

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, July 27, 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, City Recorder Anona Yardley, and Beaver County Commissioner Wade Hollingshead.

The opening prayer and pledge were offered by Council Member Webb.

### **GROVE WATER USERS MEETING**

This is the second meeting for Grove Water Users. Mayor Robinson welcomed the residents of the Grove area and explained that a municipality must identify its water service area according to State Law. Beaver City has been delivering water to residents of the Grove Area for decades without an engineering master plan. At this time, Beaver City is not in compliance with the new state law for identifying its water service area. As soon as possible, Beaver City would like to be compliant by including the Grove area in that service area. Beaver City and Beaver County are working together to address the problem of constructing a water delivery system for all property owners of the Grove Area. The engineer's assessment on where the water system deficiencies are at present was given to Grove residents. Mayor Robinson asked that the residents of the Grove supply information to Beaver City and Beaver County to help with the reconstruction of the water system in the area. Individual property information should be discussed with City Manager Brown.

Manager Brown explained that the engineering study identified fifteen sections through hydraulic analysis that are in need of improvement. Looping lines together provides sufficient water flow to provide fire suppression sufficient to put out fires in the area. Beaver County and Beaver City are working together to find a way to make this project happen and can't do so without help from the Grove residents. Mayor Robinson invited comments from the public.

**Chuck Cumberland** – Mr. Cumberland explained that from the P-6 line to where the "X" is on the map was paid for by the three users of this line. There is an 8" line that loops this 6" line. Mr. Cumberland asked how this project would affect the three residents on this line and if this amount of financial contribution would be considered when assessing the amount of money that would need to be paid into the project. Attorney Wayment explained that the Board of Equalization will take these contributions into consideration when they convene. Before the Board of Equalization, all residents should have the right to show what they contributed to the infrastructure of the water system. He stated that he turned the 6" line over to the city and there is no record of this. His line goes down the middle of the road. Mr. Cumberland stated that he gave Beaver County the road easement for this 6" water line. Beaver City, at present is not aware of any utility easements that exist in this area. More investigation will be forthcoming. Attorney Wayment explained that the solution may not be fair to all residents but it would be less if the city and county are able to receive grant money to help defray the cost of the project to water users.

Mayor Robinson reminded the members of the audience that the end goal is to construct a water delivery system that the city will take control of and maintain. Attorney Wayment reiterated that easements need to be acquired to protect Beaver City and in order to maintain the system and receive federal funding. He reminded the residents of the Grove Area that they must have 51% of the residents to agree with a special assessment area before it can happen.

**Kathleen Tyler** – She lives at the end of 190 North and purchased a home three years ago. She has a 2" galvanized line that is not looped. The previous owner refused to do the upgrade. Mrs. Tyler wanted to know what Beaver City is going to do to improve the quality of the water. Beaver City

does not own the water line. Home owners are responsible for their own lines. If the line is not looped, it can be flushed to improve the quality of the water. She asked why the Grove Water users pay more for water. Attorney Wayment explained that the extra cost is used to maintain the system

**White haired lady** - Property Taxes are paid to Beaver County. She asked if Beaver County could give some of the property taxes to Beaver City to maintain the system. Mayor Robinson explained that Beaver County is willing to help with this project. Some of that will be spent for this

**John Barton** lives on Navajo Trail. He asked why road easements need to be done in order to put water lines in the road. Attorney Wayment explained that easements are needed to get federal money. Mr. Barton explained that the road easements have already been given to Beaver County. Mr. Barton also asked why Beaver City doesn't exercise eminent domain, take the water lines and fix them. Attorney Wayment explained that Beaver City would need to expend a great deal of money for property that is in Beaver County. Mr. Barton asked about what Beaver County was going to do to help with this project. Mayor Robinson explained about forming a special assessment area. This is one idea to accomplish this project. It would allow the county, city and private owners to apply for money to help fund this project. He asked how many property owners would need to agree to a special assessment area. Recorder Yardley sent out approximately 160 letters to property owners and 51% of them would need to agree with the special assessment area in order to move forward. The amount of encumbrance for a special assessment area cost per individual is unknown at this time. He asked when was the last time the fire hydrants were checked. Manager Brown was unaware of the time table. With the new system, each fire hydrant will be checked for hydraulic pressure.

