

**PAROWAN CITY COUNCIL MEETING
APRIL 9, 2015
PAROWAN CITY LIBRARY – 16 S MAIN – 6:00 P.M.**

MEMBERS PRESENT: Troy Houston, Steve Weston (By Phone), Ben Johnson, Donald G. Landes (Mayor), Shayne Scott (City Manager), Justin Wayment (City Attorney), Alan Adams, Ben Johnson, Steve Thayer (By Phone), Heather Shurtleff (Deputy Recorder)

MEMBERS ABSENT: Callie Bassett (City Recorder)

PUBLIC PRESENT: Chuck and Dottie Stade, Jim Shurtleff, Bill Holiman, Vern Fridley, Alex Roylance, Gary DeHeer, Katti Lister, Don and Linda Lowder, John Bramall, Kelly Stones, John Dalton, Vickie Hicks, Aspen Hunter, Paden Prentice, Bob Whitelaw, Dayla Ulrich, JD Knowles, Jesse Higbee.

CALL TO ORDER: Mayor Donald Landes called the meeting to order at 6:02 P.M.

OPENING CEREMONIES: Councilman Ben Johnson gave the invocation in Councilman Steve Thayer's absence, and led the council and audience in the Pledge of Allegiance.

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

CONSENT MEETING

APPROVAL OF MINUTES: (March 19, 2015 Special City Council Meeting and March 26, 2015 City Council Meeting)

PURCHASE ORDERS/WARRANT REGISTER: Shayne Scott talked about the P.O. concerning ACM for the soccer field's scoreboard. Mr. Scott said it is less expensive to fix the soccer scoreboard than we thought; even more so now that the scoreboard will be controlled wirelessly. There will be no trenching and we will no longer be going with ACM. It is a good idea to have good scoreboards. Because of the changes in the price and the vendor, the P.O. is no longer valid.

ARBOR DAY PROCLAMATION – APRIL 25, 2015: Mayor Landes read the proclamation and spoke about it.

Councilman Alan Adams made a motion to approve the consent agenda. Councilman Ben Johnson seconded the motion. All members voted in favor and the motion was carried.

<u>P.O. #</u>	<u>VENDOR NAME</u>	<u>AMOUNT</u>
858	Scholzen	\$ 1,400.00
860	Rush Ent. – Rush Truck Center	13,324.67
861	HD Supply	2,000.00
862	HD Supply	5,950.00
911	Scholzen	1,495.32
907	ACM (void)	2,900.00

ACTION MEETING

LICENSE AGREEMENT WITH IRON COUNTY REST HOME FACILITY:

Mayor Landes started by saying we will be talking about item #7 (License Agreement with Iron County Rest Home Facility) and item #11 (Lease Agreement with Iron County Rest Home Facility) together.

Justin Wayment stated he had a copy of the final agreement that is clean for the Iron County Rest Home that the council had already approved. Mr. Wayment had a copy with all the changes that had occurred to give to John Bramall (owner of the Iron County Rest Home) as well. Mr. Wayment also had the operations transfer agreement, the one that sells the license.

Justin Wayment went over some of the changes to the contract with the council, including changing the quarterly amount from \$30,000 to \$33,000. (See Attachment) Mr. Wayment talked about Councilman Troy Houston being very concerned about putting some of this money back into the facility for improvements and renovation. John Bramall answered that he is fine with putting 3% toward the improvements after the other bills are paid; concurrent with section 4.2.

Justin Wayment talked about the operations transfer agreement and the changes that had been made. Mr. Wayment reminded the council that Parowan City will not be the managing operator for this facility.

Justin Wayment asked the council to review the agreements and possibly approve the contracts at the next meeting. Shayne Scott read a change in section 4.2 aloud to the council. Mr. Wayment then read Section 8.2 aloud, regarding identical indemnification language that the current operator (John Bramall) has for the new operator (Parowan City) stating that we will be held harmless for any and all claims, losses, cause or anything that occurred prior to the sale of the license to the City.

Councilman Troy Houston said there was a question as to what address will be used for the business conducted for this contract. Justin Wayment answered the address will be the Parowan City Office's P.O. Box 576 for the mailing address and 5 South Main for the physical address. The change was made to the contract.

Councilman Ben Johnson made a motion to approve the operations transfer agreement between Parowan City and Transitions Health Care, Inc. Councilman Alan Adams seconded the motion. All members voted in favor of the motion. The motion carried.

Councilman Alan Adams made a motion to approve the contract to provide management. Councilman Troy Houston seconded the motion. All members voted in favor of the motion. The motion carried.

