

Disclaimer: Many hours were spend typing these minutes. Because I was was not at the meeting I had only the recording to refer to. In many instances I was unable to recognize voices or even what was said. There are some typos, and incomplete sentences. Because of the circumstances the Council approved the minutes with this disclaimer included. Sue Kendall, Acting Town Clerk.

LEVAN TOWN COUNCIL
WORK SESSION
August 18, 2022
6 PM

1. Welcome:

Welcome by Mayor Bruce Rowley

Invocation: Council Member Ray Evans

2. Approval of Minutes:

- Approve minutes for June 2022 Work Session

Amy was not comfortable approving these minutes at this time until more information is provided. Per the recording she heard.

Chris made motion

Taryn 2nd

Amy No, Chris Yes, Taryn Yes, Bruce No, Ray yes Taryn Yes

Motion approved

3. Discussion Items: (agenda may change as time permits)

1. Business License Fee- the Initial takes more time so Heather suggested that the initial be a bit higher, so she suggested \$50 for a new one, \$35 for a renewal. Amy: We need to get more information. Bruce: we are all already paying for the ladies to be at the office, maybe the cost is already covered.
2. Minimum Building Permit Fee- Heather: that was one that was missed when you oked the inspections fee. \$50 minimum plus the \$50 inspection fee. This is just a minimum fee if the

- inspector needs to come out. We have two inspectors, Verl Wilkey, and AJ Smith. Every single permit would be \$100? No not for fences, siding, roofing, etc. It is just for the permits that require an inspection. The town shouldn't have to be in the hole because a resident wants to add on or repair their home. The town hired AJ when Verl had his strokes. But, now that Verl is feeling better he wants to continue to work.
3. Demolition Fees is now set at \$15, and \$115 if utilities need to be disconnect. Heather suggested up'ing the minimum fee to \$25, and Jason suggested passing on the actual fee to disconnect utilities to the resident. There was support for that idea. Bruce thought if someone wants to tear down an old building, we should give them a pat on the back, not charge them. Some people get permits, and others don't. No one polices that, so we just ignore it if they don't. Christine suggested that people should know what they are getting into rather than starting to tear something down and get into trouble. There is an actual packet that we give them with the demolition permit. Amy brought up the fact that the town could get into liability issues, for example with a fence permit if the fence ends up not to being built on the actual properly line, but on their neighbors property. They could come back and say, but I got a permit from the town for it. Stephanie said, that the packet for fences states that it is the owners responsibility to make sure that the fence is on their property line. It is now the responsibility of the town. I don't know if that helps, but by getting a permit we give them helpful information for their project. Amy wondered if that is something that they could just get on line. Stephanie said, it might but lots of people do not like to go on line. We have a lot of old school people that say I just want a piece of paper, or I just want to ask a question. We are here to help whenever we can. Part of our job is education. Bruce, why couldn't we just say we don't have a permit, but here is a fence packet for information. Amy thinks we don't need to nickel and dime our residence on every little thing. We already have the wages of the staff paid for. Chris thinks it is worth looking at as far as the liability issues. There is a demolition and a fence permit in place already. We just can't change it if we don't have a resolution in place but you don't have to pass it. Chris says with the demolition that maybe someone should know, and check for utilities. Bruce thinks maybe we are just making more rules. Maybe we should let the residence be responsibility. We all live here because we don't want all kinds of rules. Christine mentioned that we don't have any enforcement here in town. Heather said they can drop fees, they just have to have a resolution to do it. Bruce, maybe we need to review the permits, and rethink what we really want to have permits for and what we don't need.
 4. Subdivision Application Fees Everyone looked at the worksheet Sue put together from her research from other towns, and the fees that are included in our Subdivision Ordinance. You can change Amy doesn't feel comfortable saying yea or nay without having more time to look at. Taryn feels good about it, she has been involved in the research and working with the planning commission, she feels that the research and work has been done. We do not want to get caught, like Nephi, without the proper fees in place. We do not want to be in a spot where we are having to pay for subdivision fees because we do not have them in place. We are still working on getting impact fees in place.
 5. Green Subdivision – we want to discuss the water situation. Mark Green has 4 lots that he wants to develop at the southeast corner of town by the hemp farm.. He has those lots that are actually in town and he wants us to provide water for them. But our ordinance reads that they have to be in the original block system. The original blocks have utilities, including

