

**PAROWAN CITY COUNCIL MEETING  
SEPTEMBER 22, 2016  
PAROWAN CITY OFFICES, 35 E. 100 N., 6:00 P.M.**

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

**MEMBERS ABSENT:** None

**PUBLIC PRESENT:** Chuck and Dottie Stade, Alice Heidenreich, Jesse Ralphs, Chuck Harris, Jerry and Diane Bixman, Taylor Robb, Katie Lister, Jet Smith, Donald Munn, Joanne Lyman (5 Co. AOG), Bob Whitelaw, Amy Johnson, Emily Johnson, Jay Wilcken, Shelley Porter, Kevin and Joleen McClellan, Shane Williamson, Jason Green, Brian I., Ken Carpenter (PPD), Hali Adams, Heather Shurtleff

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

**OPENING CEREMONIES/ PLEDGE OF ALLEGIANCE – COUNCILWOMAN VICKIE HICKS:** Councilwoman Hicks gave a little thought about practicing the pause. She offered the invocation and then led the Council and the 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?** Councilman Adams declared a possible conflict with Center Creek Hydro because the farmers are involved with this.

**CONSENT MEETING**

**APPROVAL OF MINUTES (September 8<sup>th</sup>, 2016 City Council Meeting)  
PURCHASE ORDERS/WARRANT REGISTER  
WESTFALL LOT SPLIT – HWY 143 (Minor Lot Subdivision)**

*Councilman Thayer moved to approve the consent agenda. Councilwoman Hicks seconded the motion.*

Councilman Orton asked for a reminder on the Westfall Lot Split. Councilwoman Hicks reminded the Council that this is a piece of property that crosses Highway 143. The owners want to divide it into two lots. This has been approved by the Planning and Zoning Board.

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

**ACTION MEETING**

**COMMERCIAL IMPACT FEE RESOLUTION 2016-09-01:**

***Councilman Ben Johnson moved to approve Commercial Impact Fee Resolution 2016-09-01. Councilman Adams seconded the motion.***

There was no discussion on the topic.

A roll call vote was taken as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Steve Thayer	X			
Jay Orton	X			
Vickie Hicks	X			
Alan Adams	X			
Ben Johnson	X			

***All Councilmembers voted in favor of the motion. Resolution 2016-09-01 was approved.***

**PAROWAN CITY YOUTH COUNCIL – COUNCILMAN JOHNSON:**

Councilman Johnson explained that in the Council Packet is a list of the kids that have been approved for the Parowan Youth City Council. Shelby Townsend has been elected by the Youth Council to serve as Mayor for the 2016-17 school year. The Youth Council will be sworn in at the next Council meeting.

***Councilman Johnson moved to accept and welcome this year’s Youth Council. Councilman Thayer seconded the motion.***

Mayor Landes said they are looking forward to working with the Youth Council and taking them to the Day at the Legislature. Councilwoman Hicks added that at the ULCT conference she was able to attend an Association of Youth Councils (AOYC) workshop.

***All Councilmembers voted in favor of the motion. The motion carried.***

**\$10,000 INCREASE IN CENTER CREEK HYDRO BUDGET AND CONSIDERATION OF ADDITIONAL WORK TO BE PERFORMED – SUNRISE ENGINEERING, JESSE RALPHS:**

Mr. Ralphs gave an overview of the project budget. He said they are not increasing the budget on the project. As a status on the project, they are pretty close to wrapping up the contracts with CHEC and Precision Pipe. There is currently a \$71,000 contingency. This is how much we are under budget on the project. At the end of the project, if this money isn’t used, it is rolled into paying off last year’s payment on the loan with the Board of Water Resources.

Mr. Ralphs said that Mr. Von Mellor asked him to give a brief update on the bypass line failure that occurred in July. The cause of this incident was failure at a 45 degree bend in the pipe and its restraint. Those sections of pipe that failed were cut out and sent to the pipe manufacturer and the restraint manufacturer for investigation and experimentation. The manufacturers are pointing fingers at each other.

Mr. Ralphs said they met with the contractor, Precision Pipe, and the equipment supplier, Fergusons, and discussed that between the two of them we would like them to take care of this – resupply the parts, provide the labor, etc. They will absolutely take care of this and will take care of the resolution with their suppliers. Because this was a bypass line, the hydro plant itself never went down.

