

**PAROWAN CITY COUNCIL MEETING
JANUARY 8, 2015
LIBRARY LOUNGE – 16 S. MAIN, 6:00 P.M.**

MEMBERS PRESENT: Mayor Donald G. Landes, Councilmen Alan Adams, Troy Houston, Ben Johnson, Steve Thayer and Steve Weston, City Attorney Justin Wayment, City Manager Shayne Scott, City Recorder Callie Bassett

MEMBERS ABSENT: None

PUBLIC PRESENT: Chuck and Dottie Stade, Dennis Gaede, Mike Strong, Mary Hanley, Don and Linda Lowder, Dave Harmon, Kelly Stones (Parowan Public Works Superintendent), Aldo Biasi (Parowan Sewer Master), Karen Hart, Donna Putich, Mollie Bates

CALL TO ORDER: Mayor Landes called the meeting to order at 6:00 p.m.

OPENING CEREMONIES/THOUGHT/PRAYER – MAYOR DONALD LANDES: Mayor Landes opened with some reflection on the events of 2014. He offered an invocation and led the Council and public in the Pledge of Allegiance.

DOES ANYBODY HAVE ANY CONFLICTS OR PERSONAL INTEREST IN ANY MATTER ON THE AGENDA WHICH NEEDS TO BE DECLARED? No conflicts were declared.

CONSENT MEETING

**APPROVAL OF MINUTES (DECEMBER 11, 2014)
PURCHASE ORDERS/WARRANT REGISTER
AIRPORT BOARD APPOINTMENT, JAY ORTON (TO REPLACE GORDON BIRCH)**

Councilman Thayer moved to approve the consent agenda, including appointing Jay Orton as an alternate to the Airport Board. Councilman Weston seconded the motion with all Council members voting in favor of the motion. The motion carried.

PO #883	Twin “D”, Inc.	\$20,045.00
PO #884	Richard Biasi	\$ 7,975.00
PO #885	Wheeler Machinery	\$ 1,605.50
PO #886	Best Deal Springs	\$ 2,102.50
PO #887	Iron Gate Builders	\$ 6,224.18
PO *888	Precise Tax & Accounting	\$ 2,725.00

LOCAL BUILDING AUTHORITY BUSINESS

Councilman Houston moved to recess from the Parowan City Council agenda and to convene the Local Building Authority business. Councilman Johnson seconded the motion. All Council members voted in favor of the motion.

Attorney Wayment gave an explanation as to why there is a need for a Local Building Authority. Cities, under the Constitution of the State of Utah, cannot enter into any contract that binds future Councils, or they cannot enter into any contract that binds the Council for a period of more than one year. This makes it virtually impossible for any City to ever do anything for a period of longer than one year. A Local Building Authority is formed and becomes a legal entity of which the City Council participates, and under the law, the Local Building Authority can then borrow the funds and enter into long term contracts for the purpose of municipal improvements. They are able to enter into the bonding necessary to obtain the revenues required to construct the building.

Councilman Thayer pointed out that Councilman Weston’s last name is spelled incorrectly on page 4 of the Resolution.

A RESOLUTION OF THE LOCAL BUILDING AUTHORITY OF PAROWAN CITY, UTAH, CALLING A PUBLIC HEARING AND AUTHORIZING NOTICE OF INTENTION TO ISSUE NOT MORE THAN \$1,100,000 OF LEASE REVENUE BONDS FOR THE CONSTRUCTION OF A CITY ADMINISTRATIVE BUILDING AND A PUBLIC SAFETY FACILITY, AND RELATED IMPROVEMENTS; FIXING THE MAXIMUM INTEREST RATE, MATURITY AND DISCOUNT OF THE BONDS; AND RELATED MATTERS. RESOLUTION 2015-01-01.

Councilman Thayer moved to approve Local Building Authority Resolution 2015-01-01, the Parameters Resolution. Councilman Weston seconded the motion. A roll call vote was taken as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Councilman Alan Adams	X			
Councilman Troy Houston	X			
Councilman Ben Johnson	X			
Councilman Steve Thayer	X			
Councilman Steve Weston	X			

Resolution 2015-01-01 was approved.

Councilman Weston moved to recess the Local Building Authority business and reconvene the Parowan City Council Meeting. Councilman Adams seconded the motion. All Council members voted in favor of the motion.

ACTION MEETING

A RESOLUTION OF PAROWAN CITY RATIFYING THE CREATION OF THE LOCAL BUILDING AUTHORITY OF PAROWAN CITY, UTAH (THE “AUTHORITY”) AND APPROVING THE ADOPTION BY THE AUTHORITY OF A PARAMETERS RESOLUTION AUTHORIZING NOT MORE THAN \$1,100,000 LEASE REVENUE BONDS FOR THE CONSTRUCTION OF A CITY ADMINSTRATIVE BUILDING AND A PUBLIC SAFETY FACILITY, AND REALTED MATTERS. RESOLUTION 2015-01-01.