Justin Wayment said he would get a clean copy of the operations transfer agreement to the council.

Mayor Landes thanked John Bramall for all he has done to keep the Iron County Rest Home in Parowan.

CENTER CREEK PIPELINE CHANGE ORDER: Shayne Scott talked about a change order for \$16,135.00. The items included in the change order were:

1. **Goosneck air vent** – we've taken a lot of valves out of this project; as they are put back in there needs to be air vents as well.
2. **Well Line Installation** – a pipe needs to be put directly into the Fore Bay to accommodate the new 25/75 diversion.
3. **Fore Bay drain line** – we don't have any way to drain the Fore Bay with the new system. Kelly Stones said the Fore Bay needs to be drained a minimum of once every fall.
4. **Tracer Wire** – tracer wire cannot span the whole project (5 miles) without being broken up into sections.

Shayne Scott informed the council that we are still \$10,000 under the project estimate. Mr. Scott also talked about finding a valve for the bypass line that will be approximately half the cost of the valve previously discussed. "Kelly Items" were mentioned; items that Kelly Stones needs to operate the system.

Councilman Ben Johnson made a motion to approve the change order for \$16,235.00. Councilman Alan Adams seconded the motion. Mayor Landes asked if there is any discussion. There was no discussion. All members voted in favor of the motion. The motion carried.

CENTER CREEK PLANT CHANGE ORDER: Shayne Scott said he hasn't heard back from the contractor yet and would like to table this discussion for now.

Councilman Alan Adams moved to table this item. Councilman Ben Johnson seconded the motion. All members voted in favor of the motion. The motion carried.

MINOR LOT SUBDIVISION APPROVAL – KB DISTRIBUTION, INC.: Shayne Scott said this went through the ringer at the planning commission level. Mr. Scott was very excited that this was the first time the owners sent the plans around to get the signatures before it came to the City Office; it worked very well. The owners want to split this parcel into two separate lots. Mr. Scott talked briefly about a past plan to deed the road to the City, but it didn't work out.

Councilman Troy Houston asked if this split is in conflict at all with the master road plan. Shayne Scott answered no, it doesn't conflict if it is done according to this new plan; it would have been conflicting the other way.

Councilman Troy Houston briefly discussed the UDOT power poles and the possibility of them needing to be moved. Shayne Scott doesn't think that will be necessary, there is no apparent conflict.

Councilman Troy Houston made a motion to approve the minor lot subdivision for KB Distribution. Councilman Alan Adams seconded the motion. Mayor Landes asked for discussion if any. There was no discussion. All members voted in favor of the minor lot subdivision. The motion carried.

LEASE AGREEMENT WITH IRON COUNTY REST HOME FACILITY: Please see the above item – License Agreement with Iron County Rest Home Facility.

WORK MEETING

INFOWEST REQUEST – JEFF KNIGHT: Jeff Knight wanted to talk about an addition to the dog pound that would help our Infowest service and what the City could get in exchange for that. Mr. Knight wasn't present at the meeting and Mayor Landes asked that this item be tabled.

HONEY BEES IN PAROWAN DISCUSSION – BILL HOLIMAN (ORDINANCE 16.20.060): Bill Holiman found out last September that it is illegal to keep bees in the city limits. Mr. Holiman had a glass beehive in his front yard. Mr. Holiman would like the ordinance against keeping bees in the City limits amended. Mr. Holiman talked about some beehives being kept north of Family Dollar, so he thought it was allowed.

Shayne Scott said it is common for cities not to allow beehives inside city limits. Bill Holiman passed a handout to the council concerning the difficulties with being a beekeeper. (See Attachment)

Bill Holiman continued a discussion covering a broad spectrum of topics related to beekeeping, i.e. pesticides, sickness for bees, bogus (illegal) honey. Mr. Holiman said a beekeeper is already required to be registered with The State of Utah. Mr. Holiman

wondered if the City would like beekeepers to register in order to know who is keeping bees and where the bees are located.

Councilman Alan Adams asked about homes neighboring the beehives and concerns with stings and allergies. Mayor Landes is also concerned about those with allergies to bee stings. There are different varieties of bees, and some are more aggressive than others. Bees in the wild can become more aggressive as they inbreed, a beekeeper can help prevent that danger.

Councilman Troy Houston commented bees are considered a farm animal. Mr. Houston looked at the ordinances concerning beekeeping for other cities; some allow it, some don't, some don't address the bee issue until it becomes a nuisance – but then you have to define nuisance. Maybe the City could regulate beehives by the size of the parcel of land it is on, or maybe regulate by zone.

