted for. At the next council meeting John will be proposing a pay scale. There will be compensation that needs to be discussed based on the position not the individual. Discussing public officials has to be done at a public hearing.

Jared expressed his appreciation for Christian’s excellent work. He is excited to give him the appropriate compensation.

**Maha Layton moved to approve the City Attorney contract.
Jared Nicol seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson		X	
Maha Layton	X		
Jared Nicol	X		

Motion carried.

#14. Closed Executive Session If Needed

Not needed

#15. Discussion of Pending or Contemplated Litigation, Claims and Demands

None

With no other business, meeting was adjourned at 9:12 P.M.

I verify that a copy of the notice and agenda was delivered to the Mayor and City Council members and posted at the City Hall, 320 E. Newel Avenue, Hildale, Utah and sent to the Utah State Public Meeting Notice coordinator.

Minutes were approved at the City Council Meeting on August 4, 2018.

Vincen Barlow

Vincen Barlow, City Recorder