Councilman Adams moved to approve the resolution ratifying the creation of the Local Building Authority of Parowan City, Resolution 2015-01-02. Councilman Johnson seconded the motion. A roll call vote was taken as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Councilman Alan Adams	X			
Councilman Troy Houston	X			
Councilman Ben Johnson	X			
Councilman Steve Thayer	X			
Councilman Steve Weston	X			

Resolution 2015-01-02 was approved.

TRANSPORTATION AGREEMENT WITH ULCT/SALT LAKE CITY CHAMBER OF COMMERCE:

Councilman Adams said he read through this and understands that there won't be any more money involved other than the initial \$100.00 investment. Attorney Wayment said there could be more money required in the future, but this would have to be done by resolution. This agreement does not bind the City to anything in the future. Mayor Landes said in essence this is all to the City's benefit in the future.

Councilman Johnson moved to approve the transportation agreement with ULCT/Salt Lake City Chamber of Commerce. Councilman Houston seconded the motion. Councilman Houston asked if there are any penalties if the City chooses not to participate in any of the stipulations. Mr. Scott said he didn't see anything in the agreement that would indicate this.

Hearing no further discussion, Mayor Landes called for a vote on the motion. All Council members voted in favor of the motion. The motion carried.

CENTER CREEK HYDRO AMDENDMENT – SUNRISE ENGINEERING: Mr. Jesse Ralphs of Sunrise Engineering has informed Mr. Scott that the FERC consultation line has been spent in the Center Creek Hydro project budget. This Amendment is to increase this compensation line from \$51,000 to \$65,000, an increase of \$14,000. Councilman Johnson asked if this increase is the final increase. Mr. Scott said he doesn't think we can say this. Councilman Johnson thinks that this project is far enough along that they should know what FERC is going to require. Mr. Scott said they are not over budget on this project, only on this line.

Councilman Johnson moved to approve this amendment with the stipulation that the increase not exceed \$65,000. Councilman Thayer seconded the motion. All Council members voted in favor of the motion. The motion carried.

WORK MEETING

ROAD MAINTENANCE PLAN PRESENTATION – LTAP:

Mr. Nick Jones of the Utah Local Technical Assistance Program (LTAP) introduced himself. He explained that LTAP's home is Utah State University. Their funding comes 50% from UDOT and 50% from Federal Highways, and it their job to train and help local governments primary with their transportation system.

LTAP had a crew come down for several days and they went through every single section of road in Parowan and evaluated them based upon certain criteria used by engineers. From this, they came up with a Remaining Service Life of Roads report. Roads are built to last about 20 years and remaining surface life is how many years are remaining before the road has to be rebuilt. Mr. Jones went through his power point presentation explaining their findings (see attached).

Mr. Jones said that the goal is to preserve roads rather than reconstruct. The City should try to keep the good roads good. The idea is to keep the roads maintained and seal coated in the first 10-12 years of a road's life. He recognized that costs to repair roads have doubled over the last ten years yet funding has stayed the same. That is the challenge.

LTAP has come up with a recommended Pavement Preservation Program. It will cost \$335,200/year to fix Parowan's roads over the next 4 years. This report breaks down what needs to be done to each road and gives a percentage of what should be done in routine maintenance, preventive maintenance, and rehabilitation. He said there shouldn't be any reconstruction in these first four years until we get our roads up to where they should be. Crack sealing is an important part of this program. The goal is to keep the moisture out of the road base.

Mr. Jones suggested implementing a street utility fee of \$2-3/month to help with this financing. He said this is common in many cities. He also suggested that the City have a road cut ordinance that says within the first year of a new road you are not allowed to cut it. Then, in the next 3-4 years, the fees start out pretty heavy and then go down. This help collect money for the roads.

IMPACT FEE CREDITS APPLICATION – MR. KEN ALLEN: Mr. Scott said staff feels the City should allow Mr. Allen \$7,000 in impact fee credits. This item will be moved to action. Mr. Scott said he will craft a letter to send to Mr. Allen.

SHADE TREE PRESENTATION – MARY HANLEY: Mrs. Mary Hanley was voted in as the new Shade Tree Chairman. She presented the Council with a list of accomplishments in 2014. She also presented the committee's budget for 2015.

SEWER SYSTEM MANAGEMENT PLAN – ALDO BIASI: Mr. Biasi said that the State came out 2-3 years ago and required cities to have a sewer management plan. He said this is a pretty standard plan. Mr. Biasi said the only question he had is on the “No Fault Financial Claims”. If a resident has sewer back up into their home and hires a cleaning crew without consulting Parowan City, how much of that cost would the City pay?

