

**PAROWAN CITY COUNCIL MEETING
AUGUST 11, 2016
PAROWAN CITY OFFICES, 35 E. 100 N., 6:00 P.M.**

MEMBERS PRESENT: Mayor Landes, City Councilmembers Alan Adams, Ben Johnson, Jay Orton, and Steve Thayer, City Attorney Justin Wayment, City Manager Joshua Jones, City Recorder Callie Bassett

MEMBERS ABSENT: Councilmember Vickie Hicks

PUBLIC PRESENT: Chuck and Dottie Stade, Vern Fridley, Jared Burton, Pat Kehrer, Emily Johnson, Pat Wall

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

OPENING CEREMONIES/THOUGHT/ PRAYER – Councilman Ben Johnson:
Councilman Johnson offered the invocation. He then led the Council and the public in the pledge of allegiance.

DOES ANYONE HAVE ANY CONFLICTS OR PERSONAL INTEREST IN ANY MATTER ON THE AGENDA WHICH NEEDS TO BE DECLARED? Councilman Johnson said he has a conflict with the agenda item regarding Upper Limit Aviation. Mr. Johnson works at SUU, and SUU is currently tied to Upper Limit Aviation.

PUBLIC HEARING

PAROWAN IMPLEMENTATION STUDY – CIB GRANT:

Mayor Landes said, as has been discussed in the past, Parowan City has an application in to CIB to help fund the Strategic Plan for Parowan City. This is a matching grant, and Mayor Landes explained that Parowan's 50% portion will be paid from the General Fund. This has been budgeted for. He said if we are unable to get the grant this year from the CIB, the Strategic Plan will most likely need to be postponed another year so the City can put that in next year's budget.

Mayor Landes explained that the Strategic Plan is very important. The General Plan was done in house and it needs to be tweaked a little. This strategic plan will do this. It will also help the City plan for growth. Mayor Landes said that the City needs growth. He said we are not interested in explosive growth, but in well- managed, consistent growth.

There were no comments from the public.

Mayor Landes closed the public hearing.

CONSENT AGENDA

**APPROVAL OF MINTUES (JULY 28, 2016 CITY COUNCIL MEETING)
PURCHASE ORDERS/WARRANT REGISTER**

Consent Agenda Continued

APPROVAL OF AIRPORT BOARD MEMBER – PAT WALL

Councilmember Thayer moved to approve the consent agenda. Councilmember Orton seconded the motion. Councilmember Thayer had several questions regarding the warrant register that were answered to his satisfaction. Councilmember Adams asked who Mr. Pat Wall is. Mr. Wall was in the audience, and Mayor Landes introduced him to the Council. Mayor Landes said Mr. Wall is a hangar owner and pilot, and he fits in well with the board. He said he is looking forward to working with him.

Hearing no further discussion, all Councilmembers voted in favor of the motion. The motion carried.

PO# 967 Ken Garff Ford \$48,000.00

ACTION MEETING

No items.

WORK MEETING

TERMINATION OF UPPER LIMIT AVIATION CONTRACT – Mayor Landes:

Mayor Landes explained that Southern Utah University is in the process of acquiring all of the activities that Upper Limit Aviation (ULA) has had in the past. ULA is terminating their relationship with the university as well as their contract with Parowan City.

At the time ULA sent Parowan City the notice that they were terminating their contract, they were behind in their payments to Parowan City. The City was concerned about protecting its inventory. ULA contacted the City and paid for the two months they were behind and for the three months left on their contract. The check was received Monday. This matter is settled.

Mayor Landes said he would like to sit down with the university and see what can be worked out with them. Councilmember Johnson said he has had some initial conversations with them. He said the university does not have fuel trucks. They do want to talk with the City and have a conversation about using the fuel at the airport.

Councilmember Johnson asked if it is really to the City's benefit to have them fuel up at the airport. Mayor Landes said it is. When the helicopters fuel up, they have to land. The more landings at the airport, the more revenue the airport receives from the FAA. Losing the contract with ULA puts a big hole in our revenue budget. Councilman Johnson said the university knows the City has made an investment in the fuel at the airport. They want to be a good neighbor and come up with a good solution

OPEN MEETING TRAINING – ATTORNEY JUSTIN WAYMENT:

Attorney Wayment said he is doing this training because the law requires that the City Council be updated annually on the Open and Public Meetings Act. He said we should understand the policies behind the open meeting laws and why they take effect.

Utah State Code Title 52, Chapter 4, Section 102, states the following:

“(1) The Legislature finds and declares that the state, its agencies, and its political subdivisions, exist to aid in the conduct of the people’s business.

- (2) It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
- (a) take their actions openly; and
 - (b) conduct their deliberations openly.”

Attorney Wayment stated that the City Council is here for the people, and they are doing the people’s business. They aren’t doing their own business, they are doing the people’s business. Therefore, all business needs to be done in the open. It is the presiding officer’s duty, in the City’s case Mayor Landes, to make sure that the public body is provided with annual training on the requirements of the Open and Public Meetings Act.