Councilman Troy Houston asked Bill Holiman how many hives could be on an acre parcel of land. Mr. Holiman answered it depends on how many fruit trees there are on the property; an acre with 20 fruit trees could easily facilitate 10 hives. Councilman Ben Johnson said it might be a good idea to get signatures from neighbors to make sure they are aware of a hive nearby.

Councilman Ben Johnson believes we should rethink this ordinance. The council agreed that the issue is worth thinking about. Bill Holiman thanked the council for their time.

HOMEOWNER RESPONSIBILITY FOR PRUNING TREES – ALEX ROYLANCE:

Vern Fridley introduced Alex Roylance, head of grounds and building maintenance for Springville City. Mr. Roylance initiated Mr. Fridley's thinking about who should be responsible for pruning the City's trees in Parowan, the City or the homeowners. Maybe Parowan City should take over the responsibility instead of the homeowners.

Alex Roylance began by stating he is allergic to bees and if his neighbor had beehives it would make it very difficult to enjoy his own yard.

Alex Roylance came to Parowan to help train John Dalton and members of the power department on how to properly prune and care for the City's trees. From a city's perspective we need to look at the urban forest like any other city system, i.e. water, electric. The trees should be taken care of by trained professionals. There is also a risk management issue involved; most residents don't have proper training on how to prune trees. Poor pruning in the past has taken some of Parowan City's trees and turned them from an asset into a liability. Nationwide there is a trend of taking the pruning back from the residents and having the cities maintain the city trees. John Dalton is working toward becoming a certified arborist, and others are working on getting certified as well.

Alex Roylance said Springville updated its tree ordinance about 10 years ago and their urban forest has improved a lot. No residents, by code, are permitted to prune the city's trees unless they have written permission from Mr. Roylance or Gary DeHeer. Springville's urban forest is much healthier now; the tree ordinance has mitigated a lot of the risks that were prevalent 10 years ago. Mr. Roylance thanked the council for listening and is willing to answer any questions anyone might have.

Mayor Landes agrees that having the City prune and maintain the City's trees is a very good idea; the question is always how will the City pay for it. The City maintaining these trees would probably help the residents as well; tree trimming can be very expensive.

Alex Roylance stated he, Gary DeHeer and some staff from Parowan City pruned four trees and removed one tree in four hours. John Dalton and the electricians won't have time to prune full time, but they will be able to dedicate some of their time to it and that is a good start. John Dalton will take the arborist test in May. Parowan should have at least one certified arborist on the crew when doing tree maintenance, and always have a man on the ground for safety.

Shayne Scott thinks maybe Kelly Stones, John Dalton and he should get together and think about what changing our ordinance would mean, mainly financially, and if we would need to hire someone else to see it through.

Kelly Stones asked when the ideal time to prune trees is. Alex Roylance answered right now when the trees aren't in full bloom yet. Pruning can actually happen anytime, but now is the best time; anytime you can see the canopy of the tree.

Alex Roylance offered any help the City may need in changing the tree ordinance or any other way he can be of service. Mayor Landes thanked Mr. Roylance for all his help.

DEPARTMENT PRESENTATION, KELLY STONES, PUBLIC WORKS

DEPARTMENT: Streets - Kelly Stones started by saying patching the streets is the number one priority right now, but other projects took precedence for a while. One of the other priorities was putting the water line in on 300 East that goes from the new well to the racetrack well. Mr. Stones has also been spending time Blue Staking the new penstock line that is going in for the Hydro Plant. Some other things the public works crew will be doing shortly are the stop signs, yield signs, cleaning up the right of ways, drainage and implementing the asphalt management plan/chip sealing.

Culinary Water – Kelly Stones reported his crew has been installing some new services and changing out some meters. Mr. Stones would still like to upgrade the chlorinating building by putting on a new roof.

Kelly Stones needs to work on getting permission from the health department to obtain state compliance for the check valve that connects the new well and the race track well.

Pressurized Irrigation - Kelly Stones said the Yankee is about 8 ½ ft from running over; it was 4 ft from running over last year; 4 ½ ft lower is a lot of water. We are going to have some struggles this year.

Kelly Stones and his crew will begin putting in the Fore Bay drain that was approved tonight as soon as possible. The division is at the Fore Bay now. The projected day to turn on the pressurized irrigation is Tuesday – April 21, 2015, but Mr. Stones doesn't think that will happen; steps to connect the penstock with the Fore Bay have slowed down the process, including FERC (Federal Energy Regulatory Commission).

Kelly Stones said he will go ahead with the regular watering schedule this year as far as it will last; we will probably go to a one day schedule sooner than usual. Mr. Stones said with all the changes to the system this year he will have to play it by ear.

