

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, June 22, 2021**. The following members of the Council were present: Mayor Matt Robinson, Council Members Lance Cox, Tyler Schena, Robin Bradshaw, and Hal Murdock. Also, present were City Manager Jason Brown, City Recorder Anona Yardley, and City Treasurer Stacey Phelps. City Attorney Justin Wayment entered the meeting at 6:15 p.m. Council Member Alison Webb was excused.

The opening of a prayer, Pledge of Allegiance and thought was given by Council Member Murdock.

### **PUBLIC COMMENT**

**Lynn Parker**, a seasonal resident of the community from Needles, CA addressed the council. She is a retired educator and secretary of her chamber of commerce. She enjoys being here and supporting local businesses. She expressed her love for the local Farmers Market in Beaver. The signage for the Farmers Market on the pavilion at the park is part of marketing this event. She felt that this event is an important part of the community. She would like to have the Farmers Market as an addition to the scheduled ball tournaments and events in Beaver City. She thanked the Council for the opportunity to speak and address the governing body of the city. Council Members expressed their thanks for her insight.

### **CITY COUNCIL MINUTES APPROVED**

Minutes of the previous **regular council meeting** were presented. Council Member Murdock motioned and Council Member Cox seconded to approve the minutes of **June 8, 2021** as presented. All present voted in favor. Motion passed with a majority vote. Council Member Webb was excused.

### **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 **June 10, 15 & 17, 2021** as presented. All present voted in favor. Motion passed with a majority vote. Council Member Webb was excused.

### **CONFLICT OF INTEREST**

No conflicts were voiced at this time.

### **MAY, 2021 FINANCIAL STATEMENT**

Treasurer Phelps presented the financial statement for May, 2021. The sales tax from April, 2021 was very high. She went through each fund pointing out some of the significant areas of revenues and expenditures. The water and power both had expenses higher than revenues. The sewer and pressurized irrigation funds had revenues higher than expenditures. The general fund had higher revenues than expenses which is rare for this time of year. The council thanked Treasurer Phelps for her presentation.

### **WILDLIFE WITHIN CITY BOUNDARIES – DWR REPRESENTATIVE**

Mike Wardell, Area Biologist, Salena Yardley, Land owner specialist, and Jeremy Butler, law enforcement representative for Beaver County, joined the meeting to discuss urban wildlife issues with the council. Mike Wardell, from Flowell, led this discussion. He stated that “urban wild life is tough to balance. There are options to lower the deer population within municipal boundaries. The municipality needs to be actively involved and the residents in the municipality should have a voice as to how the urban wildlife issues are resolved. Mayor Robinson stated that a year ago the county residents were complaining about the large Mule Deer population and now it is also city residents who are having some problems with them. Mr. Wardell stated that if there is an aggressive buck inside a municipality, this can be taken care of without too much trouble. The other nuisance issues are different. The State could come in and decrease the populations but it is only a band-aid. There are deer that migrate to the mountains and return in the fall/winter months and there are also those who don’t leave the city because of the feed availability. Normally it is automobiles that end up decreasing the herd population. There was a transplant program initiated in 2014 that would move the deer to other locations. This program ended because of the disease concerns within different herds, mainly Chronic Wasting Disease. Urban Deer population control needs to have public input so those in charge know what the community wants to happen with the deer herd. If removal was determined as the solution, it could not be until mid-September. The law will not allow any removal before August 1, 2021. The procedure is the City Council would request removal from the State Office. The state office would need to do the paperwork to file the request. The wildlife would be used for those who need it. The public hearing could be scheduled as soon as July 27<sup>th</sup>. Mr. Wardell stated that Oak City issued an archery hunt within the city limits as an experiment to reducing the urban deer population. It

begins August 1 for three weeks. There are only ten permits issued for this special hunt. It will take some time to determine the effects, if any, this special hunt has on the urban deer population in this area. Council Members thanked Mr. Wardell for his information and time to present the alternatives available to deal with this problem. He stated that he and his team would be willing to attend the public hearing to help residents understand the process.

### **OHV'S ON CITY STREETS**

Sheriff Cameron Noel met before the council to ask them to repeal their ATV ordinance because it is not in compliance with the State Code. He stated that he is not against ATVs in Beaver County. Legislation by former Senator Mike Noel is responsible for a licensed ATV to have access to any state highway. Husbandry stickers can be issued for agriculture ATVs to be used coming and going to the farm. Beaver City has designated all city streets for ATV use. Sheriff Noel is concerned about the youth that are using ATVs on city streets without helmets and being under age. He warned that citations will be issued and machines will be impounded for breaking the state law regarding All-Terrain Vehicles on public streets. Beaver City's current law does not conform with the state law because it states that 12-year-old youth can drive a licensed vehicle. The state law trumps the city code so he asked that Beaver City update or repeal their Off Highway Use Ordinance. Mayor Robinson said the council would look into this request and proceed accordingly. Sheriff Noel also stated that the Sheriff's Department is extremely down on law enforcement officers at present. There are many incentives for officers to come to Beaver. He was worried that State Inmates would be relocated because of insufficient staff required to house them. Manager Brown also talked about some signage on intersections and speed limit signs coming into town on SR-21. Mayor Robinson thanked Sheriff Noel for his efforts and for addressing the council about an ordinance issue that needs to be considered.