**Carol Mowbrey** – She explained that in order to build their home, Beaver County required them to bring an 8" line across the river. They wanted to drill a well and were denied. She has an 8" line but it has 2" and 6" line attached to it.

**Ashley Hollingshead** – She asked how many people would it take to annex the area in to the city. The city would never force annexation on areas. She also asked if the SAA doesn't go through, what other options are there? Attorney Wayment explained that residents could form their own water association that is part of a large water company. Another option is to have group wells. Beaver City could enter into a contract with each water user stating that they provide water and the water could be turned off at any time.

**Kelly Walker** - She lives just off of HWY 153. Her Sister lives in the concentrated area of the Grove. She was told she could not drill a well and had to be on city water. Kelly explained the details of several water extension agreements in the Grove Area. She commented that each person that put in lines should be prorated for their assessments. She has sufficient fire suppression for their area. Mayor Robinson commented that if the lines that were put in at the time are insufficient, those improvements would not count for much. She also commented that end of line users need to flush their lines to keep water from being stagnate in this location. She encouraged all Grove residents to participate.

**Commissioner Wade Hollingshead** – He commented that there is a real mess in the area with water lines and Beaver County would like to participate in fixing the problem. He also stated that he is a resident of the Grove Area also. He asked what would prevent Beaver City, when the system was improved in times of water shortage, to not turn off the Grove resident's water. Attorney Wayment explained that Beaver City will designate the Grove Area as a service area. Then there won't be a problem with turning off the water because the Grove Area will be part of the water service area for Beaver City. Beaver City has decided that this is the time to fix this problem.

**Greg Grutzmacher** – He is attending the meeting online. He had been doing some possible

mathematics solutions to meet the probable costs of the project. Attorney Wayment explained that there have been no figures placed on this project. There are many factors that will go into the cost of this project.

Attorney Wayment explained the tentative voting ballot for citizens. He asked if they had a voted previously, not to vote twice. Council Member Murdock asked if there was a leader in the Grove Area. The people responded in the negative. Attorney Wayment explained that there is no time frame on this project. There is a process that needs to happen. Hopefully sooner than later. Grants will be sought at every level. When entities partner, grants are looked at more favorably. One thing that is necessary is there needs to be utility easement where the lines will be placed. Manager Brown said he has been personally contacted by you. He asked that the people in the meeting talk to their neighbors to explain the project.

#### **CITY COUNCIL MINUTES APPROVED**

Minutes of the previous **regular council meeting** were presented. Council Member Cox motioned and Council Member Murdock seconded to approve the minutes of **June 22 and 29, 2021** as presented. All voted in favor. None opposed.

#### **BILLS APPROVAL**

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

#### **PUBLIC HEARING – ATV ORDINANCE REPEAL**

Council Member Schena motioned and Council Member Webb seconded to move into public hearing to hear comment on modifying and repealing parts of the ATV Ordinance. 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 public hearing at 7:36 p.m. Attorney Wayment explained that the Utah State Code provides access to all ATVs on any road with a licensed vehicle. Beaver City is getting rid of their code so that law enforcement has the ability to enforce the state law. There being no public comment, the council moved out of public hearing at 7:55 p.m.

Council Member Cox motioned and Council Member Schena seconded to accept the change to the ATV Ordinance as presented in Ordinance 7-27-2021A. Council Members Cox, Murdock, Webb, Schena and Bradshaw voted in the affirmative. Motion passed with a unanimous vote.

#### **PUBLIC HEARING – URBAN DEER POPULATION CONTROL**

Council Member Schena motioned and Council Member Cox seconded to move into public hearing for hear public comment for managing the urban Mule Deer population. Council Members Cox, Murdock, Webb, Schena and Bradshaw voted yea by roll call vote. Motion passed with a unanimous vote. The council moved into public hearing at 8:00 p.m. Mike Wardell Jeremy Butler and Salina Yardley here to present information on this issue. Those in attendance were Brent Baldwin, Owen and Paula Spencer, Kelly Walker, Phil Bostrom, Mike and Sherri Mikesell, Irene Forrest, Elaine Jessop, Calvin and Carol Goodwin, Barbara Robinson, Brayden Richmond, Alan Dockstader, and others not identified.

