

The **Beaver City Council** met in a work session at **6:00 p.m.** at the Beaver City Office located at 30 West 300 North on **Tuesday, April 13, 2021**. The following members of the Council were present: Mayor Matt Robinson, Council Members Alison Webb, Lance Cox, Tyler Schena, Hal Murdock, and Robin Bradshaw. Also present were City Manager Jason Brown, City Recorder Anona Yardley. City Attorney Justin Wayment entered the meeting at 6:15 p.m.

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

CARGO CONTAINER DRAFT ORDINANCE

The discussion began with the temporary containers part of the ordinance that had not been reviewed in previous readings. It was determined that the placement requirements should adhere to the setbacks that are already established by other portions in Title 11 which are the zoning specifications. The changes from the last reading need to be applied to the ordinance for the next reading by the council. The main purposes for this ordinance are safety and have properties not looking like a shipping yard. The ordinance numbers 11-10-20.4 – 2 need to be taken out. If the container is buried it must be constructed according to engineering standards.

ANIMAL ORDINANCE DRAFT ORDINANCE

City zoning was discussed. The requirements for this ordinance apply to the R-1-10 and 20. This is for residential zones. The close proximity of neighbors and density, make this ordinance very important. There are other zones within the city that allow for animals without the restrictions that are in a residential zone. The key is to strike a balance that allows for agriculture and residential use together. This part of the R-10 zone is not to prohibit animals but to control them to allow all individuals use of their land without infringing on the rights of others.

The **Beaver City Council** met in a regular session at **7:00 p.m.** in the Beaver City Center located at 30 West 300 North on **Tuesday, April 13, 2021**. The following members of the Council were present: Mayor Matt Robinson, Council Members Alison Webb, Lance Cox, Robin Bradshaw, Hal Murdock, and Tyler Schena. Also present were City Manager Jason Brown, City Attorney Justin Wayment, and City Recorder Anona Yardley.

PUBLIC HEARING – PROPOSED RESIDENTIAL ANIMAL ORDINANCE

Council Member Cox motioned and Council Member Murdock seconded to move into public hearing to receive public comment on the proposed residential animal ordinance. All voted in favor. None opposed. Motion passed with a unanimous vote. The council moved into public hearing at 7:05 p.m. Mayor Robinson set the procedures for the meeting and asked that all persons who want to comment state their name and try not to repeat what others have said.

Manager Brown explained that the Planning and Zoning Board was charged by the city council to review the ordinance and bring recommendations back to the council. The Planning and Zoning Board held a public hearing and considered all the comments in that hearing before their recommendations were made to the council. The Board also reviewed several other community's ordinances regarding animals, primarily the ordinance from Santaquin. The red wording in the proposed ordinance presented to those in attendance are the recommended changes from the planning and zoning. The table for animals per usable space was modified to show lot sizes differently. Supplemental feeding may be allowed with a conditional use permit.

Shirlene Willden – She had questions about feeding the animals, “Is it all year?” She suggested that supplemental feeding be allowed only in the winter. She questioned the height of property fences. There is a 10’ fence on the property behind her mother’s house and her mother can’t see out of her yard because of the height of the fence. She has a question about the enforcement of this ordinance. She said she is “tired of the stink.”

Danny Evans – Usable space could be per acre to simplify the chart. If there are 2 acres can double the amounts of animals.

Pete Yardley – In 1995 Beaver City provided a way to keep animals for 4-H and FAA in the city limits. He was concerned about the agriculture south of town. He asked about the city being in compliance with their own ordinance on city property south of the I-15 south interchange. Is there any way the city could provide a place for animals in other places of the city for people who don't have sufficient space for animals that they would like to have? Animals can be taken care of if owners want to. We all need to be respectful and accommodating to our neighbors. Moderation should be used. Forming a committee may be a useful tool to set the standards.

Evan Yardley – Had questions about the changes with existing corrals and stalls. Is there a current list of people who are allowed to have animals within the city limits? His family has a place where

they have kept animals for nearly one hundred years, between 100 and 200 West on 100 South. We have an agriculture community. There should be a grandfather clause written in the ordinance to allow those who have livestock on their property to continue to have that right. Would like the city to consider if it is trying to fix one problem for some and not for others. Does this ordinance effect a few or many?

James Nay – He reiterated the grandfather clause. A new ordinance would be changing nothing that existed before it happened. There is no mention of how the usable space was to be determined on the property in the current ordinance. Beaver City should support 4-H and FFA projects. Suggested changing the density of animals so more people can have animals, not fewer. He felt that when elected officials forget the majority that elected them, they make “stupid” laws. He said the square footage requirement should be lowered to 5,000.

Tim Joseph – Had three questions: 1. Where did the square footage numbers for the table come from. Where is the data that determines these numbers? 2. Justify the supplemental feeding policy and what are the potential consequences to this policy. Why is it seasonal and why a permit to throw animals a flake of hay? 3. What will the city be doing with the race track? Will it be required to comply with this ordinance?

