

The **Beaver City Council** met in a **work session** at **5:00 p.m.** in the Beaver City Center located at 30 West 300 North on Tuesday, **April 24, 2018**. The following members of the Council were present: Mayor Matt Robinson, Council Members Robin Bradshaw, Connie Fails, Tyler Schena, Hal Murdock, and Alison Webb. Also present was City Recorder Anona Yardley. City Manager Jason Brown was excused. City Attorney Justin Wayment entered the meeting at 5:50 p.m.

TV TRANSMISSION CHANGES – DENNIS JOHNSON

Mark Dupont will be occupying the Beaver City facility on Gillis Hill (TV Hill). He will be putting in his equipment with his own contractor. The facility has been planned so as to allow others entities to occupy the building. The Federal Communications Commission (FCC) regulates all transmission spectrum uses. They are reducing the spectrum for TV for the third time. There will be no services lost. They are simply making space for other types of services – cell phones, internet, etc. There will be changes to over 500 translator stations in Utah. The new building needs to be done before installing the new equipment so it doesn't have to be installed twice. It would be advantageous to have a backup generator at the site so when the power is out, services can resume with power from the generator. This is a real need. Air conditioning in the building will prolong the life of the new equipment. The new equipment to be installed in the new building to facilitate the change will belong to the University of Utah. The T-Mobile conversion for the clearing of the spectrum is scheduled before Sept. 15, 2018. T-Mobile would like to have the building and equipment done at that time. The U of U will begin purchasing the equipment. The license change files have already been sent to the FCC. A public notice will be published in the Beaver County Journal with the information about the change. The satellite and cable companies do not receive transmission off our hill. Over the air broadcast is much more efficient. There are 33 channels that are coming off the hill. The new building construction preference is cinder block instead of a prefabricated building. A 20 or 25 kw generator would be preferable. Gillies Hill receives their signal from the Frisco Peak transmitter. Solicitation of bids for the new building will move forward. The Council thanked Mr. Johnson for his service on TV hill and his time to explain changes in this industry.

DISCUSSION ON TRASH BID PROPOSAL CHANGES

The Beaver County Service District for trash management will advertise for trash removal service contract bids in June and will contract in August. Council Member Bradshaw, who sits on the service district board asked the Council if there are any changes that are needed inside Beaver City with trash pickup. Curb side pickup throughout the county was suggested. For every eight homes there is a dumpster for all unincorporated residential trash. Many large families have two trash cans at present. The district will be moving forward with proposals for trash removal in the county. They are thinking of using a point system to evaluate the bids. There is a dumpster on the outside of the gate at the landfill for after hours dumping of residential trash. There is plenty of room for many years of trash disposal at the current site. The service district is doing well financially. Mayor Robinson thanks Council Member Bradshaw for his service on the board.

HOSPITAL AUDIT UPDATE – Submission of Beaver City Audit to the State Auditor

The Beaver Valley Hospital portion of Beaver City's audit is still not finished. There is no given date for completion. Beaver City has been officially put on notice that State and County funds will be held until Beaver City submits their audit. Beaver City is financially sound at present and doesn't need any financing from the hospital at this time. There will be no forfeiture of funds just a delay. The hospital is in communication with Beaver City's auditor. The hospital is working

through three years of audits to get this year's audit completed with accurate information.

The **Beaver City Council** met in a **regular session** at **6:04 p.m.** in the Beaver City Center located at 30 West 300 North on Tuesday, **April 24, 2018**. The following members of the Council were present: Mayor Matt Robinson, Council Members Robin Bradshaw, Connie Fails, Tyler Schena, Hal Murdock, and Alison Webb. Also present was City Attorney Justin Wayment and City Recorder Anona Yardley. City Manager Jason Brown was excused.

The opening was conducted by Recorder Yardley.

CITY COUNCIL MINUTES APPROVED

Minutes of the previous **regular council meeting** were presented. Council Member Schena moved and Council Member Murdock seconded to approve the minutes of **April 10, and April 17 Special Meeting, 2018** as presented. All voted in favor. None opposed.

BILLS APPROVAL

Bills were presented and reviewed by the City Council. Council Member Bradshaw moved and Council Member Fails seconded to approve the proposed bills for **April 17 & 24, 2018**. All voted in favor. None opposed.