Mr. Ralphs said that while they were out on the site, Precision Pipe asked if the City wants to put in thrust blocks. This would offer extra peace of mind. Mr. Ralphs said Mr. Mellor is in favor of doing this. He said Mr. Josh Jones asked that this be discussed with the Council to see if they would be in favor of this. This would be the only additional cost to the City in putting the pipeline back together. Mr. Ralphs said they don't have a price on this yet.

Councilman Adams said it makes perfect sense to do this to have that peace of mind. He recommended they move forward with the thrust blocks. Mr. Ralphs suggested, since they don't have the costs at this time, the Council approve up to a certain dollar amount, say \$4,000, and as long as the actual costs are under that, the Mayor could sign for that and they could get moving on it. The Council seemed to be in agreement that they should move forward with the thrust blocks.

Mr. Ralphs addressed Sunrise's construction services contract. He said they work on a time and materials basis. They were at the end of the budget they had left at the end of July. They asked if the City would like them to continue to provide the services that they had been providing. In the interim Mr. Mellor indicated that yes, he would like them to. Mr. Ralphs is asking that the City increase the budget on construction services to compensate them for the work done from August 1<sup>st</sup> and to close out the contracts with the two contractors and continuing to help with the resolution on the bypass line. The overall budget will still come in under budget.

Mr. Ralphs said there is one other item that has been in discussions between Mr. Mellor, Mr. Kelly Stones, and the Reservoir Company. That is putting in a screen at the diversion structure. There were some different ideas discussed, but nothing was ever finalized. Mr. Ralphs said the proposed \$10K gives them a little bit of leeway to include this. He does not think it will cost this much.

There was some discussion about the screen, how to clean it, and how it works.

Councilman Orton asked, going back to the bypass line, why the restraints and thrust blocks weren't put in to begin with. He asked if this was an oversight. Mr. Ralphs said that restraints and thrust blocks serve the same purpose. In the industry right now, it is standard practice to do one or the other. He said there has been so much faith put in these restraints that from a design standpoint it is over kill to do both. No one had ever seen what happened to the bypass line happen before. Now they know it can happen. But it is not considered an industry design standard to do both. It was not an oversight.

Councilman Johnson said with the \$10,000 increase he is asking for, the City wouldn't be there if we didn't have these failures. He said while Precision Pipe is paying for the materials, labor, and the flooding of the home, the City is still paying Sunrise Engineering for the design on this.

He said that is concerning for him. He would like to see Precision pay for the full cost of the failure, including Sunrise's costs. He said he doesn't have any problem putting in the thrust blocks and paying for the design on that, as well as the screen at the diversion structure and paying for the design on that. But he does have a problem paying for design fees to the project that are not value added. He feels that failure on another party's part should be their responsibility.

***Councilman Johnson moved to approve up to \$10,000.00 the contract extension with Sunrise Engineering, but have Precision Pipe reimburse the City for the expense associated with the bypass line. Councilman Adams seconded the motion.***

Mr. Ralphs said they tracked their time separately for the bypass line failure, so it is not a problem to show what that is and communicate that to Precision that it is part of the costs.

Councilman Orton asked if there is a breakdown of where the additional approved \$30,000 was spent. Mr. Ralphs said he sent this to Mr. Jones a few weeks ago, tracking the hours and costs from January 1<sup>st</sup> to the end of July. Mr. Ralphs reiterated that when they work on something they make sure that it has been approved and requested, and the hours are tracked.

***Mayor Landes called for a vote on the motion. The vote was as follows:***

***AYES – 4***

Councilmember Thayer

Councilmember Hicks

Councilmember Adams

Councilmember Johnson

***NO – 1***

Councilmember Orton

***The motion carried.***

## **WORK MEETING**

### **SENIOR CORPS PROGRAMS – JOANNE LYMAN, FIVE COUNTY AOG:**

Ms. Joanne Lyman explained the Senior Companion and Foster Grandparent Programs:

- Federal program found all over the United States
- Must have a sponsor ( Five County AOG)
- There are 5 programs in Utah
- "Volunteers" get paid (\$2.65/hr), mile reimbursement (\$.35/hr), and meal reimbursement (\$1.75)

Foster Grandparents go to schools and help with reading and math. They work with high risk students. The Senior Companion program is seniors serving seniors. They take them shopping, help them run essential errands and take them to their appointments. Most of the seniors served don't drive anymore. They also provide respite care, so loved ones can take care of their errands.

