



ROOSEVELT Utah

ROOSEVELT CITY COUNCIL MINUTES

March 21, 2023

1. Call to Order

5:30

2. Roll Call

Councilmen Don Busenbark, Rowdy Cloward, Cody Aland, and Dustin White, and Mayor JR Bird were present. Councilman White arrived at 5:31 p.m., just after the meeting was called to order, and Councilman David Baird was not present. City staff in attendance included Edwin Butterfield, Dustin Glines, Brent Fenn, Kirby Wolfinger, Drew Eschler, Grant Charles, Rhonda Goodrich, Joshua Bake, Ryan Clayburn and Sunshine Bellon

3. Opening Ceremony (*prayer and pledge of allegiance*)

Councilman Busenbark offered the opening prayer.

4. Minutes

a. March 7, 2023,

Seeing no revisions or corrections, Councilman Busenbark motioned to approve and was seconded by Councilman Cloward. The motion passed unanimously with Councilmen Busenbark, Cloward, Aland and White voting aye.

5. Public Comment Period

Citizen, Kate Thomas, addressed the Council with concerns regarding flood insurance and short-term rentals within the city. Mrs. Thomas stated that she had been unable to purchase FEMA or private flood insurance due to Roosevelt City not filing the proper paperwork and getting on a list with FEMA. Mrs. Thomas expressed frustration at this oversight and requested that the Council/ City Staff resolve the issue because she and others may need flood insurance. Mrs. Thomas also voiced concerns over Roosevelt City not allowing short-term rentals within the city and indicated that she thought short-term rentals were preferable to businesses like the indoor yard sale business that the City was allowing to operate in a residential area. Mrs. Thomas suggested that the Council make it a priority to address the issue and recommended allowing short-term rentals in business and business/residential districts.

6. ~~Committee Appointments~~

No committee appointments were recommended during this meeting.

7. Recognitions

Det. Corporal Clint Robinson was recognized as Employee of the Month for “impacting the lives of future generations and helping a lot of people over a long period of time.” Corporal Robinson attended meetings with State Senator Ron Winterton, as well as the City Attorney to fix a loophole in the Enticing a Minor Law and was integral in assisting the passing of SB169. One legislator commented on the changes in the bill saying, “I absolutely love this.” Roosevelt City Chief of Police Mark J. Watkins thanked Det. Corporal Robinson for his hard work and his proactive dedication to the community. Det. Corporal Robinson then addressed the Council, thanking Chief Watkins for helping him through the process and saying “I’m addicted to helping to change laws now.” Det. Corporal Robinson also thanked the City for allowing him to join the police force 12 years ago saying that in that time, he has fallen in love with the city.

8. Public Hearing

a. Fiscal Year 2023 Budget Reopen

City Finance Officer, Rhonda Goodrich presented the proposed FY 2023 budget reopen to the Council for approval. Mrs. Goodrich described the detailed budget that was provided and explained that despite cost increases the City has held to the budget and that the proposed changes in the reopen were simply adjustments from one account to another. These adjustments included:

- Increase revenue by \$60,000.
- Increase expenditures by \$10,000 (leaving us \$50,000 better off than we expected.)

Councilman Busenbark motioned to enter a public hearing to receive comments on the proposed Fiscal Year 2023 Budget Reopen and was seconded by Councilman Aland. The motion passed unanimously, and the Council entered a Public Hearing.

Citizen, Alysia Pfister, did not have a comment to make on the Budget Reopen, but took this opportunity to comment on the following Public Hearing item; the Aquatic Center fee schedule changes.

“Families don’t feel they can use it because of the temperature of the water. I would be more than happy to pay for a season pass and would go all the time, but we don’t use the indoor pool at all.”

Seeing no additional comments, Councilman Busenbark motioned to return to regular session and was seconded by Councilman Aland. The motion passed unanimously, and the Council returned to their regular session.

b. Fee Schedule Amendment – Aquatic Center & Golf Course

Aquatic Center Manager, Edwin Butterfield presented a brief slideshow outlining the proposed fee schedule changes that had been discussed at previous meetings and summarized the proposed changes by explaining that the goal was to “keep it affordable and eliminate the need for change for cash payments for

daily admission.” Following Mr. Butterfield’s presentation, Roosevelt City Golf Pro, Aaron Brown, gave an overview of the proposed changes to the Golf Course fee schedule. Mr. Brown explained that he had researched the fees charged by similar facilities in the state and the fee changes he recommended were intended to bring the Roosevelt Golf Course more in line with those fees. Mr. Brown described the proposed increase as “not very significant” and told the council that the changes had been reviewed and approved by the Golf Course Advisory Committee. Councilman Busenbark motioned to enter a public hearing to receive comments on the proposed fee schedule amendments to the Aquatic Center and Golf Course fees and was seconded by Councilman Cloward. The motion passed unanimously, and the Council entered the public hearing.

