NOTICE AND AGENDA

October 6, 2020

"Far and away the best prize that life has to offer is the chance to work hard at work worth doing" – Teddy Roosevelt

Notice is hereby given that the Roosevelt City Council will hold its regular Council Meeting on Tuesday, October 6, 2020, at the Roosevelt Municipal Building, 255 South State Street, Roosevelt, Utah, which meeting shall begin promptly at 5:30 p.m.

The agenda will be as follows:

1. Call to Order — Page
2. Roll Call
3. Opening Ceremony *(Prayer and Pledge of Allegiance)*
4. Minutes…… 1-6
5. Public Comment Period *(The comment period is limited to 15 minutes. Any person wishing to comment shall limit their comments to three (3) minutes. Any person wishing to comment during the comment period shall request recognition by the Mayor. Upon recognition, the citizen shall approach the front and state his/her name and address for the record. All comments shall be directed to the Mayor or entire Council. No person addressing the City Council during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate with the Mayor, City Council or City Staff; however, the Mayor, City Council or City Staff may respond within the 15-minute period. During this time, citizens may address the Council on any subject.)*
6. Public Hearings (as needed)
    a. Ordinance 2020-437 – Title 2 Chapter 4 Revisions…… 7-11
7. Appointments
    a. Airport Board Appointments
    b. City Manager Contract Approval
8. Purchase Orders and Quarterly Financial Review
9. Reports from Standing Committees
10. Report from City Manager
11. Standing Agenda Items
    A. Pending Discussion Items *(discussed previously, but final action not yet taken)*
        1. Chapter by chapter detail review of city code
12. Closed Session (as needed)
13. Adjourn

Further information can be obtained by contacting Carolyn Wilcken at (435) 722-5001 or (435) 725-7203. In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during these hearings should notify Carolyn Wilcken at 255 South State Street, Roosevelt, Utah, 84066, at least three days prior to the hearing to be attended.

MINUTES OF A REGULAR COUNCIL MEETING

September 15, 2020

The meeting was called to order at 5:30 p.m. by Mayor JR Bird.

A roll call was taken which showed council members Dustin White, David Baird, Don Busenbark, Vince Reiley, and Cody Aland present. Mayor JR Bird stated that the meeting was a regularly called meeting and that notice of the time, place and agenda of the meeting had been provided to the local news media, to each member of the governing body, and was posted on the city web page and the state public meetings web page.

Others present included Acting City Manager Ryan Clayburn, Finance Director/City Recorder Kurt Mower, Deputy Recorder/PIO LeeNichole Marett, Kirby Wolfinjer, Dusty Anderton, Dean Johnson, Drew Eschler, Shaun Denver, Melissa Yergensen, Kyle Snow, Gordon Snow, Kristen Oldham, Allana Richardson, Cathryn Nebeker, Rose Potts, Melisa Stevenson, Jo Rogers, Kylee Eldredge, Charlee Hays, Jared Hays, and Kim Sylvester.

Opening prayer was given by Vince Reiley.

MINUTES

A motion was made by Councilman Dustin White to approve the minutes of the regular meeting of August 18, 2020, and the special meeting of September 8, 2020, with revisions. Motion was seconded by Councilman David Baird. Those voting Aye were Dustin White, David Baird, Don Busenbark, Vince Reiley, and Cody Aland. Motion was carried unanimously.

PUBLIC COMMENT PERIOD

Kim Sylvester with J-U-B Engineers updated the Council on the progress of current projects at the Roosevelt Municipal Airport. The large runway and taxiway project is in the final stages with an apron preservation project set to begin tomorrow.

ANIMAL SHELTER STATUS UPDATE

Rose Potts, an employee at the Roosevelt Animal Shelter, requested an update on the status of the ongoing investigation at the shelter. Mayor Bird stated that while it is an unfortunate situation for everyone involved, the City was legally obligated to conduct the investigation and does not have influence over the third party handling that process. Jared Hays stated that employees deserve a public apology for being placed on leave during the investigation. Mayor Bird explained the City's legal obligations and stated that action would be taken based on the results of the investigation, but not before. Cathryn Nebeker asked why the shelter is not being funded. Mayor Bird detailed his findings in reviewing the shelter's budget for the past six years. He stated that there is a direct correlation between budget overages and the numbers of hours employees were

