

**CITY OF GRANDVIEW
CITY COUNCIL (CC) MEETING MINUTES**

Meeting time: 6 PM

On: May 9, 2018

Meeting location: Grand View City Hall, 425 Boise Ave., Grand View Idaho

City Council (CC) Members present: Jon Pennington, John Morrison, Donald W. "Bill" Mead, Danny Martinez, Sandy Skinner

City staff present: Jodi Jewett, Jim Burnett, Dan Whitted,

Public/guests in attendance: Sandi Burnett, Linda Araujo, Opal Ward, Nola Boone, Lisa Martinez, Marie Hipwell, Andrea Owens, Tammy Payne

1.

- a. 6:02 pm -CC Mayor Skinner presiding, called the CC meeting to order, and led the Pledge of Allegiance. Councilman Morrison offered the opening prayer.
- b. Mayor Skinner called for attendance by roll call. Roll call conducted. Quorum met.
- c. Mayor called for a motion for the approval or amendments to the agenda
 - Amend agenda to add item a under new business
 - A: Equipment and vehicles for personal use

1.b	y/n
Morrison	y
Pennington	y
Martinez	y
Mead	y
Skinner	y

Councilman Martinez moved for the agenda to be amended to add under new business a: equipment and vehicles for personal use. Councilman Pennington 2nd the motion. Unanimous approval by all council members.

Councilman Pennington moved for the agenda to be approved. Councilman Morrison 2nd the motion. Unanimous approval by all council members.

2. Mayor Skinner called for public comments:

- a. Tammy Payne: Public Record making a statement on Mayor providing business to city, a conflict of interest issue. See document 1A in minutes.
- b. Marie Hipwell: asks the mayor "Did you drum up new business because Mayor?" Sandy says no.
- c. Opal Ward: You all need to be very careful to run everything by by AIC and city lawyer.
- d. Jim Burnett: Mayor told me we don't need public works supervisor. I want to read something to record. See document 2A in minutes
 - Dan was hired because he was licensed, I am now licensed. I would assume that we need an on-call operator. I can call Dan in if I need help.
 - Mayor: Plant operator is based on knowledge and experience; this is city council decision.
 - Opal Ward: license is what is important. There are a lot of laws as to what it can and cannot do. I urge to get into them and find out what the laws are. Pay attention to AIC. I love this city and want to make sure that the city council does what they need to be doing.

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- Danny: These were decisions made before now.
- Sandy: DEQ definitions. We are required to have an in-charge person. Jim's classifications is for a larger city that has many operations and advises city engineer.
- Tammy commented on his classifications being broad because there are not many people.
- Mayor: we are small treatment process. I worked for a large utility is Caldwell and Tucson and been licensing in level III. Level I is a basic knowledge, we need more experience with someone running plant. The owners need to decide the best decision.
- Opal Ward this is owned by the citizens, not owned city council.
- Jon Pennington: to Jim, "Can you run the system", Jim replied, "I can, if I have a problem I will call Dan"
- Opal: Jim has been doing everything possible to run this city since 2014.
- Jim: Employee Manual you are working on, I have not been supervisor for a year and have all my licenses.
- Linda Araujo. Something got burned out at the plat, questioning what that was.
 1. Dan: Computer and pump down is down.
 2. Jim: States that he told them not to run pump without someone here.
 3. Jim: If I was running the plant on manual I would not leave it.
 4. Mayor: Jim, where is the flow log, production log?
 5. Jim: We were trying to flush it.
 6. Mayor: Where are the daily logs showing these problems?

3. Current/Old Business:

- a. Mayor Skinner asked members to Review/approval of April 11, 2018, April 17, 2018, and May 2, 2018 City Council Meeting Minutes

Councilman Martinez motioned the minutes for April 11, 2018, April 17, 2018, and May 2, 2018 City Council Meeting Minutes be accepted. Councilman Mead 2nd the motion. Roll call vote. Unanimous approval by all council members.

3.a.	Y/N
Morrison	y
Pennington	y
Martinez	y
Mead	y
Skinner	

- b. Council members reviewed the April 2018 Accounts Payable Reports and City Council Report.

After review, Councilman Pennington motioned the council approve April 2018 Accounts Payable Reports and March 2018 City Council Report, as presented, and in a single motion. Councilman Martinez 2nd the motion. Roll call vote. Unanimous approval of the Accounts Payable and Treasurer's reports by all councilmen.

3.b	y/n
Morrison	y
Pennington	y
Martinez	y
Mead	y
Skinner	

- c. Council members reviewed the April 2018 Water & Sewer Aging Report (delinquent accounts). After review, the clerk was directed to issue water shut off door notices to the listed residents who have not paid their bill by the 10th of the month. No further action.