Calvin Goodwin – He has his farm ground within the city limits. He didn’t really want to be part of the city when it was annexed. Now people surround his farm property. Suggested the city put this property back in the county. The city now has control of the farming ground in this area. He said, “We are at your mercy?”

Clint Bradshaw – Had questions on larger properties having more animals. He has a horse in his back yard that must be fed all year. Grazing in a pasture would kill it. He questioned how a conditional use permit works.

Ken Ure – 1. The square footage chart doesn’t provide for any grazing management for larger quantities of animals. It doesn’t allow for good land usage. 2. He has animals in the city and lives outside the city. The public sewer ponds cause some foul orders at times. Everyone makes a little stink sometimes he commented. 3. Does supplemental feeding mean protein block or other feed supplements?

Craig Wright – We live in an agriculture community, which scares him that we are selling property to people from cities. He has eight acres with a subdivision being built around him. He does not want to be pushed out. Would the City consider a coming to the nuisance ordinance? Those moving to our community need to understand this fact. Could there be a statement to be signed and required by all real estate brokers that would explain to potential clients that they are moving to an agriculture community and to be aware of all the sounds, smells, harvesting, and production of an agriculture community.

David Barrett – He questioned the cost and use of a conditional use permit. Why should someone who is allowed to have animals need to pay for a permit and the privilege to feed these permitted animals?

Justin Wayment (City Attorney) – The council has the responsibility to balance personal property rights with property rights for the whole. This balance is a juggling act. The bottom line is we need to be respectful of our neighbors.

Shirley Wright – How high does the fence have to be to keep in the animals? There is a solid wood fence that is 4 feet taller than her 6 foot tall fence that prohibits her ability to see outside her yard.

Mayor Robinson thanked all those who offered public comment and explained that zoning is a very important part of the city. The council will look at the city zoning in the future very closely. He expressed his opinion about moving forward. The planning and zoning board will be able to add additional help with this ordinance. There are several agriculture gentlemen on the board that helped with the recommendations. The table that was changed existed when the code book was published in 1995. There being no further comment, the council moved out of public hearing at 7:45 p.m.

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 **March 23, 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 **March 30 & 31, 2021** as presented. All voted in favor. None opposed.

CONFLICT OF INTEREST STATEMENT

No conflicts were voiced at this time.

GOLF CART STALL LEASE POLICY

Craig Wright and Danny Evans met with the council to make recommendations on how to move forward with the leasing of golf cart stalls. Manager Brown, Council Member Cox and Steve Judd, golf course employee, visited the golf cart stalls. They determined that the north stalls (back) need to be removed in order to preserve the south facing stalls (front). The prior resolutions and agreements were discussed to help determine what should happen in the future with the golf stalls. It was determined that for the health of the course, we need to at least break even in order to keep the course open and not be a burden on the taxpayers. Mr. Evans stated that the Canyon Breeze Golf Course is not run as a golf course. It is run like a city park which he likes. That is the reason for the individual cart stalls and private carts on the course. Mr. Wright reminded the council that it was the intention of prior councils to eventually get rid of all individual golf cart stall and all private carts on the course because there is more money to be had in renting golf carts. Attorney Wayment reminded the council that there has to be a way to make some money and provide a service for the community. He recommended charging a higher lease fee and illuminate the sale of leases. A new resolution stating this fact may be needed. The council determined that for those who have existing cart stalls, the yearly fee would be \$260.00 which would include their annual land rent payment of \$100 and the golf cart path fee of \$160 and a sticker would be issued upon payment of the path fee. Beaver City would bill this fee in February and it would be due before April 1 when the golf season begins. For those who bring their private carts on the course, the fee would be \$160 for the year paid at the golf course and a sticker would be issued at the golf course. It was unanimously agreed that golf cart stall leases could no longer be transferred to individuals but ownership would be returned to Beaver City to do what they see fit. Leases do not go from generation to generation. There will be no subleasing of carts. A letter will be sent out shortly with this information so all cart stall leasees will be aware of this policy which will begin in January, 2022. There will be a second letter sent to all stall leases at the end of the golf season to remind them of the policy moving forward.

CARES RELIEF EXPENDITURE REVIEW

No change was reported in the fund.

CONSENT ITEMS:

Beaver Civic Arts Individual Yearly Swim Pass for Silent auction –

This item was brought before the council last meeting. Because it was not on the agenda for the last meeting, it is now on the agenda for a vote of the council. Council Member Schena motioned and Council Member Bradshaw seconded to approve the donation of an individual season pass for the swimming pool for their silent auction fundraiser. All voted in favor. None opposed.

Dough-Boy Triathlon co-sponsor request for donation –

Ryan Wells sent a request for \$450 for a co-sponsorship for the race dinner. Council Member Murdock motioned and Council Member Cox seconded to approve the request and consider sponsoring the entire dinner next year. All voted in favor. None opposed.