Mike Wardell began the meeting by explaining the difference between migratory and nonmigratory deer. Those that migrate move to different feeding grounds with the seasons. They have natural limits that determine where they go. Nature determines their quality of existence. They move to the food source. They are valuable because they are feeding on public land and they are accessible to the public. Nonmigratory deer don't move and have relatively easy existence. They are not useful and are not accessible to public hunters. Disease will many times destroy the herd when they get too large. There are three options to manage the nonmigratory deer population. DWR can enter and remove the

deer within the city. When the DWR does a removal, the meat is donated to people. Another way that has been recently tried is to have a public archery hunt within only the city boundaries. One of the problems with this type of removal is access to private property. The third removal solution is Urban Deer COR where the city would remove the deer themselves. They would trap or euthanize the deer authorized by the DWR.

#### PUBLIC COMMENT

**Mike Mikesell** – Mr. Mikesell asked if this issue is for the city limits only. The Grove has a no hunting law. This hunt would be only within the city boundaries.

**Irene Forrest** – Ms. Forrest lives northwest of the golf course. She has a farm and is in favor of getting rid of deer anywhere. She is familiar with migratory and nonmigratory deer patterns. The deer are destroying her farm.

**Brent Baldwin** – He lives in the North end of Beaver. The DWR have explained to him that the deer have the right of way. The deer destroy his flowers and garden. Has an electric fence around his garden and they still eat the tomatoes. He likes to hunt deer but in the mountains.

**Kelly Walker** – She asked about clarification. Meat goes to those who need and want it in all situations of removal. The DWR has a sign up on their website to sign up for donations. Some cities have made up a list as well.

**Calvin Goodwin** – He lives on the south end of town. Deer have never been in the area until four years ago. They are eating the feed for the cows and eating the gardens and trees. He would like them removed.

**Robin Bradshaw** – He lives on the north end of town. He supports option one and three. Will not allow someone to hunt on his farm area because there is too much value to allow an archery hunter on his property.

**Owen Spencer** – He lives at 360 east 300 North. They have eaten everything in his yard. There are seven does and three bucks. Come in and out. Favor of option 1 and 2. The DWR does not know how many are actually in town. They remove the deer starting August 1. They have a narrow window in the spring when they can be harvested as well. They have a process of permitting that they have in order to allow a removal within a municipality. There is a small window in the fall as well.

**Barbara Robinson** – She asked why deer are coming down into town so much now. People are feeding them better. Beaver City is natural habitat for deer. There aren't natural limiting factors in town like there are on the mountain.

**Brayden Richmond** – Mr. Richmond sits on the Southern Region Advisory Council. He has been involved in this issue for many years. There are people who get very excited about deer removal. This information needs to be given to all citizens so there isn't a problem with the public that don't understand when the removal takes place.

Mayor Robinson asked how many deer have been removed. Mike responded that three years ago removed deer from private property outside of the city limits. In 2018 there were approximately 45 deer removed. The DWR needs permission from the city. They also need a list of property owners who have chronic deer problems. Council Member Bradshaw asked about the timeline for removal. It does take about a week to process all the paperwork. There being no further comments, the council moved out of public hearing at 8:27 p.m.

#### EAGLE SCOUT PROJECT – XANDER BURY

Eagle Candidate Zander Bury met with the Council to explain his proposed Eagle Scout project of restoring the South East corner of the historic Cabin on the Main Street Park. The logs are rotted and

termites have caused damage as well. With the help of his father, they will need to get some pine logs. They are falling logs at Eagle Point presently. The cabin would need to be jacked up in order to replace the rotting logs. There are also some places on the south side of the porch that need to be fixed. Many of the logs need to be chinked. He will be getting the costs together shortly. Land Management for Eagle Point would have to give permission to harvest some of the logs needed. The cabin is owned by the Church of Jesus Christ of Latter-day Saints, Leased by Beaver City and subleased by Beaver County. Xander will keep in contact with Manager Brown for his help with this project. The council thanked Xander for his willingness to tackle such a large project.