Sewer – In a month or so Kelly Stones will start up the disposal and install a grinder and a screen. The yearly cleaning will be coming soon.

Solid Waste – The solid waste department is going well. Kelly Stones expressed gratitude for Richard Biasi for maintaining the garbage truck so well. Mr. Stones then said how much he appreciates all of the men on his department and what hard workers they are.

Kelly Stones is looking at the possibility of picking up Paragonah's trash on Wednesdays after the Parowan route is done; it will make more money for the City. Councilman Alan Adams expressed worry about the extra wear and tear on the garbage truck.

Parks – John Dalton has been putting in new sprinkling systems on fields 1 and 2 at the ball fields. Starting next week Mr. Dalton will prune trees.

Cemetery – The storage building is up and the doors are on it. Kelly Stones thinks it looks really nice. The grounds crew will start getting ready for Memorial Day.

Airport – Kelly Stones will start working on weed control.

Councilman Ben Johnson asked if Kelly Stones is looking to get a crack seal machine. Mr. Stones answered yes; while he is at road school he will look for the best vendor. Shayne Scott said the budget is allotting \$50,000 for the chip seal machine, it could be a little more.

Councilman Alan Adams asked if the City is picking up limbs this year. Kelly Stones answered no. Mr. Stones said he wouldn't be opposed to doing it for the elderly, but he would like to see the City get out of the habit of picking up limbs in the spring. Last year the limb pickup wasn't planned, but we had that horrible storm on Mother's Day that broke so many limbs in town.

Mayor Landes would like Kelly Stones to open the new restrooms in the city park to alleviate extra traffic in the library. Mr. Stones said he is waiting on the plumber to get it all ready to open; everything else is ready to go.

Councilman Ben Johnson mentioned being very happy about the 600 West culvert being cleaned out and working so well.

Kelly Stones asked to be excused from the rest of the meeting for a family function.

PROPOSED RESOLUTION TO SUPPORT TRANSPORTATION FUNDING IN IRON COUNTY: Shayne Scott said there was a meeting as a coordinating council in Kanarraville two weeks ago. HB362 passed the legislature which adds \$.05 more per gallon of gas which will translate into about a 20% increase in the City's class "c" roads fund. That would take that fund from about \$140,000 per year and up it approximately \$25,000. The real instrument for change there is a potential for a sales tax increase that each county has to put on the ballot. Each county has the option to put the increase on the ballot and some of this money would come to the cities. The counties are asking the cities what they would like them to do. The determination can't be made until August of this year which isn't as quickly as we first thought.

Shayne Scott asked the council to really look at the information he put in their packets. WM-16 gave specifics as to what the City can and cannot do with these transportation funds. Also, the document discusses not using City funds to advertise for the possible ballot and not sharing your opinion on City time or with City emails. But an opinion could be shared on a personal Facebook page or otherwise as a private citizen.

Shayne Scott made one argument for putting this on the ballot; it will be putting this in the residents' hands. The people in this community are always complaining about the bad roads; let the residents decide whether we want this increase or whether the City goes on as usual trying to maintain the roads with the funding we already have.

Councilman Ben Johnson asked if it needs to be approved county wide. Shayne Scott answered yes.

COMMERCIAL IMPACT FEES DISCUSSION: Mayor Landes stated the City has waived the commercial impact fees. There has been some development as a result of this

waiver. Shayne Scott said that actually as of today the waiver is over, according to resolution.

Councilman Troy Houston would like to see something in place that would allow for raising these impact fees in small increments every year to build it back up. It wouldn't be the entire impact fee, but we should be collecting something to put toward the impact on the systems.

There was a discussion about specific ways to accomplish slowly reintroducing the commercial impact fees.

Councilman Ben Johnson wondered if the City should set the impact fees at the full amount and then tell the businesses they are getting a deduction instead of having to raise the amount of the impact fees by resolution every year.

Councilman Troy Houston believes it would be a good idea to allow a business to improve the impact on the property in exchange for lowering the impact fees. An example of that would be if a business improved an 8" water line to a 10" water line, the cost of the improvement could be taken off of the impact fees.

Councilman Ben Johnson suggested a 25% deduction from the full price if they do nothing towards improving the City and a 50% deduction if they help improve the City. Maybe next meeting we can agree on a percentage.

Councilman Alan Adams voiced concern about the businesses that might come in right now that wouldn't have the benefit of what we are proposing tonight.

