

**PAROWAN CITY COUNCIL MEETING
AUGUST 13, 2015
LIBRARY LOUNGE, 16 SOUTH MAIN, 6:00 P.M.**

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

MEMBERS ABSENT: None.

PUBLIC PRESENT: Chuck and Dottie Stade, Tim Bishop, Mike Brewer, Helena Mortensen, Sharon Downey, Michelle Orton, Matthew Gale, Nate Thayer, Cleve Matheson (Parowan City Zoning Officer), Don and Linda Lowder, Beverly Landes, JD Frisby (Sunrise Engineering), Jesse Ralphs (Sunrise Engineering), Bob Whitelaw

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

OPENING CEREMONIES/THOUGHT/PRAYER/PLEDGE OF ALLEGIANCE – JAY ORTON: Councilman Orton offered the invocation. He then led the Council and the public in 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 (July 23, 2015 City Council Meeting)
PURCHASE ORDERS/WARRANT REGISTER
CERTIFY PAROWAN CITY EMPLOYEE SALARY SCHEDULE FY16
PLANING & ZONING MEMBERS – David Sabina and Kleigh Hirschi**

Councilman Adams moved to approve the consent agenda. Councilman Thayer seconded the motion, with all Council members voting in favor of the motion. The motion carried.

ACTION MEETING

LIQUOR LICENSE REQUEST, MY PLACE ON MAIN STREET: Councilman Houston asked if this meets all of the State requirements. Mr. Scott said that he does.

Councilman Houston moved to approve the liquor license request for My Place on Main Street, pending approval from the State. Councilman Johnson seconded the motion. Hearing no further discussion, all Council members voted in favor of the motion. The motion carried.

COMMERCIAL IMPACT FEES – RESOLUTION 2015-08-01: This was discussed

at the last work meeting. The Council decided to charge 40% of the impact fees, with a 60% reduction. The resolution as written states that we will charge 60% of the current impact fees.

Councilman Houston moved to approve Resolution 2015-08-01 with the change from 60% of the full cost to 40%. Councilman Adams seconded the motion. Hearing no further discussion, a roll call vote was taken as follows:

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

Resolution 2015-08-01 was approved.

AUDIT SERVICES CONTRACT: Mr. Scott said that the City needs to choose a new auditor for this year. The auditor we used last year is no longer doing audits. She took a full time job with State Bank of Southern Utah. Mr. Scott explained that the City received two proposals that were in last meeting's packet. The staff had a discussion regarding these bids. The lower bid is from a gentleman who is newer in the industry. He used to work for Hinton Burdick and has gone out on his own. Even though they are slightly more expensive, the staff recommends that the City goes with Hinton Burdick. They are very qualified and have worked with Parowan City in the past.

Councilman Orton asked what the benefits of an audit are for the City besides being a requirement from the State. Mr. Scott said that benefits are many. The audit has to be completed by December 31st, so it gives us an opportunity to look at each fund and check the health of that fund. It also helps us with internal controls.

Councilman Johnson moved to proceed with Hinton Burdick. Councilman Orton seconded the motion. Hearing no further discussion, all Council members voted in favor of the motion. The motion carried.

WORK MEETING

CENTER CREEK UPDATE – SUNRISE ENGINEERING, JESSE RALPHS: *Councilman Adams declared a conflict with this agenda item.*

Mr. Ralphs gave an update on the project and answered the Council's questions. He discussed the following:

- The penstock was finished in May. It has been tested and is good to go.
- The power house has had some hurdles. The end of July they finally got the equipment to the point where they can start it up. They put water through the penstock and spun the wheel. The firm that is doing the start-up is a subcontractor to the equipment supplier. They were very professional when they came down. When they got here they realized a

lot of the electrical terminations that they had anticipated being done before they came were not done. They spent most of their time helping to get those finished. By the time they left, they were to the point that that they should have started at when they first got here. They ran out of time and had to pull off the project to take care of other project obligations. Mr. Ralphs said the best case scenario is that they can come back in September. Until then, the power house is sitting there ready to go. They can't put water through it until they can test the controls on the turbine and the generator and make sure everything is running just right.