There are no foster grandparents in Parowan. There are 2 senior companions – Norma Baker (who has 4 clients in Parowan), and Barbara Blackburn (who has 6 clients). They serve 20 hours/week.

Mrs. Lyman is going to the cities where there are volunteers and clients and asking for money to help run the program. She is asking for \$500/year. She has to come up with \$10,000 to help with the grant.

Councilman Thayer asked about income eligibility for volunteers. Ms. Lyman said you must be lower income to be a paid volunteer. Over income people can do it for free, but they would rather hire the low income seniors.

Mayor Landes thinks the City can find \$500 in the budget. *This item will be moved to action.*

**DEPARTMENT REPORT – KEN CARPENTER:**

Chief Carpenter handed out a report of year to date statistics to the Council. He went over the last page first, which were statistics from the last 6 months in Paragonah. There have been 15 reports, which is right on target with what the Iron County Sheriff's Department had reported in the same amount of time. This is right in line with what was expected.

Councilman Johnson asked how things are working out with Paragonah. Chief Carpenter said it is working well and hasn't been a problem at all. He thinks it has been very beneficial for Paragonah since the Parowan PD is much closer in proximity than the Iron County Sheriff's Department.

Councilman Orton asked if there have been any feedback or comments from Paragonah. Chief Carpenter said the people are very happy. He said he thinks this is a win-win situation. Councilwoman Hicks asked if they are working traffic out there as well. The Chief said not very much, it is very minimal.

Chief Carpenter reported that in Parowan there have been 590 reports to date. They are ahead of last year's statistics. They become busier and busier every year, and he feels that it is because of traffic flow and things that come off of the freeway. He said there have been 95 medical assists. He said having his officers become EMT certified has been a big benefit to the community. He said animal issues are still one of the largest problems in Parowan.

Parowan has four full time officers. Sgt. Mike Berg is the school resource officer. Mayor Landes asked if this is creating a burden on our police force. Chief Carpenter responded that they are trying to hire another officer so it has been a little bit of a burden in the meantime. Sgt. Berg comes out of the school when needed to give assistance. He has been a huge benefit to the department.

Chief Carpenter said that part of the problem in finding a fifth officer is finding someone qualified at the wage we are offering. He said he talked about this several months ago. The way the legislature has changed the retirement plan for the state has killed law enforcement. The solution that a lot of the larger agencies, especially along the Wasatch Front, have found is to raise their wages and steal officers from rural agencies. He said the Cedar PD has stolen away potential officers for Parowan with higher wages.

Councilwoman Hicks asked Chief Carpenter to explain for the audience what has been done to the retirement system. Chief Carpenter explained that they used to be on what was called the Tier 1 retirement system. This system was a 50% retirement at 20 years. Now the State has changed that to a Tier 2 retirement, which is a 35% retirement at 25 years. The old Tier 1 system also allowed double dipping.

For example, a Police Chief could retire at 20 years from the State and continue to work for the City for his normal wage, with no further contributions from the City to the retirement system. The State no longer allows this. So what is happening is all of the experience is leaving the state and going to work in other states. In his opinion, the state legislature was extremely short sighted in looking at how they were going to save money. In the long run, it is going to cost the state a lot of money because it is all being spent out of state and we are losing all of our experience. It also no longer allows you to go from one agency to another. An officer can no longer use his education to get a teaching certificate to teach. That is double dipping.

Mayor Landes expressed his appreciation to the Police Department and its officers. He said this is a tough situation and it is difficult in a small community with a small revenue base. He said he wishes there was a way we could find more money. Chief Carpenter said his officers understand the situation.

Chief Carpenter said they have been working hard against the war on drugs. They have made several arrests and recovered a lot of drugs. There is a lot of stuff out there. There is a lot of dangerous, dangerous stuff. They really want to spread the word about parental awareness.

Councilman Orton asked about any other legislation that might affect our department and budget. Chief Carpenter said that body worn cameras are going to be a large expense. He is looking into a company that stores video footage to the cloud and allows them to redact the video when necessary. This company also replaces tasers and cameras when there is a problem.