CONFLICT OF INTEREST STATEMENT

Council Members were asked if there were any conflicts of interest with the current agenda. Mayor Robinson stated that he is employed by Smithfield Foods and Council Member Webb's husband is employed by Smithfield Foods and will abstain from voting on the issue of intensive livestock operations. Council Member Bradshaw states that he has been accused of having a conflict but states that he has no conflict. He will continue to vote and participate in the discussion.

CDBG SECOND PUBLIC HEARING FOR PROJECT FUNDING

Mayor Robinson opened the second public hearing for the CDBG program. Mayor Robinson stated that this hearing was called to allow all citizens to provide input concerning the project that was awarded under the 2018 Community Development Block Grant Program. Council Member Bradshaw motioned and Council Member Schena seconded to move into the second public hearing for CDBG project funding. Council Members Murdock, Schena, Fails, Webb and Bradshaw vote yea by voice vote. Motion had a unanimous vote. The Council moved into public hearing at 6:30 p.m. Mayor Robinson introduced Max Anderson, Beaver Housing Authority Director who has applied for CDBG funding for existing multi-family housing purchase and rehabilitation. Mr. Anderson explained the specifics of the project and the amount of funding requested. \$143,000 has been awarded to the Beaver Housing Authority. There are some stipulations on how the money can be used. New homes can't be built but housing can be rehabilitated or revitalized. No particular housing units were identified so as not to jeopardize the funding. If there are no houses or residential dwellings available for this project, the money will be unused and returned. Council Members asked about the timing on the project and thanked Mr. Anderson for all he is doing to provide housing in Beaver City. Other remodeling projects have been done by the Beaver Housing Authority. The Aspen Lodge was an example of use of the CDBG monies. Mayor Robinson asked for any comments, questions and concerns from the audience. Lloyd Cummings asked about the amount of funds awarded. There being no other

comments, Council Member Bradshaw motioned and Council Member Fails seconded to move out of public hearing. All voted in favor. None opposed. The Council moved out of public hearing at 6:40 p.m.

MAYOR'S MINUTE – BEAVER BEST

Mayor Robinson read a letter from the International Institute of Municipal Clerks congratulating Recorder Yardley on receiving the Master Municipal Clerk designation. Mayor Robinson awarded a certificate and pin to Recorder Yardley as a picture was taken. He expressed his gratitude for her service and expertise. Recorder Yardley has served Beaver City residents for nine years.

6:45 BREAK FOR A GROUP PICTURE FOR WEBSITE

Photographer Chris Kesler took a new Council picture on the East side of the building for the website now that the Council is complete.

MAY 8, 2018 COUNCIL MEETING RESCHEDULE POSSIBILITIES

Following the special meeting that the Council called in conjunction with the Beaver County Planning & Zoning Board, a scheduling conflict was recognized with the Beaver City Council meeting being the same night at the same time as the public hearing being held by the Beaver County Planning and Zoning Board on Intensive Livestock Operations. The Council discussed options for remedying this problem. It was decided that the regular City Council meeting scheduled on Tuesday, May 8, 2018 would begin at 4:00 p.m. with a work meeting and the regular portion of the meeting would start at 5:00 p.m. The meeting agenda would consist of the absolute essential items in order for the meeting to adjourn at 6:30 p.m. allowing council members to attend the public hearing as citizens. The change will be published on the Public Meeting Notice Website and on Beaver City's website.

RESOLUTION TO CHANGE ELECTRIC METER FEES AND UTILITY DELIQUENT FEES, CLARIFICATION AND ADDITION TO FEE SCHEDULE

Mayor Robinson read the resolution 4-24-2018 amending the Beaver City Fee Schedule for the change in cost of electric meters and to add the utility delinquent fee. Council Member Schena motioned and Council Member Murdock seconded to adopt Resolution 4-24-2018 as presented. All Council Members voted in favor. None opposed. Motion carried by a unanimous vote.