Mr. Wayment said procedural due process, a clause in the 14th Amendment to the United States Constitution, is the process of making decisions, giving notice and the opportunity to be heard by the public, and in orderly proceedings where a person has the right to voice their opinion. This is the whole purpose of procedural due process. With this in mind, Attorney Wayment discussed the definition of a meeting.

Mr. Wayment said that sometimes people panic about meetings because a quorum (three Council members) will show up at an event, and “Oh! Are we having a meeting?!” This is not a meeting. The State statute defines a meeting as a quorum present *with the purpose to hold a meeting*.

Mr. Wayment said the next question he gets is “Can I talk about City business when I’m not at City Council?” Yes. Council members have a right to discuss City business. In chance meetings, they are not there to make decisions, they have the right to talk about whatever they want, and they have the right to talk about it between each other. You are not there for a meeting.

Mr. Wayment said the reality is the Court is going to look at the intent. If three Councilmembers are at a wedding, and they sit down and say let’s have a meeting and talk about City business and decide what they are going to do and how they are going to go about it, *that is a problem. You don’t do that. You don’t get together to decide how to vote on something.*

Regarding the location of a meeting, Mr. Wayment said he learned something he didn’t know. He said a lot of times Council will want to have a work shop or a retreat away from the Council Chambers where they can have food and eat and really bash things out for a day. He said this is fine, but you cannot do it on a regular meeting day. If you have a work shop on a regular meeting day, it must be done in the regular meeting location, in other words, the Council Chamber in the City Office Building. If it is held on a different day, you can go elsewhere. He said he wasn’t sure why the law is that way, but that’s what it says. The law also recommends that these workshops or retreats be held in the county the Council is seated in. Workshops are still open meetings. The public is welcome to attend.

Noticing for a meeting must be done 24 hours before the meeting. Emergency meetings can be held, and reasonable notice must be given (notice posted as soon as possible.)

Mr. Wayment said that first off, there must be a 2/3 vote to go into meeting. There must be a quorum present. If there are only three members present they must give unanimous consent to go into the meeting.

Mr. Wayment gave the “CANS” of Closed Meetings. Closed meetings can be held for:

- discussion of the character, professional competence, or physical or mental health of an individual;
- strategy sessions to discuss collective bargaining;
- strategy sessions to discuss pending or reasonably imminent litigation;
- strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares;
- strategy sessions to discuss the sale of real property, including any form of a water right or water shares.

The “CANNOTS” of Closed Meetings include:

- motions cannot be made in a closed meeting;
- cannot pass an ordinance, regulation, or rule;
- cannot discuss how to vote on an agenda item;
- no discussions off topic.

Other open meeting requirements include taking minutes when site visits are made, documents must be made available for the public to view, and conflicts of interests must be declared at every meeting. A Council Member can still vote if a conflict is disclosed as long as they are not personally or financially involved and as long as the conflict does not affect the ability to make a decision.

If something is done inappropriately in a meeting (especially a closed session), the general public has 90 days to sue to undo the action. There are 30 days on a bond to correct a decision. Improper decisions are voidable. ***If you blatantly and deliberately violate the closed meeting laws, it is technically a Class B misdemeanor and you can be charged criminally.***

Mr. Wayment talked for a few minutes about George Washington, the most dominant military figure that ever served in our country. He is probably the most famous American and is hailed as the father of this country. He read this: “He was first in war, first in peace, and first in the hearts of his countrymen.”

The Washington Monument is the most prominent thing that can be seen in Washington D.C. The obelisk was built for \$1 million dollars. Today, that would be about \$26 million. To build it, they took marble and granite from every state in the United States to show unity. It is an ancient symbol of sun worship because the sun is the giver of life, and its context is basically a symbol of the reproductive significance of America and how it would grow.

Attorney Wayment said that you've got to understand George Washington. George Washington hated the Constitution of the United States. He thought it was a horrible document. He thought it was a document that was not well conceived, but it was the best they had. He wasn't pleased with it, but he accepted it and moved on.

Mr. Wayment asked what this has to do with Parowan City. He said the whole purpose of the obelisk was to show that the United States was brought about by its time and its talent. Each Councilmember serves Parowan City with their time and talents. Each Councilmember brings something unique to this council. Each one has different objectives, different plans, and different goals. But when the Council comes together, they make a final decision. This takes us back to George Washington. He took something from every state to build a monument. Parowan City Council is building a monument. He said their places in history are secure for at least the next 100 years because of this City Office building.

Mr. Wayment asked the Council to remember this: George Washington was a very proud man. In the middle of the Yorktown battle, he was fighting the British who sat in their homes. Circumstances were grim. When he finally won and Cornwallis surrendered Yorktown, Cornwallis claimed that he was too sick to surrender and he sent his associate out to surrender and deliver the sword. George Washington was so proud that he refused to take the sword and told the man to give the sword to his deputy. However, even then, he never denigrated Cornwallis once.