Citizen, Matt Luce, commented on the proposed changes saying, “the family pass doesn’t work for me due to my family size.” Mr. Luce also agreed with a previous comment that the pool was too cold.

Citizen, Alysia Pfister, added to her earlier comment saying, “I called other facilities about temperatures, and pool is several degrees colder than surrounding area.”

Citizen, Joni Wells, commented on the proposed changes saying “when you’re comparing [costs] to other facilities, if you’re comparing to other facilities, you’re not just paying to go swim. You must compare apples to apples.” Mrs. Wells also indicated that she felt the pool was too cold and went on to say, “ I hear that it’s about the swim team needing the pool colder. It’s not the High School’s pool. It’s a community pool, so are community members just not going to be able to use it?”

Citizen, Keith Goodspeed, commented on the proposed changes stating, “I go to the pool every morning and I can tell when it’s a swim meet day because the temp is down about 4 degrees. It’s amazing that I can feel that bit of a change. I understand keeping it cool for swim-meets, but I think in the summer it should be kept warmer. I think it would be good if it could be reasonably warmer when there’s not going to be a swim-meet.”

Seeing no additional comments, Councilman Busenbark motioned to return to the regular session and was seconded by Councilman White. The motion passed unanimously, and the Council returned to their regular session.

9. Action Items

a. Fiscal Year 2023 Budget Reopen

Councilman Busenbark commented on the budget reopen saying, “it is awesome to have more coming in than going out so that we can maintain our programs.” Councilman Busenbark then motioned to approve the Fiscal Year 2023 Budget Reopen and was seconded by Councilman White. The motion passed unanimously with Councilmen Busenbark, Cloward, Aland and White voting aye.

b. Fee Schedule Amendment – Aquatic Center & Golf Course

Seeing no additional questions or comments from the Council, Councilman Busenbark motioned to approve the proposed fee schedule amendments and was seconded by Councilman Aland. The motion passed

unanimously, with Councilmen Busenbark, Cloward, Aland and White voting aye.

c. Planning & Zoning- Lance Nelson Lot Line Adjustment

Planning and Zoning Division Manager, Drew Eschler, and Lance Nelson addressed the Council regarding Mr. Nelson's lot line adjustment request. Mr. Nelson explained that he purchased a home, then bought the lot next to it and realized that the fence surrounding the home went across the second lot. Mr. Nelson added that he just wanted to adjust the lot lines to match the placement of fence. Mr. Eschler explained that both lots would still meet all of the size and frontage requirements for the zone. Councilman White motioned to approve the lot line adjustment and was seconded by Councilman Cloward. The motion passed unanimously, with Councilmen Busenbark, Cloward, Aland and White voting aye.

d. Moon Lake Electric Easement Approval

Mary Stewart representing Moon Lake Electric, addressed the council with the request that they approve the proposed easement. Mrs. Stewart explained that the easement was needed to run power lines from the Bonanza power plant to the Pole Line substation. Mrs. Stewart explained that all of the needed approvals are in place and that MLEA just needs approval to cross City property. The easement would include 150' X 1183.81' through City property that has been slated for use for the Rough Rider Shooting Complex. Mrs. Stewart also added that the easement will not interfere with construction and/or expansion of the gun range. The proposed cost for the easement is a one-time payment of \$6,111.00 to Roosevelt City. Councilman Aland recused himself from the discussion and vote on the easement due to his employment with Moon Lake Electric. Councilman Busenbark motioned to approve the easement and was seconded by Councilman Baird. The motion passed with Councilmen Busenbark, Cloward, and White voting aye.