#### **EAGLE ROCK ROAD AGREEMENT:**

Mr. Steffensen couldn't be here tonight.

Mr. Jones gave a short history of this situation through a power point presentation.

Councilman Adams said they met with the County. The County is willing to chip seal the road from 200 South to Highway 91. Mr. Steffensen is willing to put up \$70,000. Councilman Adams said he needs to declare a conflict of interest because his trucks use those scales at the entrance to that road. He thinks that down the road the KB people will be building a hotel down the road. If so, the truck scales would go away.

Councilman Adams said that all of the roads we drive on in the county are triple sealed chip sealed roads. He said he understands that it is not holding to our road standards, but he feels good about the chip seal. He said they talked about the County doing some chip sealing for City in the future. He hopes to save some money in the future by doing this.

Councilman Johnson said he understands we have design standards and they have a purpose. He said this is a little bit of a unique situation. He would much rather see a chip sealed road than a dirt road. Councilman Orton pointed out that the City's portion of this road goes only from 200 South to the subdivision. The road past that belongs to the county.

Councilman Hicks said that her only concern is the continued maintenance on the road. She asked what triple seal coated meant. Mr. Shane Williamson explained what that meant and said that the life of the road will be about 7 years. Councilman Thayer asked if there is anyone else who could help pay for the road, like the people that use the scales.

Attorney Wayment said he will draft the agreement when the Council decides what they want. Attorney Wayment said they need two agreements - an inter-local agreement with the County, and an agreement with the developer waiving up to \$70,000 in impact fees.

There was a general concensus from the Council to waive the road standards for this project.

#### **COMMUNITY THEATER STORAGE SOLUTION:**

Councilman Thayer said the Theater Board is in need of storage for its props and scenery. Councilman Thayer has come up with some ideas for storage. Barber J and Chuck Harris have some ideas as well. The current Connex box needs to be moved. Councilman Thayer said he feels the best option is to build storage on the south side of the building, which will still leave parking space for Barber J behind his shop. He said the gas meter would have to be moved.

Councilman Johnson asked if he is building a new building or putting a connex building there. Councilman Thayer said it would be a new building. Councilman Johnson offered a solution to build on to the back of the theater.

Mr. Jason Green said that his contractor, Chuck Harris has offered a viable solution. He feels the most feasible and most accessible access is to the west.

Mayor Landes asked what the cost would be. Mr. Harris said he estimates \$18,000 to 20,000.

Ms. Katie Lister said she resents that no one cared about the back of the businesses until this came about. She feels that the side storage is the best idea because it will give everyone more parking. She resents that people are saying it is trashy back there because she pays for the trees to be trimmed and she pays for snow removal. She has moved her dumpsters 2 or 3 times to accommodate people. She and all of her employees park their cars at the park. She has two parking spaces behind her building.

There was more discussion about parking behind Barber J's.

Mr. Jay Wilken read a letter from Shelley Porter to the Council expressing the need for proper storage. Mr. Wilken recommended that the Council go and look at the spot and determine what would be best.

Mr. Jerry Bixman, President of the Theater Board, said he doesn't know what the solution is. He said there are a lot of things to consider when talking about what will be ideal for the theater. Mr. Bixman said that the things that aren't used all of the time could be stored off site.

The Council will take a field trip to look at the property before the next council meeting.

#### **ALCOHOL SALES AT SPECIAL EVENTS:**

Mr. Jones spoke with the Department of Alcoholic Beverage Control. He said allowing a vendor to get a special event beer license is issued at the consent of the City. Mayor Landes said we have heard the Chief speak on this and we are aware of his concerns. Councilman Orton said he feels it is up to the Council to make this work somehow safely and responsibly. He doesn't think it should be banned across the board.

Councilman Johnson said he is curious about the economic impact of this. He said we want to make sure that the events that come to Parowan are family friendly. He used Salina as a model. He said they have all kinds of events held in Salina. Councilman Johnson said he called them to see what their alcohol policy is. They do not allow alcohol at their events, and they are still very successful. He said having beer at our events puts too much pressure on our police staff and he wants our events to be family friendly.

Councilwoman Hicks said the City should come up with appropriate restrictions and put those in place, including the beer must be purchased here in town. She does not want to set a precedent that will somehow bite us down the road. Attorney Wayment said you can put those kind of restrictions in the ordinance, but you will never be able to monitor them.