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- d. Alsip Letter
- a. Send to a lawyer
 - b. Councilman Morrison and Councilman Pennington will assist.
- e. SCADA Update
- a. David DC engineering finish with rewiring to flow control valve. Seems to be working correctly. We are back in to automatic mode.
 - i. Tammy, wants agenda to say well computer.
- f. Well #1
- a. Going to have to pull the pump; pump is down in well
 - b. While pulling pump, we might lower the pump some and transducer.
 - c. Dan contacted well cleaners:
 - i. Clean, camera, and pump to see how many gallons a minute; 10,000. This doesn't count the pump repair or reinstall.
 - ii. Clean for about 3 days and pump for 24 hours.
 - iii. Only one estimate, Dan called all names in yellow pages. Only three made contact back.
 1. Hiddleston Drilling
 2. Phipps Drilling
 3. Treasure Valley Drilling
 - iv. Hiddleston said they just ran out of time but could put in a bid.
 - v. Councilman Morrison; pump has not worked for many years and so after cleaned and ran the nitrates may be low.
 - vi. Councilman Pennington: we need to pull the pump and clean it to see what going on.
 - vii. Only one bid because of lack on interest in well drillers.
 - viii. Jim Burnett will reach out and try to get more bids before going through the only company that placed the bid.

3.f.	Y/N
Morrison	y
Pennington	y
Martinez	y
Mead	y
Skinner	

Councilman Morrison motioned for approval to have the well #1 work completed for the cost of up to \$15000. Councilman Pennington 2nd the motion. Roll call vote. Unanimous approval by all council members.

4. New Business:

- a. Pickups and equipment used for personal use
 - Councilman Martinez: city employees can not be using vehicles for personal use. This cannot be tolerated. I have had many complaints this weekend.
 - Councilman Mead response is that all workers only used equipment and vehicles for work business.
 - Councilman Martinez added we need to maintain the pickup and equipment for city use only.

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This matter is tables for executive session due to employee confidentiality.

5. Clerk Report

- a. Planning and Zoning Updates.
 - 4 building permits this month
 - Dixie Black – residential permit
 - Dixie Black – commercial permit
 - Robert Mitchell – residential permit
 - Camas Greenfield – residential permit
- b. May 31 budget hearing
 - At City Hall
 - 9 am
- c. Grand View Days
 - Date changed to June 30
- d. New Bills from Legislation
 - Jodi read the new bills pertaining on the city on agendas
- e. AIC Annual Conference
 - June 20-22, 2018
 - Early bird price before May 31 (540 and 150 for guest)

6. Mayor Skinner called for the Public Works Supervisor report.

- a. Jim Burnett reported:
 - CCR Report (Clerk stated this was not part of the agenda)
 - Lift Station: Down again, it is something electronic. We have on a timer not on the sensor.
 - Flow Meter
 - 1. On order, we will call and check on shipping time.
 - Consumption Analysis
 - 1. Done by Ellis and Jodi. Jim thinks this is not from the sewer. States we must have a leak somewhere. Pumping more out of the well than what's going across the river. There is a power meter and broke down from hours to minutes and gallons pumped at the lift pump. Water pumping at the plant we have an in-flow meter. House meters are wore out and need replaced. There are a few places not metered, so there is a small amount that is not metered being used.
 - 2. Discussion was had on Opal Ward gravel in filters.
 - 3. Jim hasn't got a price on well tank cleaners. They are usually about 900 dollars an hour. There is a schedule in the well operating manual, we need to follow it. Jim contacted IRWA about divers, they gave me three numbers that he said he would try.

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7. Public Comments:

- a. Tammy Payne: Legal issues about Jim Burnett personnel file. See Tammy Payne document 1A-2 with minutes.
- b. Mayor Skinner stated Tammy took a lot out of context.

8. Mayor Skinner called for a motion for an executive session, (per Idaho code 74-206(1)-(b) to consider the evaluation of an employee's performance ...)

Councilman Martinez motioned for the City Council to enter to executive session (per Idaho code 74-206(1)-(b) to consider the evaluation of an employee's performance ...). Councilman Morrison 2nd the motion. Roll call vote. Unanimous approval by all council members.

Entered in executive session 7:27 pm
Exited Executive Session: 8:17 pm

Discussion was had on personnel usage of vehicles.

