

# Hildale City Council Meeting

320 East Newel Avenue, Hildale, Utah 84784

Wednesday, March 3, 2021 6:30 pm

## **Present:**

**Mayor: Donia Jessop**

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

**City Recorder: Athena Cawley**

**City Manager: Eric Duthie**

**Staff: Christian Kesselring, Miranda Jeffs, and Chief Rob Radley**

**Court Monitor: Roger Carter**

**Public: Terril Musser, Heather Cooke, Kyle Layton, Dave Wittwer, and Mike Hansen (this list may be incomplete)**

## **#1. Welcome, Introduction and Preliminary Matters**

Meeting called to order at 6:30 pm. Roll was taken, quorum present.

## **#2. Pledge of Allegiance**

Councilmember Barlow led the crowd in the Pledge of Allegiance.

## **#3. Conflict of Interest Disclosures: None**

## **#4. Approval of Minutes of Previous Meetings**

The minutes ready for approval are October 7<sup>th</sup>, December 10<sup>th</sup>, and January 27<sup>th</sup>, 2020.

**Maha Layton moved to approve the minutes of October 7, 2020.**

**Lawrence Barlow seconded. Roll call vote:**

**Motion carried by consensus.**

**Maha Layton moved to approve the minutes of December 10, 2020.**

**Lawrence Barlow seconded. Roll call vote:**

**Motion carried by consensus.**

**Maha Layton moved to approve the minutes of January 27, 2020.**

**JVar Dutson seconded. Roll call vote:**

**Motion carried by consensus.**

## **#5. Public Comments**

City Manager Duthie read a public statement into the record attributed to Terril Musser. (supporting document attached)

**#6. Council Comments**

Mayor Jessop spoke about the issue concerning Councilmember Nicol. The City Council is a selected committee for the City and not a court of law. They will continue the meeting and let the officers go about their business as they see fit.

Councilmember Dutson spoke about the Utility Board having full support from the City Council and wanted to make sure the City will continue to move forward with the water projects while Harrison is away on military leave for a year.

Councilmember Nicol talked about his resignation from the Southwest Mosquito District Board and inquired about the position being filled.

Councilmember Barlow expressed his gratitude for the participation in the Uzona Chambers of Commerce luncheon.

**#7. Oversight Items**

**A. Financial and Check Registry Review and Approval**

City Manager Duthie went over the revenues and expenditure report. The Council discussed the items on the invoice register and the status of the expenditure accounts.

**JVar moved to approve to pay the bills as funds come available.**

**Stacy seconded. Roll call vote:**

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

Motion carried.

**B. City Manager’s Report**

City Manager Duthie presented a document evaluating actions taken and future actions to be taken for the City. He made the Council aware of a position that has been filled for a consultant that was contracted as a Project Manager, who will be working remotely for the Utility Department while Harrison is away. The Operations Manager and the Administrative Manager for Utilities will report to Manager Duthie on the progress of projects and anything of importance that concerns the Utility Department.

**C. Mayors Report**

Mayor Jessop talked about her presentation at the Uzona Chambers of Commerce luncheon which was well received. She reported to the Council on the new growth and businesses that have come into the City and the job opportunities they offer. She talked about the presentation she gave to the Uzona Chamber of Commerce on the Safe Routes to School, the General Plan, the Washington County Fair, changes to zoning codes, the new 911 text option, updates to the mask mandate and the Canaan Mountain Water Project.

**#8. Unfinished Council Business**

**A. Consideration, discussion, and possible approval of 2020 Hildale City Financial Audit**

Dave Wittwer from Hinton Burdick presented the Hildale City’s financial audit for FY 2020. He went over the financial highlights and general expenditures for FY 2019 and 2020.

**JVar Dutson moved to approve 2020 Hildale City Financial Audit  
Lawrence Barlow seconded. Roll call vote:**

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

Motion carried.

**B. Consideration, discussion of General Plan update. Encourage public participation at <https://hildalecityplan.org>**

Mike Hansen gave an update on the General Plan. His focus is to get the public interested in events that focus on the General Plan and to get feedback from the community. He invited the community to participate in the in the General Plan by going to <https://hildalecityplan.org> and filling out the online survey.

**C. Consideration, discussion, and possible approval of Washington County Fair participation as Spotlight City**

Mayor Jessop gave a summary of the Washington County Fair and Hildale City’s participation in the Spotlight City. She has reached out to people in the community for assistance to prepare for the spotlight booth. There will be a ribbon cutting April 13<sup>th</sup> Tuesday before the parade that starts at 4:30pm.