- water already there. Taryn said she feels that they should provide their own water. This property was annexed in when the cemetery was annexed in to the town. It is part of our town. If they were to sell them individually, they could come for a building permit they could have water, but as a subdivision. Looks like there is two lots next to Ryan Pettit, and two lots across the street. He would need to dedicate some of the land for a road and a hammerhead. Most cities require you to bring water when they annex property. Did he give us water at that time? Heather doesn't believe they did at the time of annexation. It seems clear based on our ordinance that they are not in the original block system, so they need to have their own water. They decided they can't make an official decision, he does have to provide property for the hammerhead. So, it doesn't fit the block system. What are your feelings, so the Planning Commission will know your feelings when the Green's come to the planning commission. If he has to dedicate property for a road, he is developing the property. That makes him a subdivider. Even if they sell those lots, making the road will make them a developer. Levan town must approve all town roads. They came to a consensus that they need to bring water to develop.
6. DUP- The Dup has come and ask if they would give them a spot for their museum in the ambulance garage, and build cases for their displays. The Cory Wright family is interested in helping to fix up the cabin for the DUP. Taryn feels strongly that we need to keep our history. Salt Lake City DUP is threatening to take everything to Salt Lake City, so we will lose our history. Jason, said that there isn't room, that they are using the space, and we can't really secure that space with our utilities being in there. Taryn told the history of the scout cabin. It was built by the men and their sons as a place for the youth in the community to learn and have a place to enjoy. The cabin is in really rough shape. Taryn said she and Noreen and Sue were meeting with Wrights the first part of September.
 7. Dogs in Park- We started allowing dogs in the park. Now there is a lot of dogs running around in the park. Taryn and Bruce said they are seeing more poop. Christine said she hasn't seen it but it could change. Cassie, she said she hates the park being open to dogs. There are lots of calls for dogs in the park, Cassie says now that there is no court, we have no enforcement. It is hard to make people put their dogs on a lease when there is no enforcement. If someone calls and reports a dog in the park if we have a "no dogs in the park" can she take their dog. The No Dogs sign needs to be fixed. They decided that they should go back to no dogs. Christine says that there are no more dogs in the park then there was before we allowed them. Cassie ask who is liable if a dog bites someone in the park. If we give a citation for \$100 than it costs us \$250 attorney fees to collect on the citation. Cassie suggested that the park sign should say there is a \$500 fee for having a dog in the park. We need a clear sign. Out of towners want to let their dogs out to let them run a little bit. It seems wrong to charge them \$500 for that. Maybe the first step is to get the word out...\$500. People will do what they want to do. We already said dogs have to be on a leash, but lots of people let them off their leash. Nephi, has a no dogs rule in all their parks, but they have a court to enforce it. Conclusion: Be done with the dogs in the park. The arena is not part of the park. Cassie, you can fine them if they have dogs in the park.
 8. Les Olsen IT specialist we have had some problems with the computers in the office. We ended up with ransom ware on our computers. We found out we do not have a firewall right now. Bruce talked to Les Olsen, they would put in a server, and firewall, and have IT service. They had a quote for \$22,000, which was to buy everything possible. We wanted to