e. Arts and Zoo Tax Reauthorization

City Attorney, Grant Charles presented the request for ZAP tax reauthorization to the Council. Mr. Charles explained that the tax had been previously approved through public hearings and now needed to be reauthorized. The tax is 1/10 of each cent on the dollar, collected as sales tax in Roosevelt. Previous revenue for Arts and Parks generated by this tax was approximately \$281,000, and it is estimated that revenue will reach approximately \$250,000 this fiscal year. The reapproval would be for a period of 10 years. Councilman Busenbark motioned to approve the reauthorization of the ZAP tax and was seconded by Councilman Aland. A roll call vote was taken with the following result:

Councilman Busenbark: Aye

Councilman Cloward: Aye

Councilman White: Aye

Councilman Aland: Aye

Councilman Baird: Aye

The motion passed unanimously, and the ZAP tax was reauthorized.

f. Campbell Well Surplus Water Agreement

Water Source Manager, Ryan Clayburn and the City Attorney, Grant Charles presented the Council with the proposed Campbell Well Surplus Water Agreement. Mr. Clayburn explained that the City does not and currently, and cannot use the water coming from the Campbell artesian well and that capping or plugging the

well would mean either a potential freeze and break, or that the well could never be used again. Mr. Clayburn went on to explain that the water from the well is currently running into a pond, which Ben Mecham uses the water from to irrigate. The recommendation from staff is to enter into an agreement with Mr. Mecham. Mr. Charles explained that the agreement contained all of the same provisions as other water leases the City has entered into, specifically that if the City ever needs the water, they can terminate the agreement. The Agreement would initially be for a 3 year period, with automatic 1 year renewals thereafter. Mr. Charles went on to explain that the most significant advantage to entering into the agreement was not the payment, but the fact that it would help the City retain the water rights because it would demonstrate that the water is being used. Lastly, Mr. Charles added that the City will only be responsible for ensuring that the water runs to the edge of City property, and that from there we aren't responsible for it. Councilman Baird motioned to approve the agreement and was seconded by Councilman White. The motion was approved unanimously, with Councilmen Busenbark, Cloward, Aland and White voting aye.

g. Surplus Resolution

City Manager, Joshua Bake, began by explaining that this item was for discussion and the Council's information and that a proposed resolution to the City's Procurement Policy would be coming before them at their next meeting. Mr. Bake explained that the current policy states "no city employee will receive a personal benefit from city property," in relation to the disposition of City property and, that could be interpreted as no city employee could even bid on surplus property. Mr. Bake will be requesting to remove that line from the Procurement Policy Resolution. A draft resolution will be presented at next meeting, and Mr. Bake inquired if there were any concerns regarding this change. Councilman Baird suggested that it should be mandated, as a part of resolution, that surplus has to go through a third party in order to prevent misuse. Councilman White agreed and further recommended specifying that employees should be allowed to bid if the property is being surplusd through a third party, and if the property is surplusd by the City itself, there should be a procedure ensure fairness. Mr. Bake and the Council discussed several options such as requirements tied to value tiers, the use of sealed bids, and local vs online disposition. The Council made it clear that whatever the case, they wanted the public to be properly noticed and an inventory created. The topic of retired K9s was also addressed, as there was concern about the current policy potentially barring their handlers from adopting them. Mr. Charles spoke to this issue and said that he was looking into addressing that concern a different way.

h. ~~Intermountain Economic Consulting Contract Renewal~~

This item was stricken from the agenda.

i. Roosevelt Fiscal Year 2022 Audit Presentation

Cameron Olsen from Aycock and Myles, the City's Auditor, presented the results of the Fiscal Year 2022 Audit. Mr. Olsen explained that overall, the City's financial health is doing good and that he didn't see any decline. Mr. Olsen encouraged the Council and City staff to continue to chip away at the issues in the findings saying that there was still room for improvement. Councilman Aland motion to accept the audit and was seconded by Councilman Cloward. The motion passed unanimously, with Councilmen Busenbark,

Cloward, Aland and White voting aye.

j. Hangar Roof Bid Award

Public Works Director, Kirby Wolfinjer addressed the council with the recommendation that they accept the bid that was received for repairs to the Municipal Airport hangar roof. Mr. Wolfinjer explained that the Request for Proposals was published, and there was one bid that had been submitted to the City. This bid came in less than the budgeted amount for the work requested and included different options to get some additional work done. The staff recommendation was that the Council approve the bid not to exceed \$180,000 so that other options are available, without the project exceeding the original budget. Councilman Baird motioned to accept the bid not to exceed \$180,000 and was seconded by Councilman Aland. The motion passed unanimously, with Councilmen Busenbark, Cloward, Aland and White voting aye.