working, despite the fact that the number of animals cared for has remained static over time. The mayor also denied claims that veterinary bills are not being paid and stated that the City has never denied a vet bill. Mayor Bird offered to review the full budget documentation with anyone who was interested after the meeting. Delia Betts asked when the investigation would be resolved. She also stated that recent posts on social media have done significant damage to the reputation of the shelter and encouraged the City to promote the shelter positively upon the conclusion of the investigation. Mayor Bird explained that the City cannot influence the timeline of the third party investigators, but also hopes to see this resolved soon. He also stated that the City is committed to making sure accurate information is released to the public and believes that can be done in a positive manner. Ryan Clayburn offered his thanks to Christina, Alanna, and Shelby, the three employees at the animal shelter who have continued to work through the investigation.

RESOLUTION 2020-303 – BOND PARAMETERS RESOLUTION

Finance Director/City Recorder Kurt Mower presented Resolution 2020-303, a resolution authorizing not more than $1,525,000 water revenue bonds, in one or more series, to finance water system improvements, and related improvements; providing for the publication of a notice of public hearing and bonds to be issued; fixing the maximum aggregate principal amount, maturity, interest rate and discount of the bonds; providing for the running of a contest period; and related matters. The bonds will be used for the construction of the 2-million-gallon water storage tank recently approved by the Community Impact Board.

After review and discussion, a motion was made by Councilman Cody Aland to approve Resolution 2020-303 and call a public meeting for the final bond resolution. Motion seconded by Councilman Dustin White. Those voting Aye were Dustin White, David Baird, Don Busenbark, Vince Reiley, and Cody Aland. Motion was carried unanimously.

CEMETERY/800 SOUTH MASTER PLAN AMENDMENT

The City has identified concerns with the 2019 master plan for 800 South near the Roosevelt Memorial Park and Rodeo Drive. After review, the staff has proposed an amendment to the design that would allow for 800 South to continue to serve as a conductor road for traffic from U.S. Highway 40, provide from the alignment of 800 South and Summerall Lane across U.S. Highway 40, and establish plans for future development in the area.

After review and discussion, a motion was made by Councilman David Baird to approve the proposed design of 800 South, Motion seconded by Councilman Cody Aland. Those voting Aye were Dustin White, David Baird, Don Busenbark, Vince Reiley, and Cody Aland. Motion was carried unanimously.

ROOSEVELT MEADOWS PHASE 2 MINOR SUBDIVISION PRELIMINARY APPROVAL

Gordon Snow presented preliminary plans to subdivide two lots in Roosevelt Meadows Phase 2, located at the intersection of 800 South and Rodeo Drive, for the purpose of commercial development. His proposed plan fits the amended plan for the 800 South corridor. This is a preliminary approval. The final plat design will be brough back to the Council for review and will include all necessary engineering.

After review and discussion, a motion was made by Councilman Vince Reiley to approve the preliminary plans for the Roosevelt Meadows Phase 2 Minor Subdivision. Motion seconded by Councilman Dustin White. Those voting Aye were Dustin White, David Baird, Don Busenbark, Vince Reiley, and Cody Aland. Motion was carried unanimously.

ORDINANCE 2020-437 – TITLE 2 CHAPTER 4 REVISION DISCUSSION

The Council has previously identified possible revisions needed to Title 2 Chapter 4 of the Roosevelt City Code as it applies to the City Manager position. Specifically, the Council has identified the need to allow for the establishment of a contract with the City Manager, including a possible severance package negotiated before the time of termination. The proposed language of those revisions was discussed, with the intent to proceed to a public hearing at the next Council meeting on October 6.

After review and discussion, a motion was made by Councilman Don Busenbark for Mayor Bird to work with the City Attorney and get a second opinion to prepare the revised ordinance for final approval by the Council. Motion seconded by Councilman David Baird. Those voting Aye were Dustin White, David Baird, Don Busenbark, Vince Reiley, and Cody Aland. Motion was carried unanimously.

APPOINT CITY RECORDS OFFICER

In his appointed position as City Recorder, Kurt Mower is the appointed Roosevelt City Records Officer.

PURCHASE ORDERS

A motion was made by Councilman Don Busenbark to approve the following purchase orders. Motion seconded by Councilman Cody Aland. Those voting Aye were Dustin White, David Baird, Don Busenbark, Vince Reiley, and Cody Aland. Motion carried unanimously.

