

# ***PAROWAN CITY COUNCIL MEETING MINUTES***

*June 14<sup>th</sup>, 2018 – 6:00 P.M.*

***PAROWAN CITY COUNCIL CHAMBERS  
35 E. 100 N., PAROWAN, UT 84761***

**PRESENT:**

Preston B. Griffiths	Mayor
Alan Adams	Council Member
Jim Harris	Council Member
Vickie Hicks	Council Member
Jim Shurtleff	Council Member
Patti Vesely	Council Member

**CITY STAFF PRESENT:**

Justin Wayment	City Attorney
David C. Matheson	City Manager
Ken Carpenter	Police Chief
Callie Bassett	City Recorder
Judy Schiers	City Treasurer
Stacy Gale	Deputy City Treasurer
Heather Shurtleff	Deputy City Recorder
Kelly Stones	Public Works Superintendent

**PUBLIC PRESENT:**

See Attached Sign-In Sheet

**CALL TO ORDER:**

The Parowan City Council convened in a Regular City Council Meeting on Thursday, June 14th, 2018, in the Parowan City Council Chambers. Mayor Griffiths called the meeting to order at 6:00 p.m.

**OPENING CEREMONIES/PLEDGE OF ALLEGIANCE:**

Councilmemeber Alan Adams was invited to offer the invocation. He then led the Council and the public in the pledge of allegiance.

**DECLARATION OF CONFLICT WITH OR PERSONAL INTEREST IN ANY AGENDA ITEMS:**

No conflicts were declared.

PUBLIC COMMENT AND DISCUSSION – TWO MINUTE LIMIT EACH:

Carol Cable respectfully requested that the Council bypass having fireworks this year due to the extreme dryness and lack of water. She also announced that the 4<sup>th</sup> of July parade will go on as usual and will start at 10:00 a.m. The theme is “Small Town, Big Heart.”

**CONSENT MEETING**

1. APPROVAL OF MINUTES FROM MAY 24<sup>TH</sup> CITY COUNCIL MEETING
2. WARRANT REGISTER/PURCHASE ORDERS
3. FY 2017-18 WRITE OFFS

**ACTION. Councilmember Hicks moved to approve the consent agenda as presented. Councilmember Shurtleff seconded the motion.**

**DISCUSSION.** There was a brief discussion regarding the write offs. Councilmember Adams asked how much effort is made to get payment from those who haven't paid. Mr. Matheson explained that these accounts have gone to collection, but they need to be taken off the books. Mrs. Judy Schiers explained that delinquent accounts are kept on the books for two years. After two years, they continue trying to collect, but remove the accounts from the books.

**VOTING. All Councilmembers voted in favor of the motion. The motion passed unanimously.**

**ACTION MEETING**

4. APPROVAL OF IRON COUNTY FAIR BUSINESS LICENSE FOR SPECIAL EVENT BEER LICENSE PERMIT – JOYCE EVANS:

Mrs. Joyce Evans said she is applying for the annual beer license for the fair. She said the fair doesn't make a lot of money on their beer sales, but people are going to drink. You can't stop them. By selling beer in this way, consumers have shown their ID. If they haven't been ID'd and are drinking, the police can ask them to leave the event. It gives them more control over the alcoholic beverage consumption.

Councilman Adams asked why the County has to have the City approve their application. Mr. Matheson said it is a state requirement to have City approval in order to receive their license from the State. Councilman Adams said that the City ordinance requires a beer garden and asked why the fair doesn't have to. Mrs. Evans explained that they do in the sense that they are required to have fair personnel for every 100 people. Mrs. Evans utilizes all of the Iron County Sheriff's department, all of the VIPS, all of Search and Rescue, all of the ticket takers, and all of the fair staff. They watch over the crowd and if there are any problems, the individual or individuals are removed.

Councilmember Vesely asked if Parowan City Police are required to be there according to our ordinance. Chief Carpenter said not at this event. Because it is a county event, the Sheriff's office

supplies coverage. Parowan PD still patrols through the fair periodically, but it is an Iron County event and the Sheriff's department takes care of the law enforcement and security.

