



HIGHLAND CITY COUNCIL BRIEF

Tuesday, September 18, 2018

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

6:30 PM WORK SESSION (CITY COUNCIL CHAMBERS)

Call to Order – Mayor Rod Mann

Invocation – Council Member Ed Dennis

Pledge of Allegiance – Council Member Tim Irwin

1. PUBLIC EMPLOYMENT LAW TRAINING

Marilyn English provided a training regarding the Utah Protection of Public Employees Act, employee's freedom of speech, Utah Municipal Government Code, the Whistleblower protection policy, what constitutes a hostile work environment, and disciplinary actions.

7:30 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)

1. UNSCHEDULED PUBLIC APPEARANCES

Time has been set aside for the public to express their ideas, concerns, and comments. (Please limit comments to three minutes per person. Please state your name and address.)

Wayne Tanaka reported regarding efforts of the Friends of the Library. He advertised the upcoming Birthday Celebration of the Library's Tenth Anniversary.

2. PRESENTATIONS

a. HIGHLAND FLING PRESENTATION – Julie Tapusoa

City Event Coordinator Julie Tapusoa reported on the success of the Highland Fling event. She spoke highly of the events that took place. She awarded the many volunteers who contributed to the success of the event.

3. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. ACTION: Approval of Meeting Minutes - PASSED

Regular City Council Meeting August 21, 2018

Next step: Approved minutes will become part of the permanent record.

b. ACTION: Ratifying Library Board Appointments - PASSED

City Council will consider ratifying the appointment of Roger Dixon (seat 6) to serve a one-year term and the appointment of Jessica Anderson (seat 7) to serve a two-year term and on the Library Board. The Council will take appropriate action

Next step: Roger Dixon will continue to serve on the Library Board as Chair. Jessica Anderson will begin serving on the Library Board.

4. RESOLUTION: REVISIONS TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL - CONTINUED

The City Council will consider adopting revisions to the Personnel Policies and Procedures Manual for Section 5: Unlawful Discrimination, Harassment (including Sexual Harassment) and Retaliation, Section 7: Discipline, Section 8: Grievances, and a new Section 9: Whistleblower Protection Policy. The Council will take appropriate action.

Next step: City staff will revise these sections as requested by Council and bring back the amended Personnel Policies and Procedures Manual for approval at the next meeting.

5. RESOLUTION: AUTHORIZE THE SURPLUS SALE OF THE 2001 STERLING ELGIN SWEEPER TRUCK - PASSED

The City Council will consider authorizing the surplus sale of the 2001 Sterling Elgin sweeper truck. The Council will take appropriate action.

Next step: City staff will provide reasonable notice to the public of the truck available for surplus. The City Administrator shall select the best disposal option and the truck will be removed from Highland City's fleet.

6. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

a. Corner Lot Research Results - Planner Tara Tannahill

Planner Tara Tannahill oriented the Council with the results of the research for subdividing corner lots. City Council recommended further information to be brought back at a future meeting for a possible vote.

b. Parks Maintenance and Salt Storage Buildings - City Engineer Todd Trane

City Engineer Todd Trane oriented the Council with options for constructing a Parks Maintenance and a Salt Storage building. Staff will prepare more detailed plans and bring back the items to a future meeting.

c. Boundary Issue - Council Member Kurt Ostler

Council Member Kurt Ostler requested direction from the Council regarding the boundary line of the Dry Creek Lake park. Council consensus was that the boundary should remain in the middle of the lake.

d. Water Storage Issue - Council Member Kurt Ostler

Council Member Kurt Ostler requested direction from the Council regarding options for water storage at the Dry Creek Lake park. Council consensus was that the Water Advisory Board study the issue and bring back a recommendation.

7. FUTURE MEETINGS

a. Future Meetings

- September 25, Planning Commission Meeting, 7:00 pm, City Hall
- October 2, City Council Meeting, 7:00 pm, City Hall

8. CLOSED SESSION

The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

City Council, Mayor and staff held a closed session to discuss the character, professional competence, or physical or mental health of an individual; as provided by Utah Code Annotated § 52-4-205.

ADJOURNMENT

COUNCIL VOTING REPORT – SEPTEMBER 18, 2018

		APPROVAL OF AUGUST 21, 2018 MEETING MINUTES	APPROVAL OF LIBRARY BOARD MEMBERS ROGER DIXON & JESSICA ANDERSON	APPROVAL TO SURPLUS THE 2001 STERLING ELGIN SWEEPER TRUCK
First Name	Last Name	3a	3b	5
Brian	Braithwaite	Yes	Yes	Yes
Ed	Dennis	Yes	Yes	Yes
Tim	Irwin	Yes	Yes	Yes
Kurt	Ostler	Yes	Yes	Yes
Scott	Smith	Yes	Yes	Yes
Total Voters		5	5	5
Pass/Fail		Pass	Pass	Pass

STAFF PRESENTATIONS

Welcome to the Highland City Council Meeting

September 18, 2018



6:30 PM WORK SESSION

Call to Order - Mayor Rod Mann
Invocation - Council Member Ed Dennis
Pledge of Allegiance - Council Member Tim Irwin



PUBLIC EMPLOYMENT LAW TRAINING

Item 1 - Training
Presented by - Marilyn English, Human Resource Attorney



7:30 PM REGULAR SESSION



UNSCHEDULED PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non agenda items. Please limit comments to three (3) minutes and state your name and address.