APPROVAL OF MOUNTAIN SHADOW SUBDIVISION, PHASE 2

Mr. Anderson mentioned that Phase 1 of this subdivision was approved with conditions. With the recent new road on the west side, these conditions were all in compliance. Mr. Anderson came before the Council to request that Phase 2 of the Mountain Shadow Estates Subdivision be approved. Council Member Bradshaw pointed out a few items that needed to be considered before this could happen. The sage brush in this area is causing the sidewalk to raise and should be removed. There was also a letter about Harris Willis water that was incorrect and needed to be redone reflecting the issuance of three shares of water. Council Member Schena motioned and Council Member Webb seconded to approve Phase 2 of the Mountain Shadow Subdivision. There was discussion and the motion removed from the floor. This item will be tabled for next council meeting.

PUBLIC COMMENT

Kyle Blackner, Beaver County Planning & Zoning Administrator, will precede the public comment portion showing the Council maps showing where options one through four are located. Mayor Robinson asked if the Council Members had any comments or recommendations for the Beaver County Planning & Zoning Board. Council Member Webb asked about

clarification on the hog husbandry designation in the description of the four options. There being no further questions from the Council, Mayor Robinson thanked Mr. Blackner for his explanations and clarifications.

Mayor Robinson introduced the public comment of the meeting with certain conditions. 1. All comments would be kept to two minutes. 2. No rehashing of others comments. 3. No emotional outcries from the audience. 4. Public Comment item of the agenda will be kept to 30 minutes. 5. Everyone will need to state their name and which option of the Beaver County Planning & Zoning they are in favor of.

Lloyd Cummings – Mr. Cummings stated that he was for Option #1 because he felt any other option would negatively affect tourism.

Derald Joseph – Mr. Joseph is a resident of Manderfield. He circulated a petition from the Belknap Elementary to the North Creek Rd. and from 600 North to 200 North. The petition asked for people to sign it if they were in favor of no swine operations 10 miles from any residence. He stated that this is what the people wanted and the Council represents the people. Option #1 would best facilitate what the people wanted. He has been to all the public hearings and is in favor of Option #1.

Gib Yardley – Mr. Yardley is a Beaver County Resident. He doesn't want hog operations east of the Mineral Mountains and is in favor of Option #1. Beaver has great air and he doesn't want it to change. There are many natural springs on the East side of Beaver County. He doesn't want any of them contaminated.

Casey Ross – Mr. Ross is a Geologist by profession. He showed a map from the geological survey showing the seismic activity in Beaver County. He urged the Council to recommend no hog operations on the East side of Beaver County to save the integrity of the water sources here.

Patricia Stubbins – She is a 10-year resident of Beaver City and works at Denny's Restaurant. She stated that when most people come into the restaurant, they will come and drink the water. She lived at a hog farm in Cal-Poly University. She stated that from her personal experience, livestock production contaminants get washed into the water source.

Gerald Hoopes – She is a resident of North Creek and has a personal culinary well. Beaver City has a well close to this location also. She is in favor of Option #1. She would like this issue taken care of so people don't have to worry about this issue any more and don't have to keep coming to meetings.

Don Thomas – Mr. Thomas is also a North Creek resident. He moved here in 1971 to retire and be able to enjoy peace, quiet and clean air. His family is also moving here to live on his 45 acres for the same reasons. He is in favor of option #1.

Margaret Wellman – Mrs. Wellman read a quote about the second amendment. She is in favor of Option #1. She will be writing and publishing in the Beaver County Journal. She commented that Beef and Sheep production will bring in as much money as Hogs.

Bruce Wagstaff – Mr. Wagstaff has lived in Beaver for 14 years and worked here for 20 years. He is worried about property values. Contractors will be put out of work with no home building when people don't want to move here because of the smell from a hog operation. Property owners need to have the right to do what they want to with their property. Economics was stated as a reason for having all hog barns on the west side of Beaver County.

Dr. Wade Oakden – Dr. Oakden voiced health concerns based on research in North Carolina. This information addressed the health and wellbeing of people. It states that medical treatment of many illness is higher in people living close to Hog Barns. Duke University and University of N.

Carolina address health effects on humans next to hog barns. They state that depression and fatigue, stress, impact to the immune system, less IGA, asthma, elevated pulmonary function and blood pressures, anemia, kidney disease and miscarriages as some of the effects of living next to hog operations. He is in favor of Option #1.