4610	Duchesne County Water Conservancy Dist.	$ 35,817.73
	Roosevelt Licensed Business	291,934.48
4648	Jones & DeMille Engineering	10,531.75
4621	J-U-B Engineers, Inc.	19,959.13
4523	J-U-B Engineers, Inc.	77,179.84

K & K Sanitation		77,562.23
Moon Lake Electric		23,000.00
PEHP		50,300.00
Ascent Aviation Group		10,079.20
Ascent Aviation Group		15,313.80
	TOTAL	**$611,678.16**

STANDING COMMITTEE REPORTS

Dustin White reported that the ULCT Board is preparing for their virtual conference next week. They also discussed possible changes to disbursement of the third round of CARES Act funding. Councilman Aland reported that the recreation subcommittee met two weeks ago to discuss races in the area and make plans for possible advertisement of those events in the future using City resources. LeeNichole Marett reported on the Eat Dinner in the Park event coming up at Constitution Park on Monday, Sept. 28.

CITY MANAGER REPORT

Acting City Manager Ryan Clayburn reported that the chip seal project is going on now and will finish up this week or early next week. The 500 East Project punch list will be finished next week as well. The water department is currently providing water to one fracking operation south of town and will be starting another directly after this one is complete. Secondary water is on track to last through the second week of October, as usual. The Cedarview/Montwell Special Service District waterline project did get approved by CIB but raised some questions about service area boundaries. The City will work on defining its service area to avoid future conflicts. The City owns two billboards on Highway 40. A third party has offered to purchase one of them for a price of $9,000. With the approval of the Council, Ryan Clayburn will negotiate for the purchase of both billboards. Robin Hatch has requested that we do not put a bench in Old Mill Park, which the Council supports.

A motion was made by Councilman Don Busenbark to adjourn the meeting. Motion seconded by Councilman Cody Aland. Those voting Aye were Dustin White, David Baird, Don Busenbark, Vince Reiley, and Cody Aland. Motion carried unanimously.

Meeting adjourned at 7:25 p.m.

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Roddy I. Bird Jr., Mayor

ATTEST:

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Kurt Mower, Recorder

MINUTES OF A REGULAR COUNCIL MEETING

September 25, 2020

The meeting was called to order at 3:30 p.m. by Mayor JR Bird.

A roll call was taken which showed council members Vince Reiley and Cody Aland present electronically via Zoom and council member Don Busenbark present in person. Mayor JR Bird stated that the meeting was a specially called meeting and that notice of the time, place and agenda of the meeting had been provided to the local news media, to each member of the governing body, and was posted on the city web page and the state public meetings web page.

Others present included Acting City Manager Ryan Clayburn, Deputy Recorder/PIO LeeNichole Marett, and Hal Huff.

OVINTIV WATER CONTRACT APPROVAL

Ovintiv wishes to purchase culinary water from the Roosevelt City system for use in fracking operations. They intend to begin the project on Sunday, September 27, and must have a finalized contract in place beforehand. Acting City Manager Ryan Clayburn, City Attorney Grant Charles, and Mayor Bird have worked with Ovintiv to negotiate and draft a contract for water sales. Water will be delivered south of State Street. In order to complete the contract, Victory Water will be temporarily shut off and Roosevelt City will be entirely fed by the Hayden wells. The contract contains a provision that Roosevelt citizens have priority over any other customer. If the City can't adequately serve its citizens, it won't be obligated to provide water under this contract.

After review and discussion, a motion was made by Councilman Don Busenbark to approve the water contract with Ovintiv. Motion seconded by Councilman Cody Aland. Those voting Aye were Don Busenbark, Vince Reiley, and Cody Aland. Motion was carried unanimously.

A motion was made by Councilman Cody Aland to adjourn the meeting. Motion seconded by Councilman Vince Reiley. Those voting Aye were Don Busenbark, Vince Reiley, and Cody Aland. Motion carried unanimously.

Meeting adjourned at 3:38 p.m.

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Roddy I. Bird Jr., Mayor

ATTEST:

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Kurt Mower, Recorder

ORDINANCE NO. 2020-437

AN ORDINANCE AMENDING ROOSEVELT CITY CODE TITLE 2 CHAPTER 4: ADMINISTRATION AND PERSONNEL, CITY MANAGER.