**D. Consideration, discussion, and possible direction from Council Work Session concerning City Council Rules and Procedures**

City Manager Duthie presented this item as a follow up from the previous Work Session talking about the procedures of Councilmembers in detail. His focus was to address conflicts between resolution changes and of software changes.

**E. Consideration, discussion, and possible approval of Ordinance 2021-001 governing City Regular Meeting dates**

City Attorney Kesselring presented. Utah code requires the Council to establish a meeting schedule by ordinance. The regular meetings have been on the first Wednesday of the month. In December there was an ordinance change for meetings to be on Thursdays which was adopted and passed. The document he

presented showed that Thursdays have been crossed out and it will go back to being on Wednesdays.

**Lawrence Barlow moved to approve Ordinance 2021-001 an Ordinance amending the day of regular council meetings.**

**Maha Layton seconded. Roll call vote:**

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

Motion carried.

**#9. New Council Business**

**A. Consideration, discussion, and possible appointment of Angela Hutchings to City Treasurer position**

City Manager Duthie presented a memo from the Administrative Operations Manager LaCorti, recognizing the qualifications of Angela Hutchings to take on the roll as the new City Treasurer. Angela Hutchings introduced herself to the Council and talked about her professional background from her past employments.

**Maha Layton moved to appoint Angela Hutchings to City Treasurer position  
JVar Dutson seconded. Roll call vote:**

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

Motion carried.

**B. Consideration, discussion, and possible approval of Resolution 2021-03-01 governing the use of electronic meetings.**

City Attorney Kesselring presented. He gave an update on an action that was taken in 2018 about revising the Resolution for establishing an Electronic Meetings policy for Hildale City boards. There has been changes made to the Electronic Meeting statutes since COVID-19. He stated that the Electronic Meeting Resolution needs to be updated to manage current state codes.

**Maha Layton moved to approve Hildale City Resolution 2021-03-01 governing the use of electronic meetings.**

**Lawrence Barlow seconded. Roll call vote:**

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

Motion carried.

**C. Consideration, discussion, and possible approval of Resolution 2021-03-02 regarding said agreement with Washington County to provide Election Services for the 2021 election cycle.**

Tabled till next meeting.

**D. Consideration, discussion, and possible approval of Hildale Community Development Block Grant (CDBG) contract for 2021.**

Councilmember Layton disclosed a conflict of interest, saying that this project is on the street where she lives. City Manager Duthie presented documents concerning the contracts for the sidewalk, curb, and gutter projects. Christian talked about the funding from a variety of sources for this project and of compliance steps such as environmental review that consists of about 20 regulations that need verified and will go through a documenting process.

**Lawrence Barlow moved to approve Hildale Community Development Block Grant (CDBG) contract 2021.**

**JVar Dutson seconded. Roll call vote:**

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

Motion carried.

**E. Consideration, discussion, and possible approval of Capital Improvements Board Applications List for submission to the Five County Association of Governments FY21-FY25**

City Manager Duthie presented a cover letter titled *Five County Association of Governments*. This letter includes an updated process of Capital Improvements and Asset Inventory, which is a process for funding programs and projects.

Programs and projects will have to be submitted to Capital Asset Inventories by March 19, 2021, in time for them to be discussed for the next fiscal year. The

Council asked to add Million Gallon tank and the administration building to the projects in the Capital Improvement Plan.

**JVar Dutson moved to approve Capital Improvements Board Applications List for submission to the Five County Association of Governments FY21-FY25 with the changes that have been noted.**

**Stacy Seay seconded. Roll call vote:**

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

Motion carried.

**F. Consideration, discussion, and possible date setting for a Council Planning Retreat.**

The Council agreed to not do a retreat due to new changes at the federal level and to save money, so long as the Council keeps up on work sessions meetings. The Council decided to not do a retreat.

**G. Consideration, discussion, and possible action concerning the review of the Community Outreach function and planning for community activities.**

City Manager Duthie presented. This item was put on the agenda to get feed-back from the Council and to discuss Community Outreach programs that can utilize the City departments resources; a concern for funding, any additional resources and manpower is in question since the Coalition is stepping in and the Cities are still small. Tabled for next meeting.

**H. Consideration, discussion, and possible approval of recognition of community youth in City Council meetings**

Mayor Jessop talked about the Coalition meeting in which was discussed any funding that was available for giving awards to students or to citizens to create a sense of community. The Council added their input on the positivity of doing this and that this is to be encouraged.