just purchase a firewall, a new hard drive, to have an IT service, and to make things more secure here. Chris said we need to know what kind of breach it was, is our personal information at risk. Heather explained that all the town personal information, the employee information is all stored in Pelorus which is our accounting system, and is stored off site, and is on their site. Our computers have no personal info saved on them. Amy, said she is uncomfortable because she has been told everything is safe, but it turns out it wasn't. Stephanie explained that Pelorus and Express pay are PCI Compliant. We hire them to keep your credit card information safe. My understanding on this is that it was our server on the cloud that got hacked. It wasn't our system, it was the backup on the cloud. Heather, explained that it was her understanding that there was two problems. The cloud server got hacked, it got ransom ware on it. Heather explained: At the same time, we knew that some of our computers needed to be replaced. I watched him move some files to the server, and then something went wrong and we lost the files. We currently have some files on a back up, some files on one hard drive some other files on another hard drive. She and Steve had been in here working on it and he was doing some research to see what would be best for an update as far as a new server, or how to handle things better or differently. That is the extent of what I know. Bruce: I will tell you that if you got corrupted files on your computer, it wasn't from the cloud, it was something here local. Kelly from UMPA, his job is to hack into power plants. He says don't even email me, because your system is so corrupt, I don't even want an email from you. Just call me. We said he will come in and install a firewall, and have everything backed up and secure on the cloud. Chris, I understand, but we already have contracts signed with Les Olsen. You have to understand my frustration, that you haven't included the counsel, we need to all look at it. Bruce: It was signed because I had to do something right now. We had to do something right now. Chris: Couldn't we even talk about it cause you signed a contract for \$22,000. Bruce it wasn't \$22,000, that was for Everything and the moon. Chris: You have to understand my frustration. There is a reason, as a council we go over these things. Bruce: You don't talk on the phone Chris. Taryn: But you did buy the server and the firewall what was the total? Bruce: About \$13,000 to \$14,000 dollars. Taryn: So according to our town ordinance you would have to have approval from our town council to make a \$13,000 purchase. I talked about it to two council members that backed me up on it. Amy: I would have approved it. Chad Poulsen: So, I have a question. Is the town safe? Amy: No Chad: you are arguing about things, that are irrelevant. I think other council members are making great points, but it hasn't been approved at a public meeting, I don't care if you polled the council, you guys are public officials you work for us. So, when you work for us, do it by the books, follow the process, and get it done. Bruce: you want me to sit on it until we can have a meeting? Chad: Bruce, you have sat on it. Because I just ask the question, Is the Town Safe today? The answer is NO, the town is not safe. You can do all of the homework and then you can come in and make decisions and get it done. And if you need to call an emergency session that is allowed in the code. So, call an emergency session. Post it 3 hours ahead of time, give notice to the public, that is us. Hold your meeting and get it done. For an emergency session you have to post it for 3 hours. Bruce: that equipment had to be ordered which is still coming, so we had to move on it. We couldn't just sit on it and take 3 or 4 days to get a meeting together. Then we will decided if we want to get the equipment. Taryn: We did need to move on it but by law we can't just move.

Chad: You keep arguing about Les Olson, but if I am hearing right, except for their continual IT contract you are not buying the server and firewall from them. Bruce: now I want to go this other direction because we found out a day or two later...Chad: so you could have had this discussion with your council. Amy: Let me tell you why he wants to go in a different direction. He came in and Stephanie wasn't happy. Stephanie wasn't happy when we were making the decision. She said she believes it was her decision to be made when it was not. Now, it is not. It is the elected official's decision to make. Now we wanted an emergency meeting, which I didn't know about. I am new, I am still learning. Does this need to be taken action on. Yes! Bruce was trying to take action on it, he got push back from the ladies in the office. It is time to stand the ground as elected official that works for the town people to keep the safe and do what we have to do. To that point, can we vote to protect the town. Taryn: we can definitely vote to protect the town but we need to make sure that we follow protocol. So, if Bruce is allowed to spend \$5,000 without a meeting, then following protocol, he can not spend \$13,000 which apparently he did. We were just led to believe that he did. And I hadn't been informed of any of that. He can't spend \$13,000 dollars without a meeting. We are responsible to these people. All of these, that is what matters. Amy: we don't disagree on that. Has he written a check yet? Bruce: I haven't spent the money yet. We will have to pay a restocking fee if we don't use it, but I haven't spent any money yet. Amy: The restocking fee is under the \$5,000. Let's make a motion. Heather: you can't make a motion. Bruce: The reason we changed is because we talked to the guy from UMPA who said you don't need that server, you can save everything on the cloud. So we can save that money. Stephanie: The push back from me was, Jason said that if we had an issue we could talk to the guy at UMPA and he would help us out. O.K., so we have a problem, lets talk to him. And let him help us out. The issue for me was getting a phone call on Friday when I am off work, saying what is your password? I am like Password to what? So it was the way it was approached. You didn't talk to us, you didn't say What's going on? You assumed, and came in and just and went all out, not knowing what was going on. And Kelly (the UMPA guy) said what you have here is ok, it just needs to be upgraded, and these are the things that we can do. That's the way we do things. We say, ok there is a problem, how can we fix it, and let's go through the process. Amy: We are the elected officials. You didn't tell us till Friday, you don't work on Friday, you expect us to wait until Monday? Heather: We did tell you on Wednesday. Bruce: Let me tell you, my son the sheriff called me to report that someone was in the office at 1 in the morning working on the computer. He asks me Why so you have people in there at 1am in the morning. Well, that don't smell good. Then you guys informed me that the computers have problems and you have lost files. And, a month before that I saw you taking the back up home, and I thought that's weird but you said you had a backup, so I thought how could you loose files if we have a back up. This doesn't smell right. So, I don't know that much about computers so I call the Sherriff and tell him this is what I got going. He says this don't smell good. So it I think there is something funny going on here, I am not going to call everyone up and say, I think there is something funny going on here, no. He recommended that I call Les Olsen and have them come in and analyze the computers and see if something hocky is going on. So that is exactly what I did. So that is why you weren't informed until I found out what was going on. Stephanie: We did our best to do our due diligence. This happened unexpectedly We were trying to do what is right. Chad: What day was Steven here. Bruce: I believe it was Monday or Tuesday. Chad: So you