Justin Wayment believes the council is on a slippery slope here. The impact fees were based upon studies and put through the courts, and the basis is the impact that a given business will have on the community. Certainly the law allows you to waive impact fees, but if you start manipulating impact fees and the City gets sued you might be in trouble. The same waiver has to apply to all businesses across the board.

Councilman Ben Johnson asked if it is alright to give credit back for the cost of the business making improvements that impact the City. Justin Wayment said that is fine.

Mayor Landes asked Councilman Troy Houston, Councilman Ben Johnson and Shayne Scott to get together and come up with a proposal for impact fees for the council.

GENERAL FUND BUDGET PRESENTATION – SHAYNE SCOTT: Shayne Scott gave this presentation from the budget report handed out to the council. Mr. Scott said this is the budget right now; it may change depending on your feedback.

Councilman Steve Thayer asked for clarification on several points in the budget, which Shayne Scott addressed.

Shayne Scott stated the City is sitting on a decent surplus as this fiscal year's budget is opened and there will be funds transferred to the capital side.

Shayne Scott talked about the payments for the CIB loan for the New City Hall being split among different departments because work for those departments will take place in the building.

There was a discussion about non-departmental items and changing the names of some budget lines for clarity concerning the new Iron County Rest Home agreement. There was also discussion of funds allocated to the ball fields and the visitor's center.

Shayne Scott discussed the changes to the Class "C" Roads budget to accommodate purchasing a crack seal machine.

Councilman Troy Houston asked about sidewalk budget. Shayne Scott mentioned the grants from the State helping our sidewalk repairs and construction, especially the sidewalks at 300 E and outside the cemetery. Also, the transportation money that will be coming in January 2016 can be spent on roads, sidewalks and on trails.

Shayne Scott talked about less money in the shade tree budget next fiscal year because the Shade Tree Committee will be applying for a grant that they didn't apply for this year.

Councilman Ben Johnson asked about changes to the swimming pool budget lines. Shayne Scott explained that the swimming pool has been made into a separate department and is no longer under the parks budget. There is more in the pool maintenance and material line to allow for crack repairs this summer.

Shayne Scott talked about fund transfers in the capital side of the budget. Mr. Scott also talked about the CIB loan for the New City Hall being split in half between this budget year and the next. However, we will be recognizing the whole loan in this fiscal year because the CIB requested it that way, even though the construction will span both fiscal years.

There was a brief discussion about a sizable donation from the power department to the City.

There was a brief discussion about funds in the parks budget for possible park-type-projects in the next fiscal year and the future purchase of a stump grinder to be paid for from parks and power.

Richard Biasi is requesting money in budget line 104074 for a waste oil furnace to heat the shop. Councilman Troy Houston voiced concerns about emissions from the furnace. Shayne Scott said he will ask about emission problems associated with waste oil furnaces. John Dalton said they have an oil tank to store up to 500 gallons at the shop.

When Shayne Scott asked what projects the council would like to see happen, Councilman Ben Johnson talked about the benefits of tennis courts and other heart healthy activities for the community. Other possibilities included a marquee, changes to exit #75 and bridges for the crossings on the nature trail.

MEMBER REPORTS:

Councilman Steve Weston – had nothing to report.

Councilman Steve Thayer – is glad to hear that the water line for the new well is in place.

Councilman Troy Houston – heard from Doug Carter about his commercial business having a lot of ice machines which makes his sewer bill very high, because the sewer bill is based off of the water bill. Mr. Carter feels like he is being over charged and would like the council to consider this complaint.

Councilman Alan Adams – had nothing to report.

Councilman Ben Johnson – thinks the new adult softball league should have more advertising in prominent places, such as the City website or on a banner.

Councilman Johnson reported the Economic Development Committee is interested in learning more about Parowan providing internet service for the residents. Internet service is a struggle in Parowan. Councilman Johnson doesn't like the idea of competing with private business, but when the business won't provide services there is a problem. The council and members of the public talked about difficulties working with South Central Communications, Century Link and Infowest.

Councilman Johnson talked about the branding of Parowan City and engaging an advanced marketing class to do this for their project. This should be happening sometime this fall.

Councilman Johnson closed with mentioning a lot of positive things that have come from having the big solar plant going in out in the valley. The solar plant has opened up job opportunities, more revenue for businesses and employees renting homes in town.

PUBLIC COMMENT & DISCUSSION – TWO MINUTE LIMIT EACH: There were no comments from the public.

ADJOURN: Councilman Troy Houston made a motion to adjourn the meeting. Councilman Ben Johnson seconded the motion. All members voted in favor of adjournment. The meeting adjourned at 8:05 P.M.



Mayor Donald G. Landes



Heather Shurtleff, Deputy Recorder