

The **Beaver City Council** met in a **work session** at **5:12 p.m.** at the Beaver City Office located at 30 West 300 North on **Tuesday, February 9, 2021**. The following members of the Council were present: Mayor Matt Robinson, Council Members Lance Cox, Tyler Schena, Robin Bradshaw, Alison Webb, and Hal Murdock. Also present were City Manager Jason Brown, City Recorder Anona Yardley, City Treasurer Stacey Phelps, Electric Superintendent, and UAMPS Representative Les Williams. City Attorney Justin Wayment entered the meeting at 5:40 p.m.

### **JANUARY, 2021 FINANCIAL STATEMENT REVIEW – TREASURER PHELPS**

Treasurer Phelps and Manager Brown led the Council in a review of the January, 2021 Financial Statement. The general fund revenues were above the budget percentage of 59%. The expenditures were also over the budget percentage. There were higher TRT funds than expected. The county payment for the library and pool came in January. The general fund is operating with more expenditures than revenues. The Golf course is operating with expenditures over revenues for the first time this season. The airport has operated with expenditures over revenues since July, 2020. The Pressurized Irrigation is not showing any payroll expenditures in the fund to this point. The water fund is operating in the black. All the water bonds have been paid for the year. The sewer fund shows expenditures over revenues because the last sewer bond payment was made in January. The electric fund is operating with a positive balance. Council Member Bradshaw asked about the power purchased in the electric fund. Council members thanked Treasurer Phelps and Manager Brown for their update.

### **ELECTRICAL DISTRIBUTION SYSTEM DISCUSSION**

Electric Superintendent Martin led this discussion by first pointing out that there are several large electric consumers that will be locating businesses around the South I-15 Interchange in the near future. With the establishment of the Airport Industrial Park, there will also be a greater demand for power in this area. A larger distribution line would be needed or a new substation to service this area as the demand rises. Manager Brown recommended that Beaver City contract with an electrical engineering firm do a study on Beaver City's electrical system to get an idea of how to proceed with enlarging the system. This process will take some time. A feasibility study could take up to six months. Right of ways for a line would need to be secured, and funding would be needed. Tesla's Engineers will be here next week to look at the system and determine the location of their charging stations. They may have some ideas on how to improve our system. Superintendent Martin also reminded the council of another business that is coming to the north interchange area. Manager Brown will move forward in finding an electrical engineering company to do a feasibility study. Superintendent Martin explained that the electric department was in need a new boom (bucket) truck. A demo 2018 Kenworth double bucket truck with 1400 hours had been found for approximately \$200,000. The 1984 bucket truck which is the oldest in the fleet is very unsafe at this time. It could possibly be sold. A new bucket truck would be \$270,000 for just a basic truck, no equipment. Manager Brown informed the Council that the budget could be amended to pay for the truck. There is also a need to purchase a new loader for approximately \$200,000. This cost would be allocated to all funds.

Superintendent Martin expressed his concern over the process of raising power rates in the future. There was discussion about how to pay for the expenses and expansion of the electrical department and raising rates over the next 10 years. The Council was also reminded that with the expansion of the electrical system, there would be a need for another employee in the electrical department. Superintendent Martin was thanked for his information, time, and expertise.

The **Beaver City Council** met in a **regular session** at **6:00 p.m.** in the Beaver City Center located at 30 West 300 North on **Tuesday, February 9, 2021**. The following members of the Council were present: Mayor Matt Robinson, Council Members Lance Cox, Robin Bradshaw, Tyler Schena, Alison Webb, and Hal Murdock. Also present were City Manager Jason Brown, City Attorney Justin Wayment, and City Recorder Anona Yardley.

The opening of a prayer, pledge, and thought was presented by Council Member Cox.

### **CITY COUNCIL MINUTES APPROVED**

Minutes of the previous **regular council meeting** were presented. Council Member Schena motioned and Council Member Cox seconded to approve the minutes of **January 26, 2021** as presented. All voted in favor. None opposed.

### **BILLS APPROVAL**

Bills were presented and reviewed by the City Council. Council Member Cox motioned and Council Member Bradshaw seconded to approve the proposed bills for **January 28 & February 8, 2021** as presented. All voted in favor. None opposed.

### **CONFLICT OF INTEREST STATEMENT**

Mayor Robinson stated that he has family that live in the Grove Area. He will be taking an active part in this discussion.

### **BEAVER COUNTY – COMMISSIONER WADE HOLLINGSHEAD**

Commissioner Hollingshead introduced himself and his wife Ashley to the Council. He expressed his desire to work closely with the City Council to make our area, Beaver County, better. He expressed his desire to keep open dialog with all the different groups in Beaver County. Commissioner Hollingshead asked council members if they had any issues they wanted to discuss.