Chief Carpenter expressed again that he does not have the resources to police these kinds of events.

Alice Heidenreich said there is a chain linked area at the fairgrounds that could be used for a beer garden area. She said that the law does not specify that the 1:50 ratio has to be a police officer. It can be a security officer provided by the event sponsor. Chief Carpenter said that these are held on City property and he will not relinquish his jurisdiction. Period.

Chief Carpenter also pointed out that we do not know what qualifications the security personnel have. He said those security personnel will have to turn problem citizens over to his officers to arrest, so his officers will be doing all of the work. Chief Carpenter said Parowan is short on personnel, but so is Cedar City and the Sheriff's office, so asking the vendor to pay for additional officers won't work because there aren't any. Chief Carpenter reiterated that they don't have the ability to do this effectively. He said the Council can pass whatever they want, but they will be putting an undo burden on their police department. He said it is unfair to ask his officers to work these overtime shifts when they are away from home as much time as they already are.

Bob Whitelaw said his family has decided to support events wherever they are. He said if events have alcohol, it does not affect his decision to go. He avoids those areas where people are drinking, but it is not a deterrent. He said as a resident, he does not have a problem with having alcohol at these events.

Mayor Landes said we have discussed this on both sides. He asked to take this to action. Councilman Orton asked what we will be taking to action. Mayor Landes said we will decide if we are going to do this or not.

### **MEMBER REPORTS:**

Councilman Thayer reported that:

- Mr. Cleve Matheson needs a dollar amount for water development. The Board recommends a \$2500 fee for acre foot of well for development.
- Mr. Kelly Stones is going to fire up the new well a month at a time, to make sure everything is going well.
- Pond needs to be dredged.
- October 15<sup>th</sup> will be the shut off day for pressurized irrigation.
- Chamber: Katie Lister is the rep from Parowan for the Southern Utah Chamber Coalition.
- There are some fun activities coming up:  
Spook alley October 25-29<sup>th</sup>.  
Hay Bales on Mainstreet to create a Scare Crow.  
Snowflake festival for kids in December

Mayor Landes said they need a new chairman for the water board.

Councilman Orton said he didn't have anything new to report. They are looking for someone to sit as chair on the TARP committee. Local artists would be a good option.

Councilwoman Hicks said she attended the ULCT conference and learned so much. She said sometime in the near future the City needs to address vacation rentals. They are the wave of the future. 93,000 rooms were rented last year. There is no way of knowing if these people have licenses or are paying lodging taxes.

Councilman Adams reported that the thing that stood out in his mind from the ULCT conference was the workshop on budgeting for outcomes. He said he hopes to keep this in mind as we go into budget hearings. Mr. Jones and Councilman Adam met with Mr. Cottam who wants to be a consultant on the roads. With the road study completed, they feel like we don't need a consultant right now. He would like to let Mr. Stones know earlier what his budget is going to be so he can get things in order. The county is going to help with chip sealing.

Councilman Johnson said he had a community member complain about city employees using company vehicles for personal use. He said the City has a fiduciary duty to make sure we are taking care of our property, so this needs to be looked at and addressed.

Mr. Jones mentioned the road tax. He said the counties received more than they should have. They are having a meeting in November to fix that.

Mayor Landes reported that at the ULCT conference he sat with the Mayor of Kaysville and his IT guy and they explained how they televise their council meetings. Everything is going

electronic. The cost for this video streaming equipment is between \$3-4 thousand dollars. They video tape the meeting and stream it live on YouTube. Streaming meetings gives an appearance of better transparency.

**PUBLIC COMMENT & DISCUSSION – TWO MINUTE LIMIT EACH:**

Bob Whitelaw thanked Alice Heidenreich and her crew at the pool. He said they do a fantastic job for these kids that can go almost every day and swim. He wishes the pool was utilized more. He would like to see better communication with family pass holders. He also thanked Jet Smith for all of the events in town.

Alice Heidenreich said this was the best summer ever at the pool.

**ADJOURN:**

Councilman Orton moved to adjourn the meeting. Councilwoman Hicks seconded the motion. All Councilmembers voted in favor of the motion. The meeting adjourned at 9:06 p.m.

  
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Alan Adams, Mayor Pro Tempore

  
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Callie Bassett, City Recorder  
Approved:10-13-16