ADMINISTRATIVE/COMMITTEE REPORTS

Manager Brown:

Water Smart Grant – Manager Brown met electronically with the Bureau of Reclamation and the project engineer to review the grant application that was submitted for this funding year. Beaver City will reapply in the fall of 2021 for the \$500,000 or \$1,000,000 grant. Zion's Bank funding will be used and Beaver City could be reimbursed for the project after the fact.

Bear Spring Project - Pipe prices are going up fast. A call for bid was issued and Core & Main was the low bidder at a price of \$5.61/foot for 6" HDPE pipe which would be approximately \$29,000.

The idea for bidding the project pipe now was to purchase while the price is still reasonable and it is still available. It would be stock piled until needed for the project. The pipe for the **Beaver River to South Creek turnoff** pipe replacement was also bid. The 12" pipe for 46,000 feet line of HDPE was \$95,174 for a total of \$124,065.50. Manager Brown has three days before the bid is not valid.

Manager Brown was given authority to order the pipe for each project.

Council Member Bradshaw:

Opera House Sound System – The sound system was great but the microphones were not very good. It was very difficult to hear vocalists singing. There is private money to purchase an upgrade to other cordless microphones. The sound company that supplied the sound system will be contacted to see what kind of microphones work best for their system and how much they will cost.

Council Member Schena:

Youth City Council – The next event for Youth City Council is the July 4th celebration. Next year's council applications will be distributed for the 2021-2022 selection process. Council Member Schena requested funding for a pizza party for end of the year. Council Members were in agreeance.

Diving Blocks - SUU is redoing their pool. Would like to see if there is a way of purchasing, at a reduced cost, some of their diving blocks.

Cemetery Sprinklers – The project is nearly finished.

Recreation - CUFL is gearing up for next fall. Council Member Schena will check with Parker to see how many Beaver City children have signed up for Fundamentals.

Council Member Webb:

Recreation - The effectiveness of Fundamentals has been questioned by some residence. Beaver City does not offer T-Ball. Beaver City kids are going to Minersville to register for T-Ball. Children are learning the fundamentals of the game with the Fundamentals program. One of the reasons that T-Ball is not offered in Beaver is the lack of volunteers. The number of Beaver City participants registered in Minersville will be investigated.

Prevention Coalition with Rhonda Hutchings – They are sponsoring a scavenger hunt for dinner on Monday, April 26 from 4:00 to 6:00 p.m. There are 100 meal kits that participants will drive around to fill their plates.

Economic Development – Beaver County conducted a survey about four years ago. They would like to revisit residents to see if the emphasis in the first survey remains the same. Beaver City should be proactive on issues that are affecting the over-all outlook of Beaver City, especially the 600 North road and its improvement. Communicating information to residents is essential. All methods of communication should be used to help people understand Beaver City timing of projects and the funding for these projects.

Council Member Murdock:

Beaver Valley Hospital – They are now providing menus for their patients like larger hospitals.

Rodeo Grounds Committee – They would like to know if Beaver City has a tractor for the rodeo grounds. It is needed before the season starts.

Library – Would like to hire a person to coordinate summer programs. Manager Brown will look at the budget for next fiscal year to see if that is possible.

Council Member Cox:

Main Street Benches - Steel Creations gave a bid for sand blasting and powder coating each bench would cost \$246. There are seven benches. Council Member Cox will schedule a time for the Main Street benches to be redone.

Mayor Robinson:

Beau's Auto – Beau's will be sponsoring their Customer Appreciation Day on Friday, April 23. He would like to shut down Main Street to have a car show from 4:00 to 7:00 p.m. on Main Street and 100 North to 100 West. There could be 100 Cars on display. He will contact his business neighbors to let them know about the event so they can also benefit by being open. Mayor Robinson expressed his appreciation for his business. Manager Brown was fine with the closure of 100 North which is a city street.

CLOSED SESSION

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 yea by roll call vote. The motion passed with a unanimous vote. The Council moved into closed session at 8:53 p.m. They moved out at 9:08 p.m.

Council Member Schena motioned and Council Member Cox seconded to move into closed session to hold a strategy session to discuss pending or reasonably pending imminent litigation. Council Members Cox, Murdock, Webb, Schena and Bradshaw voted yea by voice vote. The vote was unanimous. The Council entered closed session at 9:10 p.m. They moved out at 9:20 p.m.

Council Member Bradshaw motioned and Council Member Schena seconded to adjourn the meeting. All voted in favor. None opposed. The Council Meeting was adjourned at 9:55 p.m. The next scheduled regular Council meeting will be held Tuesday, April 27, 2021 at 6:00 p.m.



APPROVED: _____
MATTHEW ROBINSON
MAYOR

ATTEST: _____
ANONA S. YARDLEY
CITY RECORDER