**Manager Brown** stated he had heard that Beaver County would not be participating in any City cleanups within the county this year. He asked that Beaver County consider participating next year and make plans now to do so. He would also like to make sure that Beaver County and Beaver City work together to improve the water system in the Grove Area.

**Council Member Bradshaw** asked if the trimmed trees down the ditch looked OK. Commissioner Hollingshead stated that it looked great.

**Council Member Murdock** stated that he appreciated Beaver County's participation in all the city activities.

**Mayor Robinson** expressed his appreciation for the close contact, great working relationship, and help of Beaver County.

**Commissioner Hollingshead** stated that he was new and still learning his responsibilities and that he loves living in Beaver. One of his goals is economic development by providing high-speed internet throughout the county. Then other infrastructure will follow.

Mayor Robinson and Council Members thanked Commissioner Hollingshead for his visit and support.

### **BOARD OF ADJUSTMENT – APPRECIATION FOR OUTGOING MEMBERS.**

#### **APPROVAL OF NEW BOARD MEMBER**

Manager Brown stated that Del Myers will be leaving the Board of Adjustments after many years of service to Beaver City. He expressed his thanks to Mr. Myers. Manager Brown stated that Bryan Harris has been asked to fill this position on the Board of Adjustments and has accepted. Zoning Administrator and Manager Brown recommended Mr. Harris for Council approval. Council Member

Schena motioned and Council Member Murdock seconded to accept the recommendation of Bryan Harris to serve on the Board of Adjustments. All voted in favor. None opposed.

**REZONING A PORTION OF BLOCK 14 PLAT A TO R1 AND MULTI-FAMILY –  
PLANNING & ZONING RECOMMENDATION**

Zoning Administrator Brown took this issue back to the Planning and Zoning Board as the Council requested. The Board reviewed the General Plan to determine if this recommended rezoning was in accordance with the plan. It has been determined that the proposed rezoning is in accordance with the General Plan and is now before the Council for their approval after all necessary public hearings have taken place. Council Member Bradshaw motioned and Council Member Cox seconded to accept the recommendation of the Planning and Zoning Board to rezone Block 14 in Plat A. All voted in favor. None opposed.

**PUBLIC HEARING - PROPOSED CARGO CONTAINER ORDINANCE**

Council Member Cox motioned and Council Member Murdock seconded to move into public hearing to receive public comment on the proposed cargo container ordinance. All voted in favor. None opposed. The Council entered to a public hearing at 7:00 p.m. Mayor Robinson stated that no decision would be made tonight. The purpose of the hearing was to hear public comment. Council Members will not respond only listen. Manager Brown introduced the proposed ordinance highlighting the major changes. The draft ordinance was reviewed for several months by the Planning and Zoning Board and drafted from Parowan's ordinance. Nineteen members of the community were present.

**Tracy Davis** asked for a definition of permanent before public comment was accepted. Attorney Wayment explained that "permanent" was not on wheels or a trailer that could be moved easily. They were there to stay for a long period of time.

**Steven Kerksiek** – Mr. Kerksiek is an owner of Beaver Nursery and Kerksiek farms. He has several containers that are being used in their businesses, will be getting more and would willingly break the law if the ordinance is approved. He opposes the ordinance because it puts too many restrictions on use of private and commercial properties.

**Wade Bradshaw** – Mr. Bradshaw reminded the Council that trailer homes and modular homes had once been banned from the Beaver City limits unsuccessfully. He explained that there are different uses for cargo containers such as homes, businesses, and storage. Steel buildings or containers can be engineered strong to make them livable. There are still building standards that need to be complied with. He showed pictures of living containers. He feels this would be a solution to the housing shortage. He is against this ordinance.

**Pete Yardley** – Mr. Yardley stated that he wasn't for or against the ordinance but would like the ordinance enforced equally for all. He likes to have the containers for people to store their junk so it is not on the street. He was concerned about the containers that were already in place in yards and at businesses.

**Paul Wolden** – Mr. Wolden stated that has had a container for five years and it is grandfathered in. Grandfathering was explained as a non-conforming use of the property. It could be repositioned on the same property and maintain the grandfather status.

**Connie Fails** – Mrs. Fails stated that she does not like having containers in the city. Those who have them need to be in compliance with the existing code and not be an eyesore. This is a good ordinance.

**David Kerksiek** – Mr. Kerksiek asked what issues existed with the containers. He doesn't like the permitting process nor the regulation specifying the color to be painted. He would like more freedom to choose how to use his property.

**Les Williams** – Mr. Williams stated that he likes the ordinance. Containers need to be controlled but

pointed out that this ordinance is not against containers.

**Robert Kerksiek** – Mr. Kerksiek stated that he loved living in Beaver, in a small community, so property owners could have more say in what they do with their property. He was concerned about the portion of the ordinance that says there has to be an existing building before a storage container could be present. He has agriculture land inside the city limits and has a need to store his equipment and tools but there is no home or other structure on the land. He also stated that a storage shed of less than 220 sq. foot can be built on a property without a building permit.