had notice on Monday or Tuesday. Bruce Tuesday they informed me that the files had been lost. Heather: It was Wednesday night that I was backing up with Steve. Chad: So why did you wait till Friday? Bruce: After the night they had been in here. I called the Sherriff that morning. Amy:.. But you told Bruce you had lost some files, when did you know there was a virus. Heather: We came in on Monday saw there was a problem, we called Steve. He came in that night and said he would let us know in the morning I don't believe in calling up red flags when I don't know what is going on. Steve said he would come in and he worked until whatever time that night trying to get it figured out. He thought he had it all figured out. We came in Tuesday and all our folders were on our computers, but there was nothing in the folders. So again, I called IT. I said I don't know what is going on it says we have our folders but there is nothing in the folders. He said well, I can come back tonight. At that point he told me what I told you Wednesday morning, about the files. At that point we did not know anything about our server. We thought things were fixed. So, Tuesday night I met with the IT guy, we tried a whole bunch of things. We tried transferring files. It was at that point that Steve said, look I need to do a bunch of research. We have got these missing files, things like that. BY this time it is late Tuesday night. Wednesday morning you came in to sign checks. I told you we were missing files. We though at that point that everything else was figured out and we were just missing the files. AMY: to answer your questions. We had to get someone else here to find out that there was a virus and a bigger issue going on. Ray: It sounds like they didn't know. Amy: They didn't tell us.

Chris: That is not true. Amy: Did they tell you that there was missing files? Someone answers, No. Heather: We told Bruce. Amy: what day did you know there was a virus or ransom ware on the computers? Heather: we didn't know there was a virus or ransom ware on our computers until you got Les Olsen in here. We thought things were getting fixed. Amy: So Bruce took the appropriate action because they couldn't go any further. He then calls and got the appropriate action. He is the one that told us we had a very bad virus. So Bruce did all the right things. It isn't your office, it is the people's office and he has the right to take care of the people. He did the right thing, period. You ladies are not IT certified, Bruce is not IT certified. Chris: They were not saying we are going to fix this ourselves.; Stephanie: We did have our IT guy working on it, and he was our hired IT guy. Bruce: When those red flags came up to me on Thursday I started Looking at what I needed to do. It was a red flag for me when I knew someone was in here at 1am in the morning. Chris: but the thing is why didn't you ask the office staff? Go to the source.

Bruce: we need to close this meeting and move into the council room.

Motion to Adjourn: Ray

2nd the motion:

Not covered in the meeting:

9. Utility Supervisor Wage