Attorney Wayment said that most homeowner’s insurance does not include sewer. He said it is an additional \$20/year to add that to a policy and it is completely worth it. A homeowner is responsible for the sewer line that runs from the house to the main City line, up to and including the tap. He said if a resident has a sewer back up situation and claims it is the City’s fault, the City merely has to turn it in to its insurance company. After some discussion, it was determined that the Council would like residents to contact the City first so it can be determined if the City is at fault. If it is the City’s fault, it can be submitted to our insurance.

PAROWAN CITY GOALS FOR 2015: The Council met on December 23rd, 2014, and discussed goals for 2015. Councilman Johnson wants to add doing a master plan for the industrial park. He feels the City needs to understand what it wants to happen and plan accordingly so proper decisions can be made. Councilman Houston thinks maybe Planning and Zoning should take a look at it and re-evaluate the industrial zoning.

The following is a list of goals that the Council has set for 2015 (in no priority order – bold items require financial obligation):

1. **Power Department Resource Study (not to exceed \$10,000)**– investing in our own resource committee
2. Communication Plan Creation
3. **Splash Pad Donation Project** - between Power Dept. and the Community
4. **Trails** – specifically a mountain bike park
5. **Tennis Courts**
6. **Event Additions** – focus on softball, baseball, soccer facilities and rodeo arena
7. **Branding/Marketing Plan and Implementation**
8. **Exit 75 Realignment**
9. Recreation Master Plan
10. Go through Engineering Standards/Ordinances – including impact fee credits
11. Completion of General Plan
12. Implementation of Road Maintenance Plan

Councilman Weston asked at what point are these goals put in priority. Mr. Scott said we should be working simultaneously on these. Councilman Johnson suggested the Council review them quarterly to see what progress has been made. Councilman Thayer asked if the General Plan is supposed to be done in January. Mr. Scott said the rough draft will be done this month.

TRAILS MASTER PLAN RFQ – TARP RECOMMENDATION: The TARP committee will be meeting on the 20th of this month. The City has received proposals for

the Master Trails Plan. Mr. Scott would like these reviewed at the meeting, have the committee make a recommendation for an organization to use, and bring that recommendation to the next Council meeting. There is currently no chairman for this committee. Mr. Scott will facilitate the meetings and put the agendas together. Mrs. Bassett has agreed to take the minutes for the meetings. No binding decisions will be made by this committee, only recommendations.

OPEN MEETING LAWS TRAINING – JUSTIN WAYMENT: Attorney Wayment said the Council is required to receive this training every year. There have been a few changes to the open meeting laws.

It is the responsibility of the Mayor to make sure we have an open meeting. Open meeting law is based on the 14th amendment of the Constitution where citizens have the right to due process. Part of due process is being able to understand what the government is doing, on a federal, state or municipal level. It is based on fairness of procedure and application of the law. The legislature has determined that the City Council exists to aid people's business. Because of this, the people have a right to understand why it is conducting what it is and have a right to hear its deliberation.

What constitutes a meeting? There must be a quorum present with the intent to hold a meeting. Public notice is required. The agenda must be posted 24 hours before the meeting is held. No action can be taken unless it is posted on the agenda. Every meeting is open to public. The exception is when you go into a closed meeting. How many people does it take to go into closed session? It takes a 2/3 vote to go into a closed session and must be stated by motion. What should be stated in the motion? The reason why you are going into closed session must be stated in the motion. The reason you must do this is because there is only one time when a closed session is not recorded and that is when personnel issues are discussed.

There are specific reasons why you can hold a closed session. These include:

1. discussion of the character, professional competence or physical or mental health of an individual;
2. strategy session to discuss collective bargaining;
3. strategy session to discuss pending or reasonably imminent litigation;
4. strategy session to discuss the purchase, exchange, or lease of real property;
5. strategy session to discuss the sale of real property, including any form of water right or water shares;
6. discussion regarding deployment of security personnel, devices or systems; and/or
7. investigative proceedings regarding allegations of criminal misconduct.

Attorney Wayment discussed the "cannots" of a closed meeting: you cannot go off topic, you cannot do ordinances or resolutions, you can't discuss how you are going to vote on an issue, you cannot go off topic.