**ACTION. Councilmember Hicks moved to approve the Iron County Fair Business License for Special Event Beer License Permit. Councilmember Harris seconded the motion.**

**VOTING. All Councilmembers voted in favor of the motion. The motion passed unanimously.**

5. ADOPTION OF FY17-18 BUDGET AMENDMENTS:

Mr. Matheson explained that this was the budget that went through the public hearing last meeting. None of the numbers have changed. This would be the time to discuss changes.

**ACTION. Councilmember Hicks moved to approve the adoption of the FY17-18 Budget Amendments. Councilmember Vesely seconded the motion.**

**VOTING. All Councilmembers voted in favor of the motion. The motion passed unanimously.**

6. ADOPTION OF CERTIFIED TAX RATE – RESOLUTION 2018-06-01:

Mrs. Bassett explained that every year the Council approves the certified tax rate that is approved by the County Auditor.

**ACTION. Councilmember Harris moved to adopt the certified tax rate – Resolution 2018-06-01. Councilmember Shurtleff seconded the motion.**

**VOTING. A roll call vote was taken as follows:**

	AYE	NAY	ABSTAIN
Councilmember Shurtleff	X		
Councilmember Vesely	X		
Councilmember Harris	X		
Councilmember Adams	X		
Councilmember Hicks	X		

**All Councilmembers voted in favor of the motion. Resolution 2018-06-01 was approved.**

7. FISCAL YEAR 2018-19 FEE SCHEDULE – RESOLUTION 2018-06-02:

Mr. Matheson explained that the fee schedule is also something that is approved annually. He said there were only 3 or 4 changes made to last year's fee schedule. These include changes to the dispatch fee, the charge for a bidirectional meter (in anticipation of a solar power ordinance), the fee for all trash receptacles will be \$10.99, and some of the fees for heavy equipment usage.

Councilmember Adams brought up the swimming pool fees that were passed earlier. He said there have been some individuals who have approached him upset about the non-resident pool fees. He suggested the residents of Paragonah, Summit and Brian Head should be considered residents for pool usage only.

**ACTION. Councilmember Adams moved to approve fee schedule as it stands with the exception that we allow Paragonah, Summit, and Brian Head to be residents as it applies to a season pass at the swimming pool. Councilmember Vesely seconded the motion.**

**DISCUSSION:** Councilmember Hicks argued against Councilmember Adams motion. She said that Paragonah residents do not pay property taxes in Parowan, and that is where the money comes from to operate the swimming pool. She pointed out that for the past two years everyone has agreed that the City’s amenities should be self-sustaining. She researched pool fees in surrounding cities and found that our fees are much lower.

Councilmember Harris agreed with Councilmember Hicks. He said we really need to think about this. He said it is wrong to subsidize the pool any more than we already do. He feels we should leave the fees as they are.

**VOTING. A roll call vote was taken as follows:**

	AYE	NAY	ABSTAIN
<b>Councilmember Shurtleff</b>	X		
<b>Councilmember Vesely</b>	X		
<b>Councilmember Harris</b>		X	
<b>Councilmember Adams</b>	X		
<b>Councilmember Hicks</b>		X	

**The majority vote was in favor of the motion. Resolution 2018-06-02 was approved.**

The Council also agreed that money should be refunded to those who have already purchased season passes.

**WORK MEETING**

- 8. **FIREWORKS DISCUSSION:** Chief David Schiers was supposed to be here to discuss this, but he was called out on a fire in Brian Head.

Attorney Wayment explained that HB38 was passed this year and just came into effect. This bill deals with fireworks restrictions. He said this was very poorly written. He said the way this bill was written is municipalities are supposed to allow fireworks. If you do not want to allow fireworks in an area, you have to identify this area by restriction and state that you are not allowing fireworks in that area. He said it would be so much easier for a municipality to say where you can light off fireworks. Instead, you have to state where they cannot be lit off. If it is a permanent place that you cannot light off fireworks, then you have to submit a map to the County by May 1<sup>st</sup>,

to let the County know where you are not allowing fireworks. Notice must be given to the public where fireworks are not allowed.

Attorney Wayment said this law isn't meant to address what Parowan City is facing. Our park lawns and residential lawns are burning up. He suggested the Council designate the whole city as a restricted area due to extreme hazardous conditions.