**I. Consideration, discussion, and possible direction to develop an Ordinance establishing a time limit for public meetings duration; and establishing a procedure for Council, Boards, or Commissions to extend meetings by super-majority vote.**

City Manager Duthie presented a sample document from an outside community on meeting duration. The Council agreed to have staff draw up a resolution establishing a time of 6:00-9:30 pm for public meeting duration.

**Maha Layton moved to reconsider Ordinance 2021-001 to include changing the day to the first Wednesday of the month and amending the start time to 6:00 pm.**

**Lawrence Barlow seconded.**

**Carried by consensus.**

This item was opened for reconsideration and discussion for a new motion.

**Lawrence Barlow moved to approve Ordinance 2021-001 to include changing day to the first Wednesday of the month and amending the start time to 6:00 pm..**

**Maha Layton seconded. Roll call vote:**

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

Motion carried.

**#10. Executive Session: None**

**#11. Calendar of Upcoming Events**

There will be a Work Session March 31, 2021 6:00 pm.

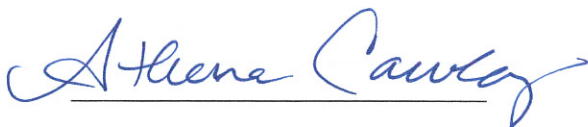
**#12. Scheduling: None**

**#13. Adjournment**

With no other business, meeting adjourned at 9:15 pm.

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 April 7, 2021.



Athena Cawley, City Recorder



## Athena Cawley

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**From:** Eric Duthie  
**Sent:** Tuesday, May 11, 2021 11:16 AM  
**To:** Athena Cawley  
**Subject:** Fw: Immediate resignation or removal of Jared Nicol from the Hildale City Council.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## Eric Duthie

City Manager

[ericd@hildalecity.com](mailto:ericd@hildalecity.com)

Mobile: 435.592.5346 Office: 435.874.2323 Fax: 435.874.2603

320 E Newel Ave. PO Box 840490, Hildale, UT 84784



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**From:** Heather Cooke <[hdcooke22@gmail.com](mailto:hdcooke22@gmail.com)>  
**Sent:** Sunday, February 28, 2021 2:16 PM  
**To:** Mayor <[mayor@hildalecity.com](mailto:mayor@hildalecity.com)>; Manager Hildale City <[manager@hildalecity.com](mailto:manager@hildalecity.com)>  
**Subject:** Immediate resignation or removal of Jared Nicol from the Hildale City Council.

As a representative of the undersigned citizens I am sharing this with Hildale City and The Mayor and Town Council and making a formal ethical complaint and investigation and requesting Jared Nicol immediate resignation.

The undersigned citizens of Short Creek ask for the immediate resignation or removal of Jared Nicol from the Hildale City Council.

As citizens, we have worked very hard to change our community and our reputation in the state. Due to Councilman Nicol's behaviors and recent arrest, we believe it is in the best interest of the people of Hildale and the Valley for him to resign. We do not excuse his actions and he will be held accountable in a court of law by his peers as it should be for all of us.

We know this story in the news will affect us all. It will undo several years of effort to not only clean up our town council, but clean up our image. We are here to tell the world this is not us: we do not support this kind of behavior and will not tolerate it. We will always stand and protect our children and community from all harm.



## Athena Cawley

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**From:** Eric Duthie  
**Sent:** Tuesday, May 11, 2021 11:17 AM  
**To:** Athena Cawley  
**Subject:** Fw: Ammendment to meeting minutes.

## Eric Duthie

City Manager

[ericd@hildalecity.com](mailto:ericd@hildalecity.com)

Mobile: 435.592.5346 Office: 435.874.2323 Fax: 435.874.2603

320 E Newel Ave. PO Box 840490, Hildale, UT 84784



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**From:** Heather Cooke <[hdcooke22@gmail.com](mailto:hdcooke22@gmail.com)>  
**Sent:** Wednesday, March 31, 2021 11:58 AM  
**To:** Manager Hildale City <[manager@hildalecity.com](mailto:manager@hildalecity.com)>; Mayor <[mayor@hildalecity.com](mailto:mayor@hildalecity.com)>  
**Subject:** Ammendment to meeting minutes.

The email for Jared's petition is and was from Heather Cooke and We the people. It has over 100 signatures from the People in Hildale.