PRESENTATIONS

- Item 2a. - Highland Fling Presentation - *City Events Coordinator Julie Tapusoa*



2018 Highland Fling Summary				
EVENT	REVENUE	EXPENSE	ACTUAL	
Kickoff	\$ -	\$ 697.64	\$ (697.64)	
5K Run & Fun Run	\$ 2,802.00	\$ 2,678.14	\$ 123.86	congratulations to receive 371.57
Mac & Cheese	\$ -	\$ 1,100.00	\$ (1,100.00)	
Sponsorship Magazine	\$ 222,675.00	\$ 9,442.93	\$ 13,232.07	
Staffing for Sponsorships	\$ -	\$ 1,474.20	\$ (1,474.20)	
Family Adventure Race	\$ -	\$ -	\$ -	
Baby Contest	\$ -	\$ 224.56	\$ 5.44	
Fireworks	\$ -	\$ 12,000.00	\$ (12,000.00)	
Kids' Night	\$ -	\$ 294.64	\$ (294.64)	
Disc Golf	\$ 2,550.00	\$ 1,835.00	\$ 715.00	
Movie Night	\$ 25.00	\$ 793.18	\$ (768.18)	
Mass Gathering Requirements	\$ -	\$ 1,842.16	\$ (1,842.16)	
Parade	\$ 1,925.00	\$ 1,010.00	\$ (1,010.00)	
Entertainment	\$ -	\$ 11,232.71	\$ (11,232.71)	
Highland Games	\$ 2,135.00	\$ 1,689.31	\$ 454.69	
Youth Night - Drive In Movie	\$ 25.00	\$ 145.96	\$ (117.96)	\$500 also used from the Youth Council Budget
Vendors	\$ 4,055.00	\$ 57.44	\$ 3,997.56	
Food Vendors	\$ 1,500.00	\$ 225.60	\$ 1,274.31	
Play Day Rodeo	\$ 383.00	\$ 137.49	\$ 245.51	
Breakfast	\$ 958.00	\$ 1,200.00	\$ (242.00)	
Miscellaneous	\$ 30.00	\$ 2,622.10	\$ (2,592.10)	
2018 FLING	\$39,265.00	\$ 51,840.10	\$ (12,575.10)	
2017 FLING	\$49,138.00	\$ 62,888.77	\$ (13,750.77)	
2016 FLING	\$30,297.00	\$ 44,409.09	\$ (13,663.09)	
2015 FLING	\$28,714.12	\$ 43,874.09	\$ (14,859.87)	



CONSENT ITEMS

- Item 3a. - Approval of Meeting Minutes from August 21, 2018
- Item 3b. - Ratifying Library Board Appointments

RATIFYING THE LIBRARY BOARD APPOINTMENTS

Item 3B – Action
Presented by – Erin Wells, Interim Library Director

Seat	Current Board Member	Appointed	Term Expiration	Notes
2	Nancy Passaretti	9/2016	6/2019	Filled an expired seat which was occupied by Marlene Brooks.
6	Roger Dixon	9/2018	6/2019	Second term. Shortened to realign board seat schedule
1 (City Council)	Ed Dennis	2/2016	6/2020	Ed was appointed to fill the seat vacated by Tim Irwin which expired in 6/2017. In 2/2018, Ed Dennis was asked to continue to serve on the Board.
3	Lisa Bullington	12/2017	6/2020	Filling the expired term of Janeen Ashcraft.
7	Jessica Anderson	9/2018	6/2020	First term. Shortened to realign board seat schedule
4	Claude Jones	7/2018	6/2021	Filled the expired term of Tiffany Whiting.
5	Michael Burns	7/2018	6/2021	Filled the expired term of Cindy Jonsson.
8	TBD	TBD	TBD	Subsequent to Council approval of new Library Board Bylaws
9	TBD	TBD	TBD	Subsequent to Council approval of new Library Board Bylaws

RECOMMENDATION

- Seat 6
 - Roger Dixon
 - Expiration 6/30/2019
- Seat 7
 - Jessica Anderson
 - Expiration 6/30/2020

REVISIONS TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL

Item 4 – Resolution
Presented by – Nathan Crane, City Administrator and Marilyn English, Human Resource Attorney

Background

- Last Amended in 2017
- May 2018
- July 2018 (Section 7 and 8)
- Rewrite
 - Unlawful Discrimination, Harassment and Retaliation (Section 5)
 - Discipline (Section 7)
 - Grievance (Section 8)
- New
 - Whistleblower Protection Policy (New)

Background

- The most productive and satisfying work environment is one in which work is accomplished in a spirit of mutual trust and respect.
- Conflict in the workplace is normal; however how we respond is critical

Peace is not absence of conflict, it is the ability to handle conflict by peaceful means.

