

The Beaver City Council opened the **work session** at **3:00 p.m.** in the Beaver City Center on **January 27, 2015.** The following members of the Council were present: Mayor Craig Wright, Council Members Chris Smith, Connie Fails, Tyler Schena, Gary Brown, and Matt Robinson. Also present were City Manager Brent Blackner and City Recorder Anona Yardley.

Facilities Tour – Library, Opera House, Swimming Pool, and Golf Course Clubhouse

The Council visited city facilities to look at construction projects and facility usage possibilities. They visited the library, opera house, swimming pool and the golf course clubhouse construction project. Angela Edwards, the Beaver City Librarian, explained her projects and the council toured the building. The head start room was partially vacated. Future plans for the library were discussed. The council visited the swimming pool and viewed the recent deep cleaning project and new mechanical roof that was recently finished. The Opera House was visited and they discussed the future for this building. The council returned to the City Center at 4:45 p.m.

The **Beaver City Council** met in a **regular session** at **5:00 p.m.** in the Beaver City Center on Tuesday, **January 27, 2015.** The following members of the Council were present: Mayor Craig Wright, Council Members Chris Smith, Connie Fails, Matt Robinson, Gary Brown, and Tyler Schena. Also present were City Manager Brent Blackner, City Recorder Anona Yardley. City Attorney, Justin Wayment joined the meeting at 5:05 p.m.

The Opening Ceremony of an invocation, Pledge of Allegiance, and thought were conducted by City Manager Brent Blackner.

CITY COUNCIL MINUTES APPROVED

Minutes of the previous **regular council meeting** were presented. Council Member Robinson moved and Council Member Schena seconded to approve the **January 13, 2015 minutes** as presented. All voted in favor. None opposed.

BILLS APPROVAL

Bills were presented and reviewed by the City Council. Council Member Brown moved and Council Member Fails seconded to approve the proposed bills for **Jan 15 & 27, 2015.** All voted in favor. None Opposed.

Declaration of conflicts of interest, abstentions, or personal interests on any matter on the agenda. There were no declarations of conflicts of interest for this meeting.

AA ORGANIZATION

Penny Levering, Fred Erickson, and other members of the Beaver County AA Organization met with the council to request ideas for meeting locations. There were some questions about the day room in the old hospital. AA hasn't heard back from the county on this suggestion. Mr. Erickson explained the purpose of the AA program and how important it is to have this organization in our community. They have been working with the County Sheriff's Department and the Southwest Center for help with meeting facilities. There are problems with using the correctional facility rooms and the IOOF building isn't handicap accessible. Mayor Wright will follow up with the county attorney about use at the old hospital. The group was thanked for their visit.

FY2015 MID-YEAR FINANCIAL STATEMENT REVIEW

Manager Blackner reviewed all the funds. The general fund and the electric fund are operating in the red. The other funds are presently operating in the black. The sales tax revenue is estimated to decrease with the closing of ALCO. The electric fund needs to be fixed before the general fund can be fixed. General taxes were discussed.

IRS CODE SECTION 125 PREMIUM ONLY PLAN ADOPTION

Council Member Brown moved and Council Member Robinson seconded to adopt the IRS Code Section 125 allowing medical insurance premiums to be taken out on a pretax basis and adopt the amendments of the code from August 21, 2014. All voted in favor. None opposed.

LEGAL COUNSEL JUSTIN WAYMENT – Legal Issues and Ordinances

Water Litigation – Mr. Wayment discussed the deposition of the expert witness for the water litigation. Direct flow rights were not addressed only the storage rights were addressed. Mr. Wayment wrote a brief discussing the views and rights of Beaver City for the Kents Lake Attorney. The Kents Lake attorneys used some of Mr. Wayment's opinions in their brief to the courts. One of the arguments in this suit was the 1953 agreement addresses the one for one exchange. When the water came down the river, Kent's Lake had the choice to store the water and use it lower in the canyon. The claim to impairment could be argued that times have changed and many users sprinkle instead of flood irrigating from a ditch. Exchanging one for one does not enlarge the water right. The agreement serves no purpose unless the priority dates are retained. The exchange of one for one and the claim of impairment have been confirmed by the practices of the

last 60 years. Arguments of the briefs will take place Monday, February 23, 2015 at 10:00 a.m. in the Beaver County Public Safety building. A trial date will be set after the argument of the briefs. It is the opinion of legal counsel that the judge will schedule a trial date.

Canyon Breeze Race Track Litigation – This suit is in the discovery phase at this time. Everything is hinging on a broken rein. There has not been much action on this litigation.

Parking on City Streets Ordinance – This ordinance has been discussed with law enforcement. County officers are making the rounds to remind citizens again to not store personal property on the city easements. There is a potential for a law suit if an accident occurs that damages personal property that is on the easement. Mr. Wayment encourages caution with all aspects of this ordinance. The sheriff's department wondered if a written warning could be given and documented through the city and then the sheriff's department could follow up with writing citations. Manager Blackner explained that the city does not have the man power to do citations on a full time basis. The city is asking to share the responsibility of warning citizens with the sheriff's department.

Grove meeting – Mr. Wayment is working on a letter for the citizens of the grove about water lines. Each resident in the grove will be notified about the requirements and obligations of the water system in the area. All the secondary lines are on private property. There is a need for easements and a possible service district. There were a few grove residents that attended the meeting.

Manager Blackner

Hospital Audit – The hospital audit has not been completed and there is no approximate date of completion. As of December 31, 2014, the city is out of compliance with the State of Utah Law stating that all cities on fiscal years must have their audit into the state by December 31 of the audit year.

Council Member Robinson

Council Member Robinson gave an update of the meeting he attended for the Beaver County Children's Justice Center. He voiced the council's concern with using a local bid. There was a local bid that was received. It was higher than the bid that was accepted. The council is very supportive of the Children's Justice Center.

CONSENT ITEMS:

Children's Justice Center Flooring – Council Member Robinson moved and Council Member Schena seconded to provide funds for one third of the cost of new flooring in the Beaver County Children's Justice Center up to \$1200. All voted in favor. None opposed.

Council Member Smith moved and Council Member Brown seconded to adjourn the meeting. All voted in favor. None opposed. The council meeting was adjourned at 6:45 p.m. The next Council meeting will be held Tuesday, February 10, 2014 at 3:00 p.m.

APPROVED: _____
CRAIG WRIGHT
MAYOR

ATTEST: _____
ANONA YARDLEY
CITY RECORDER