### **RESIDENTIAL ANIMAL ORDINANCE PUBLIC HEARING #3**

Motion Council Member Schena motioned and Council Member Cox seconded to move into public hearing to receive public hearing for the last time on the residential animal ordinance. Council Members Cox, Murdock, Schena and Bradshaw voted yea by roll call vote. The motion passed with a majority vote because Council Member Webb was excused. The Council moved into public hearing at 7:10 p.m. Those in attendance were Elaine and Myles Jessop, Michelle Evans, and Shirley Waldron. Manager Brown explained that the definition of supplemental feeding could be included to read 25 pounds of feed per day per animal. The maximum amount of feed for a 30-day supply is based on this amount. Grain or other feed supplements are required to be stored in a lidded container. Mayor Robinson recommended that the ordinance be 60 days of supplemental feed instead of 30 days. The council discussed the conditional use permit option. Mayor Robinson does not like the idea of a conditional use. Feeding should be permitted as long as the animal is present on the property.

**Shirley Waldron** – Mrs. Caldron commented that anyone could store hay in a barn and no one could see it.

**Michelle Evans** – Mrs. Evans is a horse owner and she stated that when she buys hay, she buys it for the entire winter season.

The council decided to include the supplemental feeding as a permitted use according to the acreage chart included in the ordinance and keeping all other feeds in closed containers. It would be allowed to have the necessary fee on the site as was needed to feed the animals on the property. The time frame was dropped. There being no further comments, the council moved out of public hearing at 7:55 p.m.

### **CARGO CONTAINER PUBLIC HEARING #3**

Council Member Bradshaw motioned and Council Member Cox seconded to move into public hearing to receive public comment for the last time on cargo containers in residential areas. Council Members Cox Murdock, Schena and Bradshaw voted yea by roll call vote. The motion passed with a majority vote because Council Member Webb was excused. The Council moved into public hearing at 8:00 p.m. Manager Brown explained that the first ordinance presented to the public is gone and the only change in the present ordinance is the definition of an accessory building. Cargo Containers would fall under the accessory building definition of the code. Council Members revisited the outside presentation of the container and wanted to make sure it was painted so it would blend into the surroundings and no writing would be on the containers. Accessory buildings can't be more than 25% of the available space in any yard.

**Elaine Jessup** – Ms. Jessop asked why a cargo container would need a building permit if it is not required to be put on a permanent foundation. If the cargo container is larger than 20 sq feet, a building permit is required. The five-foot setbacks are there for the fire and emergency responder access. There being no other comments, the Council moved out of public hearing at 8:10 p.m.

**CERTIFY URS RETIREMENT RATES**

Council Member Murdock motioned and Council Member Bradshaw seconded to approve the URS Retirement Rate for the 2021-22 year. All voted in favor. Motioned passed with a majority vote.

**APPROVE CERTIFIED PROPERTY TAX RATE**

Council Member Cox motioned and Council Member Murdock seconded to approve the property tax rate for the 2021 year. All voted in favor. The motion passed with a majority vote.

**FIREWORKS RESTRICTION INSIDE CITY**

It was recommended by the fire district personal fireworks be allowed in the city limits if shot in three designated areas. Those area according to the present fireworks resolution would be the black top on the north of the City Offices, the asphalt parking lots at the swimming pool and the fire station. Council Member Bradshaw motioned and Council Member Cox seconded to move to this level in the fireworks resolution designating the three above mentioned locations for personal fireworks lighting. All voted in favor. Motioned passed with a majority vote.

**SMITH ANNEXATION REVIEW**

The City Council reviewed the Annexation Petition of The Roger, Lance and Rhett Smith Families. This area borders the current city limits and is on the west side of Holdaway lane. This will require that Rhett Smith bring an 8” water line to his property as well as water rights with the annexation. There is a private drive to Rhett’s property. Holdaway Lane is the other access road. There will be need to be an 80’ turn around for the private lane. They are requesting a Rural Residential-1 zone for the annexation. There are over 20 acres in this annexation. Council Member Schena motioned and Council Member Murdock seconded to approve the annexation petition and to proceed with the certification process. All present voted in favor. Motion passed with a majority vote.

**July 4<sup>th</sup> Celebration –**

Mayor Robinson agreed to be the announcer. Flag Ceremony – The event will start at 7:30 p.m. with the flag ceremony at 8:00 by the local scout troop. Council Member Cox will ask the local troop to provide this service and find someone to sing the Star-Spangled Banner. Food Assignments – Matt will bring the cooker and cook the hot dogs. Smithfield Foods donated 800 Hot Dogs. The City Youth City Council can help serve. Murdock and Jason. Amy Jo will run the foam machine for 7:30 p.m. Games – Council Member Cox will do the Corn Hole and Kick Ball games. Robin will try to get the different school classes involved with competing in the games. The EMT’s will provide the Otter Pops, Brady Bradshaw will provide the water bottles. The Children’s Parade will begin at 8:30 p.m. Local Talent – Jaylee Beaumont. The fireworks will be set up in the back parking lot. Robin will park the trailer for the band. Jason will have the tarp put up for the band. Austin Blackburn will get the hose for the fire hydrant or for the sprinkler system. Youth Mayor Alyssa Smith is recruiting younger students for the youth city council for the next school year.

**CLOSED SESSIONS**

Council Member Schena motioned and Council Member Cox seconded to move into closed session to discuss the character, personnel. Council Members Cox, Murdock, Schena and Bradshaw voted yea by voice vote. Council Member Webb was excused. The vote passed with a majority vote. The Council entered closed session at 8:55 p.m. They moved out at 9:20 p.m.

Council Member Schena motioned and Council Member seconded to adjourn the meeting. All voted in favor. Motion passed with a majority vote. The Council Meeting was adjourned at 9:21 p.m. The next scheduled Council meeting will be held Tuesday, July 27, 2021 at 6:00 p.m.



**APPROVED: \_\_\_\_\_**  
**MATTHEW ROBINSON**  
**MAYOR**

**ATTEST: \_\_\_\_\_**  
**ANONA S. YARDLEY**  
**CITY RECORDER**