

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF SNOWFLAKE
HELD 05/04/2021**

- 1. CALL TO ORDER/ROLL CALL Present: Kerry Ballard, Allison Perkins, Bob Flake, Byron Lewis, Greg Brimhall, Cory Johnson; Excused: Lynn Johnson; Staff: Brian Richards, Katie Melser, Ella McAdams, Scott Allen, Chief Martin**
- 2. PRAYER/PLEDGE** Lewis/Perkins
- 3. PROCLAMATIONS AND RECOGNITIONS**
- 4. CALL TO PUBLIC:** none
- 5. CONSENT AGENDA:**
 - A. APRIL CHECK REGISTER
 - B. COUNCIL MINUTES DATED APRIL 6, 2021
 - C. RESOLUTION 2021-01 ANNUAL CFO DESIGNATION
Motion by Flake, 2nd by Johnson C, to approve the Consent Agenda. Motion passed; unanimous with Johnson L absent
- 6. DISCUSSION/ACTION ITEMS**
 - A. PRESENTATION FROM APS REGARDING FIRE MITIGATION EFFORTS

Neil Traver presented APS fire mitigation efforts. Equipment and surrounding areas are checked each year for problems and to clear out fire hazards. Other measures are taken to prevent any fire danger from their equipment.
 - B. PRESENTATION FROM JODIE FLAKE REGARDING USE OF RODEO PARK

Our town needs these amenities. Starting with financial collaboration, the Flake's would be financing all of this, not asking anything from the town. This is a \$10-\$15 million project over a 10-year period. We're growing and it would be great to have more amenities. Would like to develop the property so the community can use it. Would need to lease the property from the town, possibly rent heavy equipment at a discounted price for construction, and possibly use the town insurance for events.

Ballard- which item would you start on if this were to happen

Flake J- phase 1 is to build the indoor playground, skybox seating, theatre, campsites, trails

Flake B- there are a lot of great things here, but the numbers seem to be light on the estimate, for him personally he would like to see sharper numbers on this because the listed funds don't seem accurate. All the facilities costs and profits go to you and the town would get the lease amount? yes

Lewis- if the town decides to terminate the lease you would like to be reimbursed, but what if you want to terminate the lease, we would still have to reimburse you?

flake- only way she would end the program is if she was sick/dying, but even then, her board could take over.

Lewis- would like to see much sharper numbers on this

Perkins- have you leased any property and done a project like this before?

Flake J- no, we have considered it for some time, but this would be the first

Ballard- can see that it is a good project, but maybe now is a good time to talk to our attorney and see if/how we can move forward in our relationship for a project like this.

Lewis- appreciate commitment to the community and would like to see things tightened up.
 - C. SPECIAL USE PERMIT REQUEST TO CONSTRUCT A DETACHED GARAGE WITH A SECOND RESIDENCE ABOVE ON PARCEL NUMBER 202-61-028

Scott Allen presented the item. Planning and Zoning Commission voted in favor of recommending approval. He has the adequate space to occupy the rear yard with this building.

Allen- there weren't any issues with neighbors on this.

Ballard- same water/sewer hookup? no, he will be running a separate line and meter.

Johnson- does this require notification of neighbors? no

Motion by Lewis, 2nd by Johnson C, to approve the Special Use Permit to construct a detached garage with a second residence for grandparents on parcel number 202-61-028. Motion passed; unanimous with Johnson L absent

D. 2ND READING AND APPROVAL OF ORDINANCE 2021-02, REZONE OF PARCEL NUMBER 202-11-111 FROM R-10 TO R-45

Motion by Flake, 2nd by Brimhall, to approve 2nd Reading of Ordinance 2021-02, rezone of parcel number 202-11-111 from R-10 to R-45, by title only. Motion passed; unanimous with Johnson L absent

Motion by Johnson C, 2nd by Flake, to approve Ordinance 2021-02, rezone of parcel number 202-11-111 from R-10 to R-45. Motion passed; unanimous with Johnson L absent

E. 2ND READING AND APPROVAL OF ORDINANCE 2021-03, REZONE OF PARCEL NUMBERS 202-10-057 AND 202-10-046B FROM R-1 TO R-45

Motion by Perkins, 2nd by Lewis, to approve 2nd Reading of Ordinance 2021-03, rezone of parcel numbers 202-10-057 and 202-10-046B from R-1 to R-45, by title only. Motion passed; unanimous with Johnson L absent

Motion by Flake, 2nd by Johnson C, to approve Ordinance 2021-03, rezone of parcel numbers 202-10-057 and 202-10-046B from R-1 to R-45. Motion passed; unanimous with Johnson L absent

F. 2ND READING AND APPROVAL OF ORDINANCE 2021-04, AMENDING TOWN CODE TITLE 4 "PUBLIC HEALTH AND SAFETY", CHAPTER 4 "SMOKING RESTRICTIONS"

Motion by Johnson C, 2nd by Perkins, to approve 2nd Reading of Ordinance 2021-04 to adopt changes to Town Code Title 4, Chapter 4 entitled "Smoking Restrictions", by title only. Motion passed; unanimous with Johnson L absent

Motion by Lewis, 2nd by Johnson C, to approve Ordinance 2021-04 to adopt changes to Town Code Title 4, Chapter 4 entitled "Smoking Restrictions". Motion passed; unanimous with Johnson L absent

G. REQUEST FOR WAIVER OF TOWN NEPOTISM POLICY

Chief Martin presented Ramon Mercer as a potential candidate for police officer, only candidate to pass physical fitness and did fantastic on the written and oral board portion. He is a great candidate according to the oral board. His sister Amity Toth, and her husband Elijah, both work for the department.