Terrill Musser did not Start this petition but just emailed it to the city for myself. I, Heather Cooke started with the backing and Support of We The People of Hildale and the short creek valley.

I would like this text amendment entered into the next meeting before the notes are approved by Council.

**change.org**

Recipient: Hildale City Town Council

Letter: Greetings,

Immediate resignation or removal of Jared Nicol from the Hildale City Council.

# Signatures

Name	Location	Date
Terrill Musser	Colorado City, AZ	2021-02-26
Darlene Stubbs	Hildale, UT	2021-02-26
Annie White	Colorado City, AZ	2021-02-26
Ada Fischer	Hildale, UT	2021-02-26
Kyle Layton	Hildale, UT	2021-02-26
Jaymes L. Jessop	Colorado City, AZ	2021-02-26
Toni Chatwin	Hildale, UT	2021-02-26
Shelby Dutson	Hurricane, UT	2021-02-26
Rebeca Jessop	Hildale, UT	2021-02-26
John Barlow	Colorado City, AZ	2021-02-26
Bernice Steed	Colorado City, AZ	2021-02-26
Mable Barlow	Hildale, UT	2021-02-26
Jay Jessop	Washington, UT	2021-02-26
Carol Chatwin	Hildale, UT	2021-02-26
Summer Dockstader	Colorado City, AZ	2021-02-26
Elise Dockstader	Hildale, UT	2021-02-26
Mark Emack	Hildale, UT	2021-02-26
Rakel Holm	Colorado City, AZ	2021-02-26
Fredrick Jessop	Hildale, UT	2021-02-26
Phil Mackert	Hildale, UT	2021-02-26

<b>Name</b>	<b>Location</b>	<b>Date</b>
Ellen Darger	Hildale, UT	2021-02-26
Derek Barlow	Hildale, UT	2021-02-26
Joe Jessop	Hildale, UT	2021-02-26
sharon zitting	Colorado City, AZ	2021-02-26
Luke Jessop	Los Angeles, CA	2021-02-26
Brigham Barlow	Colorado city, AZ	2021-02-26
Colton Jessop	Hilldale, UT	2021-02-26
Moroni Allred	Colorado City, AZ	2021-02-26
Lester barlow	Colorado City, AZ	2021-02-26
Brayanna Braithwaite	Colorado City, AZ	2021-02-26
Ethel Knudson	Salt Lake City, UT	2021-02-26
Julia Dockstader	Colorado city, AZ	2021-02-26
Shirley Musser	St. George, UT	2021-02-26
Barbara Mooney	Colorado city, AZ	2021-02-26
Wendy Jessop	Los Angeles, CA	2021-02-26
Alvin Johnson	Colorado City, AZ	2021-02-26
Nikid Adc	Caney, OK	2021-02-26
Gladys Timpson	Hildale, UT	2021-02-26
Lorna Perkins	Salem, VA	2021-02-27
Brigham Hammon	Colorado City, AZ	2021-02-27
Christine Marie Katas	Hildale, UT	2021-02-27
Lucia Rodgers	Hildale, UT	2021-02-27

<b>Name</b>	<b>Location</b>	<b>Date</b>
Leona Bateman	Hurricane, UT	2021-02-27
Ethan Timpson	Colorado City, AZ	2021-02-27
Sharon Steed	Colorado City, AZ	2021-02-27
Benjamin zitting	Hildale, UT	2021-02-27
Cynthia Darger	Colorado City, AZ	2021-02-27
Jacob Rubnitz	Waunakee, WI	2021-02-27
Amanda Mackert	Colorado City, AZ	2021-02-27
Nathan Knudson	Hildale, UT	2021-02-27
Zoey Darger	Hurricane, UT	2021-02-27
Amber Holm	St. George, UT	2021-02-27
Linda Hammon	Colorado City, AZ	2021-02-27
anonymous anonymous	Colorado City, AZ	2021-02-28
Gary Jennings	Colorado City, AZ	2021-02-28
Sam Backus	Salt Lake City, UT	2021-02-28
Dennis Lane	Colorado City, AZ	2021-02-28
Jasmine Belvin-Avery	Las Vegas, NV	2021-02-28
Austin Taylor	US	2021-02-28
Caasidy Bradshaw	Bellflower, CA	2021-02-28
Joan Barlow	Hildale, UT	2021-02-28
Eli Kreppel	Arlington, US	2021-02-28
Jorel Jessop	Colorado City, AZ	2021-02-28
Bethany Nunley	Beltsville, US	2021-02-28