Mr. Wayment said that Parowan's City Council may not always agree on a position. Mr. Wayment said his hope is that the Council members can disagree, but when they walk out the door they should never say anything bad about each other. Once a decision is made, it is made, and it shouldn't be discussed in public afterwards. George Washington was actually insulted when Cornwallis wouldn't come out, but he had two choices, and he decided to move on. Another lesson learned from George Washington is that he always stood his ground for honor, but he accepted defeat even when he didn't necessarily agree with them.

The last thing Mr. Wayment expressed to the Council is that ***you do not discuss what is talked about in closed session outside of closed session.*** They are confidential meetings. He said this because he wants the audience to know and understand as much as the Council that ***it is a crime to discuss what is said in a closed session.***

Mr. Wayment added one last thought. He asked what the difference between George Washington and Benedict Arnold was. He said the difference was their wives. Both men had the same view on the Constitution, but Martha wouldn't but up with any garbage from George and set him straight. Benedict Arnold's wife, on the other hand, was enamored with the high life, and she pushed him into doing what he did.

MEMBER REPORTS:

Councilman Thayer reported that in the Water Board meeting Mr. Kelly Stones said that the Yankee is down 9 feet. It was only down 7 feet last year at this time. He said the new well has a startup date of August 23rd. When a well sits like that there will be a little bit of rust and sediment at the beginning.

Councilman Thayer also reported on the Theater Board. Mr. Steve Decker is going to direct "Poe's Midnight Dreary". Mr. Michael Cox will be the producer. Auditions will be held August 17-18. The show will be in October. Councilmember Thayer would like to be in charge of finding a solution to the Connex box problem. He would like to find a way to have a permanent structure alongside the theater that won't interfere with Barber J's.

Councilman Thayer said he attended the Iron County Home Builders meeting. He was asked to represent Parowan City. He reported on building permits in county. He also attended the Chamber of Commerce meeting. Brian Head wants to participate in Parowan's chamber. He reported that the Iron County Fair has added about 750 seats to the arena. He said Mr. Michael Fletcher is doing a solar farm. The Chamber would like the Council to look more at having beer gardens at special events.

Councilman Orton reported that he was unable to attend the Airport Board meeting.

Councilman Adams said he spoke with Mr. Kelly Stones about the roads. Mr. Stones said they are hoping to get started in August. The contractor isn't available until after Labor Day. He reported that they are fixing the break at the Hydro plant. They are still unsure where the blame for this lies.

Councilman Johnson said first off that it is too late to begin the roads. He said it frustrates that we missed that, we should have been way out ahead of the game. He said if we haven't got RFP's and contracts out in February or March, we're not going to get anybody to do our roads all summer long. He said we should be able to give our citizens a date in February or March when our roads are going to be done in the summer. We are now simply at the mercy of whoever is doing it. Councilman Johnson said while he is on roads that the City purchased a crack seal machine. He has yet to see a crack sealed. Councilman Adams said that they are supposed to do crack seals when it is cooler weather. Councilman Johnson said this should be a number one priority.

Councilman Johnson reported that the Economic Development Committee is evaluating specific areas of town, currently the historical district. He asked Attorney Wayment if there can be economic incentives for specific areas of town. Mr. Wayment said he didn't know and will have to look into that, but his gut feeling is yes. He thinks you can characterize what you want to happen in a certain district.

Councilman Johnson also reported that we had a fantastic year last year with our Youth Council. School is getting ready to start back up and it is time to select a new Youth Council for the 2016-17 school year. He said we need to get some information out to the students at back to school night. We need to get the applications out and set a time for when they are due.

Finally, to comment on alcohol, Councilman Johnson said it will have an impact on Parowan to lose some of these events, but he asked what is really being lost by losing those events. He said we have to bring something in that is a little more oriented towards Parowan.

PUBLIC COMMENT:

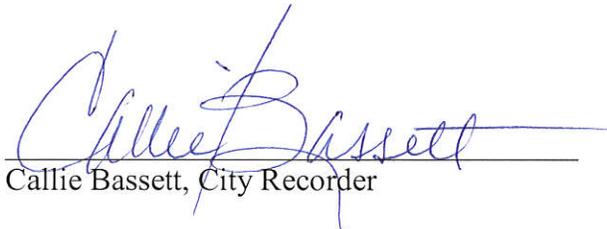
Mrs. Pat Kehrer said she thought 600 West was going to be chipped sealed. Then she read in a newsletter it would be done if there is enough money. Councilman Adams said that Center Street at 600 West is the worst and is in the plan. Mrs. Kehrer said she noticed some of the fees on the utility bill went up and she felt she hadn't been informed. She asked why we can't use the pressurized irrigation to water every day. She asked why the schedule is changed every year. The Council said that Saturday watering is desirable for people who have to move hoses.

ADJOURN:

Councilman Orton moved to adjourn the meeting. Councilman Johnson seconded the motion. All Councilmembers voted in favor of the motion. The meeting adjourned at 7:11 p.m.



Donald G. Landes, Mayor



Callie Bassett, City Recorder