We have put the most effort into this advertising campaign and still only 1 qualified candidate came out of it. It is becoming increasingly difficult to find qualified officers as well as being in constant competition with other agencies.

Perkins- have there been any issues with family members working together? no, and in this case, he would be able to be on a squad separate from being supervised by his family and there is other qualified staff that would be able to certify him for anything that would be required.

Martin- this could potentially set a precedent for other departments asking for a waiver

Lewis- fear is less of what would happen in the field and more of what would happen with office politics, there are very real dangers there. Where would the line be drawn, what if another candidate from this same family were to apply?

Martin- it is hard to foresee what would happen; he has spoken with other area departments and they have waived their own nepotism policies several times because of this and mentioned they may even be looking into amending/repealing their nepotism policy.

Mercer R- grew up in this community, his heart tells him to step up in a capacity like this since he has a family that he doesn't want to leave for military service. Concerned about squad complications, but he is fairly easy going and doesn't see a problem arising.

Lewis- are you going to be here to raise this family? yes

Flake- thank you for applying, it is a tough business right now; a concern is that if a splinter got in somehow, we could potentially lose 3 officers in one chunk.

Mercer- unsure of what may arise to cause this issue, but their family ties are strong here and doesn't see moving to a different area.

Lewis- how would you feel about extending the probationary period for this situation in case any issues

would arise.

Johnson- they could leave at any point, but we wouldn't have our positions filled even with this candidate

Martin- grateful that this is the kind of problem that he has to come before the council with, considering all the problems going on in the country

Perkins- appreciate your willingness to be an officer; hates thinking that others might ask for waivers, and where do we draw the line? How do we make sure that this doesn't become a problem?

Martin- we could look into revamping the contract with our attorney.

Lewis- would like to look at amending the nepotism policy

Brian- the policies that are in place are adequate, would recommend this waiver

Martin- there is another potential candidate that is related to a current officer that is waiting for this decision tonight

Toth A- everything that Chief Martin and Ramon has said is important and relevant. His only blemish is that he is her brother. He would be a tremendous benefit to the town. Perhaps consider revising the nepotism policy. The department is already like a family unit, so any issues that could come up from blood family could come up in the department family.

Martin- this would allow him to grant a conditional offer

Motion by Perkins, 2nd by Johnson C, to approve waiver of nepotism policy as set forth in section 1.4 of the Personnel Policy Manual to allow Ramon Mercer to become a police officer. Motion passed; unanimous with Johnson L absent

H. PURCHASE OF SEWER COMBINATION HYDRO-VAC TRUCK

Brian presented the item to council and asked for questions.

Motion by Johnson C, 2nd by Flake, to approve purchase of sewer combination hydro-vac truck. Motion passed; unanimous with Johnson L absent

I. FACILITY SERVICE AGREEMENT WITH MOUNTAIN TIME MANAGEMENT, LLC

Brian presented the item to council. They have been in the community for almost 5 years, we have approved additional annexations and improvements to their property. This agreement is similar to the Copperstate Farms agreement that was recently passed.

Lewis- is your license for medical and are you selling to any dispensaries that are selling medically and recreationally?

Mountain Time Management- it is medical, and yes, they are selling to dispensaries that also sell recreationally

Motion by Johnson C, 2nd by Flake, to approve the Facility Service Agreement with Mountain Time Management, LLC. Motion passed; 5-1 with Lewis opposing and Johnson L absent

J. CONTRACT AWARD FOR STREET IMPROVEMENTS ON 19TH S, SIERRA, AND SIESTA DR

Brian presented the item to council. Hatch construction and Paving Inc was the low bidder and recommends awarding this contract to them.

Motion by Flake, 2nd by Perkins, to approve contract with Hatch Construction & Paving, Inc. for CDBG street improvements project. Motion passed; unanimous with Johnson L absent

K. CONTRACT AWARD FOR SEWER IMPROVEMENTS ON 19TH S TO 7TH S

Brian presented the item to council. Surface Contracting Inc was the low bid and recommends awarding the contract to them. We have received a lot of grant money for this area in these related projects, it is roughly 25 cents on the dollar for the town. This provides much needed infrastructure to the south end of town where we haven't had it before.

Lewis- will this help with the growth factor?

Brian- yes, it is a 4-inch sewer line, you can hook on to it anywhere along the line

Motion by Brimhall, 2nd by Johnson C, to approve contract with Surface Contracting, Inc. for CDBG sewer improvements project. Motion passed; unanimous with Johnson L absent

L. GENERAL PLAN PUBLIC PARTICIPATION PLAN AND TENTATIVE SCHEDULE

At our last meeting we hired Up Front Planning to help us through this process. The first step is to approve this Public Participation Plan and Tentative Schedule. Hope to be done by February of 2022 with the entire process. We want the public involved for all aspects of this.

Motion by Johnson C, 2nd by Lewis, to approve General Plan Public Participation Plan and Tentative Schedule. Motion passed; unanimous with Johnson L absent

7. COUNCIL MEMBER REPORTS

Flake- congrats to spring sports

Lewis- good feedback from our school board for keeping things moving and our kids in school, grateful our kids have been able to go to school; grateful for the police officers

Ballard- got the sign for the Senior Center, which Taylor paid for; we planted a tree for Arbor Day at Pioneer Park so go check it out

8. MANAGER'S REPORT

Appreciate the way the nepotism waiver was handled tonight, appreciate how things are going in town.

9. ADJOURNMENT