- There is still work to do on the diversion structure, but that is still being held up by FERC. Mr. Ralphs said he thinks we are being stone walled. Wes Cooley is the project manager. He came out and looked at the sight and said he understands why the diversion structure is there. He said he would talk to his chain of command, but apparently they were not very receptive. They are showing that by putting this on the back burner. Mr. Ralphs feels it is time to do a group phone call with Mr. Cooley, the City and the Reservoir Company to see if there is something that can be done. Mr. Mellor suggested even sending a delegation to San Francisco to see what can be done.
- The bypass line was approved a few months ago. The manufacturer's submittals on the plunger valve came in a little different than they had shown going into this. They are located in Sweden or Finland, so their response time has been very slow. This was just approved and they are looking at 4-5 months out, so it will be a December/January time frame before they get that. This will not hold up the start-up commission on the plant.
- They did a substantial completion inspection with Blackburn on the power house and created a punch list of things they need to finish. Everything that is related to starting up is finished. They are over their contract time. Blackburn came back with a revised change log where they identified additional items that they didn't request time logged going into it but ended up taking more time for. Mr. Ralphs and the Council discussed the liquidated damages.
- The project budget was discussed.

FIRE DEPARTMENT BENEFITS: The Fire Department is looking for ways to attract volunteers to the department. Mr. Scott asked the Council what the City can do for the fire department volunteers. Councilman Houston said he likes the first suggestion that is in the Council packet, which is to cut the fire department volunteers power bills by 50%. He said he would like to see a spread sheet of what the costs would be to the City if different utilities were discounted. Councilman Adams asked how many active volunteers there are. Mr. Matthew Gale and Mr. Nate Thayer said there are about 10-13 active volunteers.

The Council agreed that there should be certain stipulations and requirements that volunteers would have to meet to be eligible for any incentives. Mr. Scott will work with Chief Schiers and see if they can come up with a tier type spreadsheet for meeting certain requirements. Councilman Orton said he emailed Mr. Scott some ideas and suggestions of possible incentives. Mr. Scott said he will look at those.

MAIN STREET PARKING DISCUSSION: There is a limited amount of available parking space downtown. Parowan City ordinance requires new businesses to have a certain amount of parking spaces on the street. Mr. Scott would like to propose a "historic district" (from Center

Street to 100 North) where this parking ordinance wouldn't apply. Councilman Johnson asked if we want to include any area south of Center Street. He said the Visitor Center is going to move into the old City Offices. He suggested including the old City Offices and the Old Mercantile building in this historic district. Councilman Thayer suggested just including 100 S. to 100 N.

Attorney Wayment said there is limited parking all along Main Street and you can't treat businesses differently. He said you can certainly take certain sections of the street and say the parking requirements in these sections are different because it is an older part of town. He said you want to be careful in designating something as historical because it triggers a whole list of things that have to be done. He feels it is better to identify the section from street to street, and not just a partial area of one block from a description stand point.

The Council feels that they should include the Old City Office building and the Old Mercantile building to 100 North in this section. They feel this would be a good temporary solution. Mr. Cleve Matheson suggested including all of the existing businesses on Main Street from 100 South to 400 North.

Mayor Landes polled the Council for their opinions on the matter:

- Councilman Thayer feels this should go from street to street – 100 South to 100 North.
- Councilman Orton isn't opposed to either street to street or a point south of Center to 100 North. His concern is with the existing residents in that section that may choose to become a commercial business. He said if they are not required to have off street parking it could become a concern.
- Councilman Johnson prefers designating from the point of the building to 100 North.
- Councilman Adams said he likes Mr. Matheson's suggestion of including all of the existing businesses on Main Street, excluding the residences. He feels we should do the same thing for everyone up and down the street.
- Councilman Houston said he doesn't feel like including the current existing commercial businesses on Main Street would be that difficult to police.

Mr. Scott feels like he has enough direction from the Council to write something up about this.

PURCHASING POLICY DISCUSSION: Mr. Scott said this was put on the agenda because he wanted to have a conversation with Attorney Wayment regarding procurements. He said we passed a purchasing policy some time ago. Mr. Scott asked Mr. Wayment if a contractor approaches the City and says they have an avenue where they think they can get some funding for a project and asks if the City is interested, can the City then employ them. Would the City be violating its purchasing policy? Mr. Wayment said that professional services can be awarded by the City Council based on their professional qualifications.