WHEREAS, revisions have been proposed to update Title 2 Chapter 4 of the Roosevelt Municipal Code; and

WHEREAS, the City Council finds that the proposed changes promote the efficiency of the city administration of government; and

WHEREAS, the efficient administration of government promotes the general health, safety and welfare of residents and visitors of Roosevelt City;

BE IT THEREFORE RESOLVED that effective upon approval by the Roosevelt City Council Title 2 Chapter 4 of the Roosevelt City Ordinances shall be updated and amended as follows and the provisions below shall supersede any prior version of Title 2 Chapter 4. Anything not contained herein was intentionally removed and deleted from prior versions by this revision.

2.04.010 Office created.
There is created the office of city manager of Roosevelt, Utah. The City Manager shall be the chief administrative officer of the City acting under the oversight and direction of the Mayor. (Ord. 2020-435: Ord. 2017-410 (part): Ord. 93-251 § 1)

2.04.020 Appointment.
The Mayor, with the advice and consent of the City Council, shall appoint a City Manager within a reasonable time whenever a vacancy exists in such position. The City Manager shall be appointed without regard to any consideration other than his or her fitness, competency, training and experience. (Ord. 2020-435: Ord. 2017-410 (part): Ord. 93-251§2)

2.04.030 Term.
Appointment of the City Manager shall be without definite term. (Ord. 2020-435: Ord. 2017-410 (part): Ord. 93-251 § 3)

2.04.040 Salary.

The salary, benefits, and other compensation of the city manager shall be set from time to time by the City Council and may be established either by resolution or contract. (Ord. 2020-435: Ord. 2017-410 (part): Ord. 93-251 § 7)

2.04.050 Residency

At the time of appointment, the City Manager need not be a resident of the City or state, but within six (6) months of appointment and during all other tenure of office the City Manager shall reside within the City except at the express exception of the City Council. (Ord. 2020-435)

2.04.060 Removal of the City Manager

The City Manager may be removed, for cause or without cause, by a majority vote of the city council including the Mayor.

Upon removal without cause the City Manager shall be entitled to payment for any termination pay or severance granted by a policy, which has expressly been made applicable to the manager by the City Council, or contract. The grievance process and any due process associated with the grievance process shall not apply to the City Manager.

Upon removal for cause, as defined below, or upon the City Manager's resignation or voluntary departure the manager shall have no entitlement to any termination pay or severance of any kind. (Ord. 2020-437)

A. Removal from office shall be considered for cause when the manager:
    i. is charged or convicted with a violation of Utah State Code Title 76, Chapter 8, Part 2; or
    ii. is charged or convicted of any crime classified as a felony in the jurisdiction where the crime occurred or which would have been classified as a felony by Utah State Code if the crime had been committed in Utah; or
    iii. Fails to comply with the Municipal Officers and Employees Ethics Act (Utah Code Ann. 10-3-1301 et. Seq.); or
    iv. Fails to comply with Roosevelt City's Code of Conduct and employment policies.

2.04.070 Elected Officials Ineligible for Appointment

No member of the City Council nor the Mayor shall be appointed manager during the term for which they shall have been elected or appointed, nor within one (1) year after the expiration of their term. (Ord. 2020-435)

2.04.080 Powers and duties.

The City Manager shall be responsible and under the control and supervision of the Mayor and the City Council for the proper administration of all affairs of the City placed in their charge, and to that end, shall have the power and duty and be required to:

A. Be responsible for the enforcement of all Federal, State and Local laws which do not have criminal penalties;
B. Carry out the policies and programs established by the council.
C. Meet regularly with the Mayor and keep the Mayor apprised of developments in City business.
D. Inform Mayor of all executive level meetings as far in advance of the meeting as reasonably practical and invite the mayor to attend same. "Executive level meetings" shall mean any meeting with one or more department heads, the City Attorney and/or elected officials from another governmental entity, business leaders etc..