**Tracy Davis** – Mr. Davis was concerned about commercial property uses. Containers are a fast and easy way to cover items. Ordinances should not infringe on personal property rights.

**Josh Eyre** – Mr. Eyre state that he opposes the ordinance because he pays property taxes. He has containers on both sides of his property and he is not opposed to containers.

**Attorney Wayment** state that lot sizes over ½ acre were not discussed by the Planning & Zoning Board. Agriculture and commercial uses will be reviewed further.

Mayor Robinson thanked all participants for their comments. He let those in attendance know that adequate notice will be given to all citizens before any action is taken. Attorney Wayment addressed the reasoning for this ordinance. It is an attempt to balance property rights with what people think should happen. There being no further comment, the council moved out of public hearing at 7:40 p.m.

#### **LIFETIME CRUSHER IN THE TUSHAR SPONSORSHIP**

Mayor Robinson reminded the council members that Beaver City has in the past approved the payment of the lunch for approximately \$5,000 for the Crusher in the Tushar bike race. Manager Brown and Mayor Robinson met with the sponsor representatives to discuss this sponsorship and the proposed contract has been drafted. The date of the Crusher in the Tushar is schedule for Sat. July 10, 2021. They would like Beaver City to pay for the post-race lunch again. With more participants this bill would be more than \$5,000. With that in mind, Council Member Schena motioned and Council Member Murdock seconded to pay the lunch provider up to \$5,000. All voted in favor. None opposed. The necessary signatures will be secured and Beaver City will enter into a contract with Lifetime for \$5,000 to be a sponsor in this race.

#### **DOUGH BOY TRIATHLON SPONSORSHIP**

Bill Wells met with the Council to tell them about the 2021 race and to ask for volunteer help. 2021 will be the third year for this race. Last year there were 135 participants, up from 30 participants in the first year. Mr. Wells explained that there is plenty of funding for the race but volunteers were needed in order to make the race successful. There is need for people to help with parking, moving equipment, and to watch and help with racers needs, busing participants and security of equipment. A group that helped last year and will be helping again this year is “Addicts to Athletes”. They are providing ten volunteers for the race. This race is the first scheduled triathlon of the year. There are groups from Cedar City and Salt Lake that are expected to participate. The name is now “Beaver City Dough Boy Triathlon”. The race is scheduled for Saturday, June 19, 2021 beginning at 7:00 a.m. at the Minersville State Park with the swimming portion of the race. This is the same weekend as the Summer Smash softball tournament. The northwest pavilion or Lower Pavilion will be where the food will be served. The Beaver County Travel Council has been great to work with and helped with funding. Beaver Businesses will be asked to help also. Mr. Wells would like Beaver City to provide volunteers that can help along the course and with food. This year’s race will be capped at 200 participants. The Council members thanked Mr. Wells and said they would consider the request for volunteers as the race gets nearer.

#### **CARES RELIEF EXPENDITURE REVIEW**

Beaver City was given \$265,000 to use as they needed to take care of COVID related expenses. Beaver City chose to give as much of this funding as possible to local businesses to help them through this time of shut downs. There were three rounds of business applications that were reviewed and funding awarded. There is \$16,000 of this money left to cover costs for Beaver City and any other expenses that may occur because of the COVID pandemic. There were three late business applications from Round Three that the council was asked to reconsider. The decision was made that the funds would be revisited on September 1, 2021. If there were any CARES Relief funding left, another round of business applications could be advertised and the three applications that were received late from round three could be included in that round of funding.

### **OUTSIDE CITY LIMITS WATER CONNECTIONS DISCUSSION – GROVE AREA**

Beaver County Commissioner Wade Hollingshead was present for this discussion. A recent trend for property purchases has risen in the Grove Area. Many people from outside the state have shown interest in purchasing property in this area. They want Beaver City to supply them with water. The Council is trying to work with Beaver County to make a decision of how to proceed with solving this problem. The first meeting with the county commission met with some opposition. Beaver City is looking for a way to partner with Beaver County to fix some of the problems in that area, namely roads and water infrastructure. A possible annexation may be considered after some of these issues are resolved. The Utah State law now requires a justification for charging a higher fee to some customers and not all. This information and much more needs to be provided to the Grove residents. A work meeting with Beaver County and Beaver City will hopefully be a good starting place to finding this solution. Attorney Christiansen and Attorney Wayment will get together and schedule this work meeting.