Employee A entered at 7:50 pm; exited at 8:01 pm
Employee B entered at 8:02pm; exited at 8:17 pm

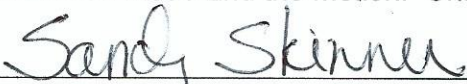
Councilman Morrison exited at 8:08 pm

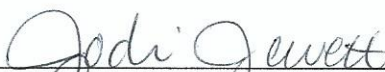
8.	y/n
Morrison	y
Pennington	y
Martinez	y
Mead	y

Councilman Martinez motioned for the City Council to exit executive session. Councilman Mead 2nd the motion. Roll call vote. Unanimous approval by all council members.

Action pertaining to executive session: No action

8:19 PM –Mayor Skinner called for a motion to adjourn. Councilman Morrison motioned to adjourn. Councilman Mead 2nd the motion. Unanimous approval by all council members present.


Sandy Skinner,
Mayor


Attested: Jodi Jewett, City Clerk

-Copy-

May 9th, 2018

1. Is the city of Grand View's mayor profiting and directing city business to her business, Grand View Gas, from which she personally profits? Per the May 2, 2018, special city council meeting, it is understood, the mayor directed city staff to continue to purchase items and gas from her business.

Conflict of Interest:

Idaho Code §§ 18-1351, et seq., regulate the conduct of public servants in the areas of bribery and corrupt practices, including conflicts of interest and nepotism. Unless otherwise stated, these statutes apply to all "public servants," which is defined to mean: "any officer or employee of government,

A conflict of interest is generally defined as any "official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated." – Attorney General Lawrence Wasden, Idaho Ethics In Government Act of 2015

2. On or about April 27th, 2018, Mayor Skinner was weed eating in Riverside Park. I stopped to congratulate her on her new appointment to mayor, and thank her for cleaning up the community areas. Mayor Skinner immediately launched, in an exigent tone, demanding "why didn't you fire Jim Burnett"? Before I could respond ...she rattled on, stating, "I read his whole file--there was plenty of reason to get rid of him". She actually gave specifics of details in Jim Burnett's personnel file. I finally interjected and reminded Mayor Skinner that she needed to talk to Ed Collett and city council, and changed the subject.

Confidentiality is of the utmost when it comes to city employee performance issues. The information is to be kept in confidence, to only be discussed within the confines of the the city council executive sessions, per IC 74:206 (b). Ms. Skinner was not only inappropriate, but also creates a liability issue for the city. Per IC 74-106. "RECORDS (information) EXEMPT FROM DISCLOSURE — PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE.

LA

1) I, James V. Burnett, am requesting an executive session following this meeting to discuss a personnel performance issue.

2) Supervision Issue:

1. Who supervises public works daily operations? Per Idaho Code and IDAPA, there is to be a supervisor to insure the health and safety of the city's water and sewer users. One person who is the charge operator or supervisor, who insures the legal operation of both the water and sewer system. As of this past week, the mayor, a council member, a contract water operator and even an operator-in-training were taking actions, and or giving work directives, confusing and creating redundancies in work flow. This is beyond frustrating, but more pressing is the fact that it is a waste of work resources and tax payer dollars. One person, per IDAPA, is to be in charge, and no one without a drinking water or wastewater license should be giving directives over the direct operations of the two systems. See,

IDAPA 58 TITLE 01 CHAPTER 08: IDAHO RULES FOR PUBLIC DRINKING WATER

554.105. Responsible Charge (RC). Responsible Charge means active, daily on-site or on-call responsibility for the performance of operations or active, on-going, on-site, or on-call direction of employees and assistants. (5-8-09) 106. Responsible Charge Operator. An operator of a public drinking water system, designated by the system owner, who holds a valid license at a class equal to or greater than the drinking water system classification, who is in responsible charge of the public drinking water system.

01. Licensed Operator Required. (4-6-05)

a. Owners of all community and nontransient noncommunity public drinking water systems must **place the direct supervision** of their drinking water system, including each treatment facility and distribution system, under the responsible charge of a properly licensed operator. (5-8-09)

IDAPA 58 TITLE 01 CHAPTER 16: IDAHO WASTEWATER RULES

010. 70. Responsible Charge Operator. For purposes of Sections 202 through 204, a responsible charge operator is an operator licensed at a class equal to or greater than the classification of the system and who has been designated by the system owner to have direct supervision of and responsibility for the performance of operations of a specified wastewater treatment system(s) or wastewater collection system(s) and the direction of personnel employed or retained at the same system. The responsible charge operator has an active daily on-site or on-call presence at the specified facility.

2. The mayor has told me, and other community members, the city doesn't need a public works supervisor. I ask the city council, on the official record, whether or not the city of Grand View has a public (city) works supervisor? And, am I, James V. Burnett, the public works supervisor?

Submitted to Grand View City Council on May 8th, 2018 by, _____

James V. Burnett

2A