k. Nature Park Phase I

Assistant City Manager, Ryan Clayburn addressed the council with the request that they grant permission to City staff to move forward with the Nature Park Phase 1 tasks at hand, while staying within procurement policy. Mayor Bird added that the purpose for the request is so that City staff could make progress with the tasks, without having to come to the Council for each one. Expenditures for Phase I will still be listed on the purchase orders for approval. Councilman White motioned to approve City staff moving forward with Phase I tasks and was seconded by Councilman Baird. The motion passed unanimously, with Councilmen Busenbark, Cloward, Aland and White voting aye.

l. K&K Sanitation Contract

City Attorney, Grant Charles addressed the Council regarding the negotiations with K & K and the City's proposed counteroffer. Mr. Charles explained that during the most recent meeting with K & K, they agreed to accept the City's offer of an 8% increase with K&K taking over all customer tracking and customer service responsibilities. K&K will also be responsible for maintaining a spreadsheet of account information that will be submitted to the City, no later than 10 days prior to billing. The City will not make payments to K&K if a resident's account is in default, once the account is made current K&K will be paid. Mr. Charles also explained that K&K did not feel they were currently ready to meet all of the customer tracking requirements of the contract, and that the increase would only take place once they were prepared to meet those expectations. Mr. Charles added that K&K requested an additional provision be added to the contract with the possibility of an increase applying to the remaining years left in their current contract. The requested increase would be attached to the cost-of-living index. Mr. Charles recommended a cap of 3%, meaning their payment could go up, or down, by a maximum of 3% depending on the cost-of-living index. Mr. Charles told the Council that if they wanted to move forward, they would need to make a motion to rescind the notice to terminate, and then provide direction to him regarding the proposed increase request, so he could draft the contract. Mayor Bird stated that he believed the increase, if granted, should take place every 3 years, not every year. During this discussion the Council asked what the total increase would be for citizens under this proposed contract, and it was explained that citizens would pay an extra \$0.50 for their first trash can. A representative of K&K made a request during the meeting that the Council consider a 10% annual

increase/decrease cap, instead of the 3% discussed and Mr. Charles responded that an alternative to that would be to add a clause that K&K can terminate the contract if it becomes financially untenable. Councilman Busenbark motioned to rescind the notice to terminate the contract with K&K and was seconded by Councilman Aland. The motion passed unanimously, with Councilmen Busenbark, Cloward, Aland and White voting aye. Following the motion, the Council gave Mr. Charles direction to include the increase in his contract drafting, with a percentage to be decided upon during the next meeting.

10. Discussion Items

a. TriCounty Health Department Annual Report

Kirk Benge, TriCounty Health Director, presented their annual report to the Council and those in attendance. A copy of the report and presentation can be found on the TriCounty Health Department website.

b. Uintah Basin Drug Task Force

City Attorney Grant Charles recommended discussing this topic during the closed session portion of the meeting, due to the fact that it could disclose sensitive information and investigative techniques.

11. Purchase Orders & Financial Review

Seeing no questions or discussion regarding the purchase orders, Councilman Aland motioned to approve the purchase orders and was seconded by Councilman Cloward. The motion passed unanimously, with Councilmen Busenbark, Cloward, Aland and White voting aye.

12. City Manager Report

City Manager, Joshua Bake informed the Council that he did not have anything pressing to report and would send out an email update.

13. Committee Reports

There were no reports on City Committees.

14. Items for Future Discussion

An update was provided on the situation with the Duchesne County School District and the Aquatic Center. Mayor Bird explained that the District still does not want to pay to maintain the facility and their use is negatively impacting the pool in the form of revenue, and lack of use from the public due to the temperature issues. Roosevelt City cannot subsidize the high school swim team.

15. Closed Session as for the purposes listed in Utah Code 52-4-205(1)(d)

Councilman Cloward motioned to enter closed session and was seconded by Councilman Busenbark. The motion passed unanimously with Councilmen Busenbark, Cloward, Aland and White voting aye.

16. Adjourn

At 7:10 p.m. Councilman Cloward motioned to adjourn the March 21, 2023 meeting of the Roosevelt City Council and was seconded by Councilman Aland. The motion passed unanimously, with Councilmen Busenbark, Cloward, Aland and White voting aye.