### **PUBLIC COMMENT**

**Max Anderson** – Mr. Anderson met with the Council to reminded them that the Beaver Housing Authority would like to move forward with the project of building multi-residential housing on 400 West. His project was approved by the Council pending on water being brought to the project. Mr. Anderson has been working on finding water rights. Council Member Bradshaw is working to help Mr. Anderson with his problem of water. Mr. Anderson has advertised in the newspaper to purchase water rights but only had one offer. It was very expensive. Mr. Anderson has been awarded the funding for this housing project and is frustrated because he has been unable to move forward with this badly needed housing project.

### **ADMINISTRATIVE/COMMITTEE REPORTS**

#### **Manager Brown:**

**Bear Spring CIB Final Funding Meeting** – CIB awarded 50/50 grant to loan funding for the Bear Spring Development Project. After completion of the environmental analysis, construction could possibly start in August. It would be a 60-day contract unless the weather turned bad. If that happened, the contract could be extended to a 90 to 120-day project contract.

**Roads** - Chip sealing is scheduled for July on the city roads. The oil will be ordered before the end of February.

**Opera House Open House** – All of the public feedback has been positive.

#### **Council Member Bradshaw:**

**New loader purchase** – City staff are working on this purchase.

#### **Council Member Schena:**

**Public Media Coverage** – On Thursday, Feb. 11, 2021 a video is being made at the creamery. They would like to do the Opera House also. Some of the video of the Opera House renovation may want to be used.

**Fire Safety** – A message needs to go on the March utility bill reminding citizens of the fire hazard created by dry grass, weeds, and discarded junk.

**Equipment Purchases** – A street mower is badly needed as well as a field rake for 4-Plex. The high school does not know what funds will be allocated to sports for this year. A tractor to pull the harrow at the rodeo arena is still being sought. A lease may be the best solution for the tractor.

**Council Member Webb:**

**Easter Egg Hunt** – The date for this event is Friday, April 2, 2021 at the Tushar Mountain Sports Complex. The candy will be ordered through Mike’s Food Town.

**Benches on Main Street** – These benches need to powder coating before summer. Council Member Cox will contact Steel Creations to get a price and put this project on their schedule.

**Council Member Murdock:**

**Library** – The Library Board is meeting tomorrow.

**Rodeo Arena** – The rodeo schedule for horse 4-H is on the city’s calendar on the website.

**Beaver Valley Hospital** – Hospital representative will be coming to council meeting the first meeting in March with a financial update.

**Council Member Cox:**

**Children’s Justice Center** – They will meet on Tuesday, February 16<sup>th</sup> at a luncheon. They will be outlining their projects and activities. This will be the first in-person meeting they have had since the COVID Pandemic was announced.

**Flowers for Main Street** – Beaver Nursery would like to use a different pot for the hanging flowers on Main Street this summer. It will hold the water more and make the flowers look so much better. In the heat of the summer, may need to water the flowers in the middle of the day so they don’t wilt but the daily watering will not be necessary. Council Member Cox will get a cost for these new pots before they plant the flowers.

**Canyon Breeze Golf Course** – The golf course is looking for seasonal employees for the 2021 golf season.

**Airport** – A refunded on the AWOS system of \$7,900 is coming soon.

**Mayor Robinson:**

**Parks** – Mayor Robinson would like the parks department to mow the grass at the 4 Plex to remove the firework casings left there from the statehood fireworks show.

**Playgrounds** – A truck load of wood chips is needed to finish the park playgrounds.

**CLOSED SESSION**

Council Member Webb and Council Member Cox seconded to enter closed session to discuss pending or reasonably imminent litigation. Council Members Cox, Murdock, Webb, Schena, and Bradshaw voted yea by roll call vote. The motion passed with a unanimous vote. The Council moved into closed session at 8:17 p.m. They moved out at 8:44 p.m.

The Council closed a portion of the meeting to discuss sale of property. Council Member Schena motioned and Council Member Webb seconded the motion to move into a closed session for the above-mentioned reason. Council Members Cox, Murdock, Webb, Schena and Bradshaw voted yea by voice vote. The motion passed with a unanimous vote. The Council moved into closed session at 8:45 p.m. and moved out at 9:06 p.m.

Council Member Schena motioned and Council Member Cox seconded to enter closed session to discuss the character, professional competence, or physical or mental health of an individual. Council Members Cox, Murdock, Webb, Schena and Bradshaw voted in favor. The vote was unanimous. The

Council moved into closed session at 9:08 p.m. They moved out of closed session at 9:25 p.m.

Council Member Cox motioned and Council Member Murdock seconded to adjourn the meeting. All voted in favor. None opposed. The Council Meeting was adjourned at 9:48 p.m. The next scheduled regular Council meeting will be held Tuesday, February 23, 2021 at 5:00 p.m.



**APPROVED:** \_\_\_\_\_

**MATTHEW ROBINSON**  
**MAYOR**

**ATTEST:** \_\_\_\_\_

**ANONA S. YARDLEY**  
**CITY RECORDER**