DRINKING WATER SYSTEM MASTER PLAN: Mr. J.D. Frisby with Sunrise Engineering has approached Mr. Kelly Stones. Mr. Frisby said the Department of Drinking Water is pushing

Culinary Water Master plans. Mr. Stones was very interested in this. Sunrise Engineering went after the grant and was awarded up to \$40,000. Mr. Frisby said this is actually a requirement of the State. Mr. Ralphs added that it is a requirement that isn't enforced until you go after funding for a project. He said this Master Plan is very good management planning tool. Mr. Frisby explained what is included in the plan.

SICK PAY 1 PAY OUT – HUMAN RESOURCE MANUAL CHANGE: Mr. Scott explained prior to July 1, 1997, sick pay hours could be paid out at the time of retirement. Parowan City has three employees that still have these Sick Pay 1 hours. He would like to pay these hours out now so there isn't any more confusion. It is a minimal amount of money, and we would like to clean up the books. The Council agreed that this should be paid out.

SECOND AMENDATORY POWER SALES CONTRACT: This document was already approved once. This is has a few new parts. Attorney Wayment explained these to the Council. The major part is that if they find a new source of power during the time that they are bringing the gas power plants online (after getting rid of the coal power plants), they can go ahead and go after that source of power without having to redo the contract. Mr. Scott let the Council know that the Mayor will be signing this. It doesn't commit the City to anything.

CITY COUNCIL PAY AND BENEFITS DISCUSSION: Mr. Scott said this is an effort to put on paper what the benefits are for City Councilman. Mr. Scott feels it is important to incentivize the role of the City Council for future council members. Mr. Scott expressed his appreciation for the willingness of the Council to serve. He said the Council is underpaid, but they are very appreciated. The benefits available to the Council were discussed.

CLOSED SESSION: Councilman Thayer moved to move the Closed Session until *after* Member Reports and Public Comment. Councilman Orton seconded the motion, with all Council members voting in favor of the motion. The motion carried

MEMBER REPORTS:

Councilman Houston reported on the TARP committee meeting. They are still working on the trails master plan and he feels they are moving in the right direction. Sunrise Engineering is putting everything together and should have everything nailed down in about 4 months. Councilman Houston also reported that the half marathon was very successful. They had over 400 participants. They were all very pleased with the event.

Councilman Adams reported that he was a volunteer for the half marathon and was impressed with the gratitude of the runners. He also said that the Power Board will meet next week.

Councilman Johnson reported that the Economic Development meeting was held. The small business expo has been postponed until the new office building is open. The Councilman reported that he climbed to Valentine Peak with his family. He also said he has received several complaints about the roads. He would like to see a 5 year plan put together based on the master plan that was developed. We need something that shows what we are going to be doing each year. Councilman Houston thing we need to look at how we do things. There are better ways to do things. Councilman Johnson wants to see a defined plan.

Councilman Orton reported on the Shade Tree Committee. There are some things that need some TLC. The nursery and arboretum especially. The committee will plant trees out at the ball fields in September. They are going to move forward with some community forestry grants in order to maintain the trees they are planting. Councilman Orton also reported on the fire department meeting. They are talking about getting the new fire truck up north somewhere to have the seals on the ladder repaired so that it is fully functional. The department expressed thanks for this new truck. It is going to be big help to have this piece of equipment. They are currently exploring options for grants to help with more funding.

Councilman Orton said he has received a lot of inquiries about the Rufus building. People are asking if there is a list of requirements or guidelines to help them put together their proposals. Mr. Scott said no there isn't. They are welcome to call him and discuss this with him. Councilman Johnson also said that if they people are interested, the Small Business Resource Center in Cedar City is available to help with business plans, organization of data, looking at long term viability of a business, etc.

Councilman Thayer reported on the Water Board meeting. The board wants to leave the ordinance for drilling within City limits the way it is. There is enough water in the Yankee for the pressurized system. The Water Board wants to tour the City's water facilities on September 3rd. Councilman Thayer said he looked into the porta pottie waste dumping situation. The DEQ guy he talked to said he didn't think the amount of waste that would be dumped into the lagoons would be a problem. Mr. Scott said that Mr. Aldo Biasi is getting his information from the DEQ. This contact didn't know of any alternative product. Councilman Thayer also reported that the Patchwork Parkway Committee met. They discussed the upcoming events at the Iron County Fair.