Ronald Reagan

Section 5: Unlawful Harassment

- Revised Definitions
 - Discrimination
 - Unlawful treatment of someone based on race, color, religion, sex, disability, national origin or other characteristic protected by law.
 - Harassment
 - Act or series of acts of an offensive nature that are (i) offensive to a reasonable person, (ii) are offensive to the employee, (iii) serve no legitimate purpose and is/are unlawful
 - Is not general dissatisfaction with ones employment
 - Sexual Harassment

Section 5: Unlawful Harassment

- Employee report to City Administrator or City Recorder/Human Resource Analyst
- Supervisors/Managerial personnel are required to report
- Allegations against City Administrator, Mayor or Members of the Council sent to City Recorder/Human Resource Analyst
 - Contact City Attorney and determine how to proceed.

Section 5: Unlawful Harassment

- Investigation
 - Interviews
 - Person alleging the violation
 - Potential witnesses
 - Alleged Violated
 - Review of documentation
- Retaliation prohibited
- Discipline
 - Up to and including termination
 - Supervisors and Managerial

Section 7: Discipline

- Identifies a non-inclusive list of types of behavior subject to discipline
- Do not have a progressive discipline policy
- Not applicable to "At-will" employees
- Non-exclusive list of the types of discipline
 - Formal Reprimand, Suspension without Pay, Demotion, Termination

Section 7: Discipline

- Appeal
 - Establishes Independent Hearing Officer/Independent Personnel Board
 - What can be appealed?
 - Discharge, suspension of over two days without pay, involuntary transfer with less remuneration (excludes layoffs and reorganizations)
 - Procedures for the Appeal Hearing

Section 8: Grievances

- Disputes regarding the meaning, interpretation, or alleged violations of these polices and procedures related to the terms and conditions of employment
- Every effort for an acceptable solution at the lowest level

Section 8: Grievances

- Matters not subject to grievance
 - Disciplinary actions (Suspension, Discharge, Involuntarily Transfer)
 - Separate appeal process
 - Performance evaluations
 - Lack or amount of a pay increase
 - Formal Reprimands
- Specific timeline for the parties involved to file and respond to a grievance

Section 8: Grievances

- Informal Grievance Procedure
 - Goal is to find an acceptable solution
- Formal Grievance Procedure
 - Cannot be appealed
- Allegations against City Administrator, Mayor or Members of the Council sent to City Recorder/Human Resource Analyst
 - Contact City Attorney and determine how to proceed.

Section 9: Whistleblower Protection Policy

- Pursuant to State Law
- No adverse action against an employee that communicates in good faith:
 - Waste or misuse of public funds, property or manpower
 - Violation of a law
- Employee who feels they are being retaliated for communicating may file a compliant

Section 9: Whistleblower Protection Policy

- If a compliant is filed, a hearing is scheduled with the Independent Personnel Board
- Includes timelines and guidelines for hearing
- Board decision is final
 - Fine or dismissal for violation or knowingly making a false accusation



AUTHORIZE THE SURPLUS SALE OF THE 2001 STERLING ELGIN SWEEPER TRUCK

Item 5 – Resolution
Presented by – Todd Trane, City Engineer

2001 STERLING ELDIN SWEEPER TRUCK

8-10 YEAR SERVICE LIFE



REPAIRS

- Transmission repair/replace
- Vacuum system overhaul
- Fuel tank leak
- Hydraulic system leak
- Cracked and leaking hoses



JACKETTA CONTRACT

- Due to the condition of the street sweeper, Highland entered into a contract with Jacketta for street sweeping twice a year on all city maintained roads.
- The bid amount for two full services in a year is \$12,600.



MAYOR/COUNCIL AND STAFF DISCUSSION COMMUNICATION ITEMS

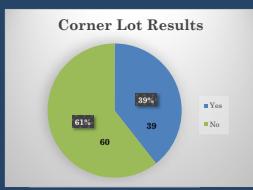
- Item 6a. – Corner Lot Research Results – *Planner Tara Tannahill*
- Item 6b. – Parks Maintenance and Salt Storage Buildings – *City Engineer Todd Trane*
- Item 6c. – Boundary Issue – *Council Member Kurt Ostler*
- Item 6d. – Water Storage Issue – *Council Member Kurt Ostler*



CORNER LOT RESEARCH

Corner Lot Results

- 99 Possible Corner Lots
- 39 would
- 60 would not
 - Lack of frontage
 - Exceed maximum Number of lots
 - Exceed 25% rule
- Planning Commission
 - Majority did not support



Response	Count	Percentage
No	60	61%
Yes	39	39%





CLOSED SESSION

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