Ruth Horaczko – Mrs. Horaczko is a resident of North Creek. She thanked the Council for listening to North Creek residents that shop here and do business in Beaver City. She was grateful for the opportunity to have a voice before a governing body that could have some help their voices be heard.

Sherrie Eyre – Mrs. Eyre stated that she has lived within 10 miles of Hog Barns and they smell very bad. She couldn't go outside some days for the smell. Beaver City has wonderful air. She is in favor of Option #1. She acknowledges that Smithfield Foods has brought many good jobs to Beaver County.

Eugene Gray – Mrs. Gray is a registered nurse by profession and has seen some of the health issues here spoken of by Dr. Oakden. She stated that Smithfield Foods is producing hogs for China. "We get pollution and they get the meat."

Rubin Vasquez – Mr. Vasquez has been employed for Smithfield Foods for 15 years. He takes care of the animals in a very humane way and they are not ship to China. He has been a coach for public recreation and an active part of the community. He reminded the audience that Smithfield Foods is an active part of the community and makes many donations to community functions. He stated that property owners should have the right to do what they want without government changing the rules.

Debbie Wagstaff – She is part of the group asking for signatures on a petition. She stated that during this process she has encountered Smithfield employees who would not sign the petition because they were afraid to lose their jobs. She doesn't want hog barns here so property values will not be deflated. She doesn't want Smithfield Foods to grow and is favor of Option #1. The public comment was finished after 30 minutes. Mayor Robinson thanked all those who attended and gave comment.

BEAVER CITY MASTER PLAN – BEAVER CITY RECOMMENDATION WITH REGARD TO INTENSIVE LIVESTOCK UNIT SETBACKS

Mayor Robinson introduced this topic as a continuation of the last three discussions in past Council Meetings in deciding what, if anything, the Beaver City Council would do on this issue. Council Member Schena asked that the future growth of Beaver City be considered in the setbacks instead of the current City boundaries. He asked that a map of this area be given to the P&Z with the Council's recommendations. Attorney Wayment agreed with this and recommended that the County Commission also receive the projected growth map with the three-mile setbacks for this area. Council Member Fails recommended writing a letter to the Beaver County P&Z and have a spokes-person at the public hearing to represent Beaver City. Beaver City has a different demographic than Minersville and Milford. The Council agreed that there is no reason to lose economics or tax dollars. Mayor Robinson addressed private property rights. Council Member Bradshaw stated that he is in favor of Option #1 with a Plan B of Option #2 with setbacks to include Beaver City's area of influence and growth. Option #1 is a definite line with no pockets of concern. Attorney Wayment stated that Intensive Livestock Units can't differentiate between hogs, beef, fowl, dairy, fur bearing animals, etc. The County will be investigating all livestock issue at a later date. They will address hog barns now and later other livestock operations. Attorney Wayment would like to review the letter before it is sent. He

stated that groups can be treated differently, but a reason must be shown. Council Member Fails moved and Council Member Murdock seconded to recommend writing a letter to the Beaver County Planning & Zoning recommending Option 1 and Option 2 as a second choice with the adjusted area of influence as shown in the Beaver City General Plan. Council Members Schena, Fails, Murdock, and Bradshaw voted in favor. Council Member Webb abstained. Motion carried by a majority vote. Attorney Wayment will write the letter and have all Council Members read it before it is sent.

CLOSED SESSION

Council Member Bradshaw moved and Council Member Murdock seconded to move into a closed session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction and pending litigation. Council Members Bradshaw, Webb, Fails, Schena, and Murdock voted in favor by voice vote. The motion passed by a unanimous vote. The Council moved into closed session at 8:30 p.m. They moved out of closed session at 9:16 p.m.

Council Member Murdock moved and Council Member Fails seconded to adjourn the meeting. All voted in favor. None opposed. The Council Meeting was adjourned at 9:25 p.m. The next scheduled Council meeting will be held Tuesday, May 8, 2018 at 4:00 p.m.

APPROVED: _____
MATTHEW ROBINSON
MAYOR

ATTEST: _____
ANONA S. YARDLEY
CITY RECORDER