PUBLIC COMMENT & DISCUSSION – TWO MINUTE LIMIT EACH:

Mr. Nate Thayer said he understands the fire department is completely volunteer and he is against excessive spending, but he said if you want to attract a high caliber of people, you need to offer some sort of decent benefit. He said it takes a fairly unique individual to be a volunteer fire fighter. He hopes that the benefits will be substantial enough to attract the right kind of people.

Mr. Bob Whitelaw, a member of the Parowan Chamber of Commerce board, reported that the Chamber is sponsoring this year's "Meet the Candidates" night on Tuesday, Sept. 22, 2015 at 7:00 p.m. in the Aladdin Theater. The Chamber will put together a magnet as a gift for those attending. It will be similar to year's past in that anyone can submit a question that will be reviewed. Personal attacks on any of the candidates will be discarded. Mr. Cory McNeil will be the moderator again.

The following is a transcript of the discussion between Mrs. Sharon Downey, Mr. Shayne Scott and others:

Mrs. Downey: "Sharon Downey. I would like an explanation on the parade, or the memorial, excuse me."

Mayor Landes: "The memorial?"

Mrs. Downey: "You have concerned citizens that are very concerned that you had the fire trucks go down Main Street with sirens. We would like an explanation why."

Mr. Scott: "OK. Umm...do you mind Mayor?"

Mayor Landes: "Go ahead."

Mr. Scott: "The, uh...I guess backing up, when the fire department first asked us if they could that, uh...I think my initial reaction was that's probably not appropriate, but the more I talked about it...this was a wish from Mr. Palmisano. He had mentioned this to Chief Schiers several years ago that when he died, he'd like to be put on the fire engine for one last ride. He wasn't being memorialized here in the cemetery...he was?"

Mrs. Downey: "Yes he was."

Mr. Scott: "He had his funeral here?"

Mr. Nate Thayer and others: "No."

Mrs. Downey: "You memorialized him by running him down...."

Mr. Scott: "Oh. That's fine. Yes. I don't dispute that."

Mrs. Downey: "One question. You said that was his dying wish."

Mr. Scott: "No, I didn't say his dying wish."

Mrs. Downey: "That was his wish when he died."

Mr. Scott: "That's correct."

Mrs. Downey: "Ok. That was it. But he died by doing something wrong."

Mr. Scott: "Ok. Well, I'm not his judge or his jury. I'm not here to say that...."

Mrs. Downey: "No, but your officer was cleared, showing it was done properly."

Mr. Scott: "Ok."

Mrs. Downey: "And you slap, every one of you in the City Council, the Mayor, and the City Manager, slapped every police officer and every City employee."

Mr. Scott: "Which police officers have you spoken to about this?"

Mrs. Downey: "Not one."

Mr. Scott: "Well, that's not surprising to me, Sharon, because I've spoken to all of them and none of them had a problem with this, including Tyler Uresk himself. So, if you'd like to speak to him, and maybe he doesn't need you to defend him as much as you are. But I would encourage you to talk to him."

Mrs. Michelle Orton: "Ok. But, but...you know, what was Tyler supposed to do when you called him?"

Mr. Scott: "He could have done anything he wanted to do. He could have..."

Mrs. Downey: "Your boss calls you and you say no? Come on, you guys."

Mr. Scott: "We are going to have to agree to disagree on this. But, I back up, and none of the City Council knew about it. This was completely my decision and I stand behind it and, you know...You take, take whatever action you'd like to take in defense of your position. But I feel very comfortable in what happened. The only thing that we did ask is that they didn't use the sirens. They did use the sirens anyway. And that's, that's..."

Mrs. Downey: "I also heard that they went out to the, uh, solar farm."

Mr. Scott: "I don't...there's been lots of rumors."

Mrs. Downey: "That's what...there are a lot of rumors going around."

Mr. Scott: "I don't know, I don't think they did that, but I don't know why I would care if they went out to the solar farm anyway."