Other items of interest:

- If the Council goes on a sight visit, minutes must be taken.
- The public must be able to see the agenda and all of the documents that the Council is seeing. That is why we have everything projected up on the big screen.
- Conflicts of interest must be declared. We ask for conflicts at the beginning of the meeting, but if something comes up in the middle of the meeting, conflicts must be declared. Mr. Scott asked if he or Mrs. Bassett need to declare conflicts since they are not voting members. Attorney Wayment said it is always best to declare any conflicts up front.
- Disruptive public members can be removed from a meeting.
- The public has 90 days to sue the City if they think you are violating open meeting laws.
- Emergency meetings can be called and can be held sooner than 24 hours notice. You must give as much reasonable notice as possible. Minutes must be kept.
- Discussion – what goes on in closed session stays in closed session, especially when employees are being discussed. You could be sued personally.
- Written minutes of what the public body says must be taken.

HR MANUAL CHANGE REGARDING WORKERS COMPENSATION

MEDICAL FACILITY: The City's insurance has recommended that if there is an injury that occurs on the job and it is not life threatening, the injured employee should seek medical care from the provider designated by the worker's compensation coordinator. This agenda item will be moved to the next action meeting.

MEMBER REPORTS:

Councilman Houston reported he will not be here on the 22nd.

Councilman Adams said he wondered if staff is going to sit down and decide what to do with the roads now that we have this report. Mr. Scott said we will probably wait until budget time is over, then we can put a plan into place. Councilman Houston feels we need to look at our engineering standards to see if we are following a road deck specification. Councilman Adam's hope is we can get to a point where there is a plan in place so we can let people know.

Councilman Johnson reported the Economic Development Committee set goals at their last meeting. One of these goals is working towards a branding/marketing plan for Parowan City. The website is moving forward. The webmaster wants to get together the first part of February to meet with staff and do trainings.

Councilman Weston reported the Community Theater started rehearsing for the spring musical "1776". Two people were assigned to participate on the theater board. One of these individuals needs to be an alternate. The Mayor said he will work on this. Councilman Weston spoke with Larry Hawker who owns the acre above the pond. He is going to think about selling that acre to the City. What he likes about that lot is half has water, half doesn't. If the City wanted to trade, he would be interested in property with water.

Councilman Thayer reported he thinks the City needs to look into a way to do the crack seal for the roads.

Mayor Landes announced Parowan's birthday celebration on Tuesday, January 13th. He also announced that the Citizens of the Year are Dave and Susan Mineer, Sr. He said there is a very interesting program planned for the town meeting. Luncheon will be served in the auxiliary gym.

Mayor Landes also reported the Coordinating Council met yesterday with the County Commissioners in regards to the ambulance service. They presented three options for the ambulance service and none of them were acceptable to the Mayors. The County wants the cities to put up money. This will be discussed at a later date. Mayor Landes said the County seems determined to rid themselves of this service and passing it on to a private company to pull it away from the Sheriff's office. The Commissioners asked the Mayors to bring this back to their Councils to see if they are committed to contributing any funds. Enterprise runs their own ambulance service and it provides service to the western part of the state.

Mr. Dave Harmon asked why Parowan, Paragonah, and Brian Head can't get together with the fired departments and let them run it. Mayor Landes said all assets would be turned over to the private company. Mr. Mike Strong said there is a petition online at ipetition.com. Mayor Landes said the Mayor of Beaver suggests that we increase the hotel tax. This could fund the deficit at this point. Councilman Adams suggested that people speak to the County Commissioners. He encouraged the public to get as many of the facts as they can. Mr. Harmon asked if there is going to be a public hearing. Mayor Landes said they are willing to meet and are meeting as much as they can.

The Mayor addressed the snow removal on City sidewalks. One reason we don't do this anymore is because it is a directive from our insurance carrier. If we do plow the walks, they won't insure us. As a result, we are only clearing sidewalks that are in front of City property. It is the responsibility of the property owners to do so.

Lastly, the Mayor announced the Local Officials Day at the Legislature is January 28th, 2015. The keynote speaker is Terry Bradshaw.

PUBLIC COMMENT & DISCUSSION – TWO MINUTE LIMIT EACH:

Mr. Mike Strong asked for clarification regarding the Rufus building. He asked if the Visitor Center trade went through. This deal did go through and the City owns the dairy. The Rufus building was gifted to the City.

Mr. Charles Stade, Sr. commented that when the City is negotiating the reconstruction of the Exit 75 interchange, he asked that we try to make sure we don't have the things like Cedar has where people are driving on the wrong side of the road.

Mrs. Donna Putich addressed Mr. Stade's comment and said her father was killed at that intersection before the changes were made. Now that intersection is great and the flow of traffic is great. The improvements have solved the accident problems.

ADJOURN: Councilman Houston moved to adjourn the meeting. Councilman Johnson seconded the motion with all Council members voting in favor of the motion. The meeting was adjourned at 8:48 p.m.



Donald G. Landes, Mayor



Callie Bassett, City Recorder
Approved 1-22-2015