The Council agreed that fireworks should be banned this year because of the extreme conditions. They also felt that the City's fireworks should not be set off. They feel this is a huge safety concern for the City.

The Council will convene in a special meeting on Tuesday, June 19<sup>th</sup>, at 3 p.m. to discuss a resolution banning fireworks.

## 9. CITY COUNCIL/MAYOR/CITY MANAGER REPORTS

**Councilmember Shurtleff** – No report this evening.

**Councilmember Vesely** – The theater board is investigating a storage structure. This will be off site, away from theater. They agreed this would be fine as long as they have the space that they need. Denver Leigh is the new maintenance employee taking care of the theater. She said the cleanliness has greatly improved. Councilmember Vesely reported that there have been people calling the Shade Tree Committee asking for replacement trees for trees that have died. This will be done in the fall. They are also looking into using the Fire Dept. water truck to water trees at Meeks pond.

**Councilmember Harris** – Councilmember Harris attended the ribbon cutting in Panguitch for the Patchwork Parkway. He said it was very nice. They talked about the national scenic byways of which Hwy 143 is one. They discussed how Brian Head, Parowan, Paragonah, Panguitch, and Cedar City are working together to bring tourism to the area. He was glad he went. Parowan received some good PR. Nancy Dalton was in charge, and she has done an amazing job.

**Councilmember Adams** – No report this evening.

**Councilmember Hicks** – No report this evening. However, Larry Zajac attended the Planning and Zoning meeting and asked him to report. Mr. Zajac said they are still working on the General Plan for the City. They are on the second revision of table of contents. He has been sick, so he hasn't done a lot during the past two weeks, but there should be more progress before the next meeting. Susan Sepe has stepped up and is taking on the Heritage Section.

**Mr. Matheson** – Mr. Matheson reported on the Forebay. There is a big hole in the ground. They have removed in excess of 9,000 cubic yards of sediment. The pond is now approximately 4 ft. deeper than it was to accommodate the sluice that will be put in. They have installed the pipes and are now working on the repairs to the penstock. They will be starting on the outlet structures next



week. FERC had a problem with a berm of dirt being identified as a coffer dam. That issue has been remedied, as have all other issues.

Councilmember Adams asked why the head gate is on the outside of the diversion structure. Mr. Matheson said the reason is because when the gate was on the inside, they were unable to open it. Councilmember Adams said someone had complained because it was leaking water. He said it is better to lose a little water into the creek instead of not being able to open it when needed.

Attorney Justin Wayment reported that he has done some research over the past two weeks in regards to the flood channel and there is no way that they can get eminent domain action done in time if someone is not voluntarily willing to give the City an easement. The process is too long. He said he hopes to have all names of all the owners of every parcel of property along flood channel. The City may have to come up with funds from its own coffers to dig up or through some of the properties of owners we cannot contact. We can't use any of the grant money to widen or expand the channel on land that the city doesn't own, possess, have control over, or have permission to dig on. He knows of one owner that we are not going to be able to get a hold of because they don't live in the United States. We may have to do what is called an inverse condemnation action at the City's own risk. What that means is you dig through the property without permission, then pay the fair market value if the property owner files a law suit within 4 years.


Mr. Matheson said he received a request from Mr. Joe Spencer who is representing a grant from the West Desert Pipeline Project, Iron County Water Conservancy District. He is looking for a letter of support for this project. The project is to bring water from Pine Valley and Wah Wah Valley back in to help recharge the aquifer in the Cedar Valley area. This does not obligate Parowan City in any way, shape, or form. This project won't take place for many years to come, however it is helpful to have the support of surrounding communities.

Attorney Wayment gave a more in depth explanation of the project. He said as the Water Conservancy District goes to get grants, they are asking for the support of the City stating that they believe this will be good for the county. It doesn't commit the City to any money. Mr. Wayment said with the Council's permission, they will write a letter of support. The Council agreed.

#### ADJOURNMENT

**ACTION. Councilmember Hicks moved to adjourn the City Council meeting. Councilmember Shurtleff seconded the motion.**

**VOTING. All Councilmembers voted in favor of the motion. The motion passed unanimously. The meeting was adjourned at 7:05 p.m.**

  
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Preston B. Griffiths, Mayor

  
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Callie Bassett, City Recorder

6/28/18  
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Date Approved