E. Appoint, hire, suspend, transfer and remove all department heads employed by the City except the following department heads shall be appointed or removed by the mayor with the advice and consent of the city council: recorder, treasurer, police chief and city attorney.
F. Ensure that department heads appoint, hire, suspend, transfer and remove all employees within their various departments.
G. Upon request of the Mayor or City Council make written or verbal reports at any time concerning the affairs of the City under their supervision;
H. Keep the Mayor and the City Council advised of the financial condition and future needs of the City and make such recommendations to the Mayor or Council for adoption as the Manager may deem necessary or expedient;
I. With the advice and consent of the Mayor exercise supervision and control over all executive and administrative departments, excepting legal, and implement any necessary action to establish, consolidate or abolish administrative departments;
J. Be responsible for the enforcement of all terms and conditions imposed in favor of the City in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the Mayor and City Council for such action and proceedings as may be necessary to enforce the same;
K. Attend City Council meetings and participate in discussions with the Mayor and City Council in an advisory capacity;
L. Provide for engineering, architectural, maintenance and construction services required by the City; and
M. Present all contracts the terms of which either expend or receive more than the amount set by resolution, as amended, to the City Council for approval.
N. Ensure that all contracts entered into by the City are signed by the Mayor.
O. Notify the mayor and city council of any emergency existing in any department under his supervision.
P. Declare a local emergency by proclamation, the duration of which shall last until the next time the City Council shall meet, and take disaster or emergency related actions consistent with Utah Code Ann. § 53-2a-201 et seq., the Disaster Response and Recovery Act, as amended, and the City's Emergency Response Plan; and
Q. Perform such other duties as may be prescribed by ordinance or required of him or her by the Mayor and City Council which are not inconsistent with the laws of the state. (Ord. 2020-435: Ord. 2018-417 § 3; Ord. 2017-410 (part): Ord. 93-251 § 4)

2.04.090 Relationship of Mayor and City Council to City Staff

A. The City Council, its members and the Mayor may make any reasonable inquiry of the City Manager, Department Heads or other city employees to obtain information that it or they may deem necessary to effectively and efficiently carry out its or their duties. The City Manager, Department Head or other city employee shall respond at the earliest reasonable opportunity at which the duties or their position will not be interrupted.
B. Neither the City Council, its members, the Mayor, nor any City Council committee shall dictate hiring or firing by the City Manager of any person to any position except as otherwise provided in this Code. Neither the City Council, its members, the Mayor, nor any City Council committee shall interfere with the City Manager or other City officer or employee to prevent them from exercising discretion in carrying out their duties. Except

for purposes of inquiry neither the City Council, its members, the Mayor, nor any City Council committee shall direct or give orders to city staff. (Ord. 2020-435)

2.04.010 Role of the city council.

The city council shall pass all resolutions, ordinances, appropriate funds and adopt the annual budget, set all mill levies or taxes, review municipal administration as set out herein, and perform all duties that may be required of it by law. The city council may delegate to the city manager any executive or administrative power held by the city council pursuant to the applicable provisions of state law. (Ord. 2020-435: Ord. 2017-410 (part): Ord. 93-251 § 5)

2.04.011 Role of the mayor.

The mayor shall serve as chairman of the governing body. The mayor shall retain all legislative and judicial powers vested by law. The mayor shall appoint, with the advice and consent of the council, department heads (statutory appointments) and any vacancies on commissions or committees of the municipality. The mayor shall be the chief ceremonial officer of the city. The mayor may delegate to the city manager any executive or administrative power held by the mayor pursuant to the applicable provisions of state law. The mayor may declare a local emergency by proclamation, the duration of which shall last until the next time the City Council shall meet, and take disaster or emergency related actions consistent with Utah Code Ann. § 53-2a-201 et seq., the Disaster Response and Recovery Act, as amended, and the City's Emergency Response Plan (Ord. 2020-435: Ord. 2017-410 (part): Ord. 93-251 § 6)

2.04.012 Limitation of Terms of all Elected Officials.

All elected officials shall be limited to two (2) elected terms, regardless of which seat(s), positions(s) or office(s) are held during those two terms, in any sixteen (16) year period. Any time served in an elected office or offices by way of appointment rather than an election shall not limit the number of elected terms any individual may serve. If any individual resigns from office for any reason, after being elected and taking office later than January of 2020, prior to serving one half of the elected term from which they resign then the partially served term shall not be considered one of the two terms a person may serve in a sixteen (16) year period. Application of this provision shall apply to all terms beginning or currently being served in January of 2020 and to all future terms unless or until amended or repealed. (Ord. 2020-435)

PASSED AND APPROVED this _____ day of _____, **2020**, by the following vote:

Dustin White
David Baird
Don Busenbark
Vince Reiley
Cody Aland

ROOSEVELT CITY

Roddie I. Bird, Jr, Mayor

ATTEST:

Kurt Mower, Recorder