Mrs. Downey: "But you know what...?"

Mrs. Orton: "That's the tax payers' money."

Mrs. Downey: “How many vehicles, how many...”

Mr. Scott: “I’ll pay \$20 for the gas if they did go to the solar farms.”

Mrs. Downey: “Shayne, it’s the principal of it. It’s our tax money.”

Mr. Scott: “Ya.”

Mrs. Downey: “One vehicle, if that, I don’t agree with it. One vehicle would have been fine.”

Mr. Nate Thayer: “Here’s what I’ve got to say, I guess, about that since I was pretty much the driving force behind making that happen since Chief Schiers was in the hospital and wasn’t able to do it himself. That guy spent two years getting up, putting out fires, going out rescuing people and I don’t think one mistake, however bad it was, should wipe away a whole life full of good deeds and especially those two years he spent sacrificing, helping other people. I don’t think one mistake should wipe that out.”

Mr. Scott: “There are still people that love Mr. Palmisano and to this day still love him no matter how he, how he died. I think this is a very small way for people who cared about him to honor him.”

Mrs. Downey: “I agree. We will disagree. But I think at least, at least half of this town disagrees.”

Mr. Scott: “That’s fine.”

Mrs. Downey: “It is. But it had to come out.”

Mr. Scott: “What had to come out?”

Mrs. Downey: “It had to be voiced to you people.”

Councilman Orton: “That’s fine.”

Mr. Scott: “You’re right. I let the City Council know that we had that discussion about what happened. They may have disagreed too. I don’t know, but it was too late by the time they probably found out about it anyway, but...Of course I appreciate your sentiment and you’re not alone. But I still stand behind that decision. I still think it was a good decision.”

Councilman Thayer: “I’m glad they did it, personally. I knew Rocky. I’m glad they did it.”

Mr. Scott: “I’m sure Tyler appreciates you backing him up too, but I really wish you would have spoken to him about it. I think he’d feel different...”

Mrs. Downey: “Well, he hasn’t been around town. But let me say, and it’s not just our police officers, it’s every police officer in this country is getting the wrong end of the stick. And I may not agree with sometimes a police officer with what they might do when they stop you, but when they are pulling up to a situation like this, I will back them with my life because they protect us.”

Mr. Nate Thayer: “Rocky, not only did I serve with him on the fire department, he worked for me for two years and he helped me get started. I’ve known him for twenty years and man, it sucks what happened. He did a stupid thing. I don’t hold...I don’t blame Tyler one bit. He did what he had to do. But I still don’t think that one mistake that already cost him his life, should cost him the respect and admiration from his friends that he earned over a lifetime.”

Mayor Landes then called on Helena Mortensen. Mrs. Mortensen said she lives 110 W. 400 North. She asked if someone could explain the legal ramification of driving semis down residential roads. She said someone needs to send a police officer down there to monitor that. She said it is like the Indianapolis speedway down there. These trucks are traveling down that road so fast it is ridiculous and someone is going to get killed. She also asked if Parowan has an ordinance regarding young people riding ATV’s. There is quite a problem with this in her neighborhood. Councilman Johnson said this is a State law, not a City ordinance.

Hearing no further comments from the public, Councilman Houston moved to go into closed session. Councilman Johnson seconded the motion, with all Council members voting in favor of the motion. The audience was dismissed and the Council went into closed session at 7:52 p.m.

CLOSED SESSION: Strategy session to discuss the purchase, exchange, or lease of real property.

Members Present: Mayor Donald G. Landes, Councilman Alan Adams, Ben Johnson, Troy Houston, Jay Orton, Steve Thayer, City Attorney Justin Wayment, City Manager Shayne Scott, City Recorder Callie Bassett, Zoning Officer Cleve Matheson

Councilman Houston moved to go out of closed session. Councilman Orton seconded the motion, with all Council members voting in favor of the motion. The motion carried.

ADJOURN: Councilman Houston moved to adjourn the City Council meeting. Councilman Thayer seconded the motion. All Council members voted in favor of the motion. The meeting was adjourned at 8:05 p.m.



Donald G. Landes, Mayor



Callie Bassett, City Recorder
Approved 8-27-15