#### **ATV TRAIL HEAD UPDATE – PHIL BOSTROM**

Mr. Bostrom met with the council to inform them that on July 7<sup>th</sup> the ATV Club closed escrow on the 600 North property. Phase 1 is finished with the purchase of the land. Phase 2 is what to do with the property. He would like to fence the south and east sides and leave the other two sides open. The property would be covered with gravel. Incoming traffic would go to the rear of the property. Curb and gutter will be put in as well as signs identifying the property ownership and the trail head. Donors will also be identified on the signs. Many of the trees have been removed as well as other rubbish on the property. The Utah State grant director will be visiting on August 4 to view the property. An official survey for the property will be done. Mr. Bostrom wondered if anyone on the council knew what the property was used for in the past. None of the council members could remember anything conclusive about the property. Beaver City will be moving the power poles near the property. Mayor Robinson thanked Mr. Bostrom for his vision for a use of the property and his hard work in making it happen.

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

Treasurer Phelps compared the June, 2021 financial statement to the June, 2020 financial statement. She highlighted each fund to show that most funds have a higher budget than the prior year. With the new asset management module that we have added to Caselle, the depreciation for the enterprise funds is added to the financial statement each month. The council thanked Treasurer Phelps for her report.

#### **RESIDENTIAL ANIMAL ORDINANCE APPROVAL**

Council members reviewed the ordinance changes one last time. They decided to remove the last item on the list for supplemental feeding about feed storage. Council Member Murdock motioned and Council Member Cox seconded to accept the changes to the R-1 residential animal portion of the ordinance with the removal of the above-mentioned change in Resolution 7-27-2021B. Council Members Cox, Murdock, Webb, Schena and Bradshaw voted yea by voice vote. The motion passed with a unanimous vote.

#### **CARGO CONTAINER CHANGES TO ORDINANCE APPROVAL**

The council members discussed the appearance of the cargo containers once again. Council Member Bradshaw motioned to change the description of an accessory building by eliminating the word “pre” in front of word painted and approve the ordinance as presented. Council Member Webb seconded the motion. Council Member Schena continued the discussion about the timing of painting the building. He wants to add a time frame to the painting of the accessory building. Council Member Bradshaw amended his motion to eliminate the word “pre” in front of paint and add a two-week time frame to when the accessory building must be painted. Council Member Schena seconded the motion. Council Members Cox, Murdock, Webb, Schena and Bradshaw voted to the affirmative by roll call vote. The motion passed with a unanimous vote. See Ordinance 7-27-2021C.

#### **PRESSURIZED IRRIGATION WATER RATES ORDINANCE APPROVAL**

Council Member Bradshaw motioned and Council Member Murdock seconded to approve the

increase of the Pressurized Irrigation water rates by \$2.00 on each connection as shown in Ordinance 7-27-2021D. Council Member Cox, Murdock, Webb, Schena and Bradshaw voted yea by voice vote. The motion passed with a unanimous vote.

### **OUTSIDE CITY WATER APPLICATIONS**

Alan Dockstader owns four ½ acre lots in Canyon Breeze Estates. He acquired the properties in the winter. He also has an acre foot per lot of water to deed to the city so his outside the city water applications could be approved. He also has two well locations if he needs them. He has the septic permits for each of the properties. He suggested that a contractor be hired to put in 200 feet of pipe instead of just 100 feet so the project will be finished instead of half finished. Council Member Schena motioned and Council Member Cox seconded to approve Mr. Dockstader's four applications for outside the city water connections with the understanding that one-acre foot of water be deeded to Beaver City to provide that water. All voted in favor. None opposed.

### **MUNICIPAL BUILDING AUTHORITY – BEAVER VALLEY HOSPITAL RENOVATION FUNDING RESOLUTION**

Council Member Cox motioned and Council Member Murdock seconded to move into the meeting of the Municipal Building Authority. Council Members Cox, Murdock, Webb, Schena and Bradshaw voted yea by roll call vote. The motion passed with a unanimous vote. Mayor Robinson opened the meeting of the Beaver City Municipal Building Authority at 9:30 p.m. The purpose of the meeting is to approve a new resolution to increase the bonding amount for the Beaver Valley Hospital renovation. "Consideration for adoption of a resolution of the city council of Beaver City, Utah. A resolution of the city council of Beaver City, Utah authorizing and approving the execution and delivery of a master lease agreement by and between the city and the municipal building authority of Beaver City, Utah (The "Authority"); authorizing the issuance and sale by the authority of its lease revenue and refunding bonds, Series 2021, in the aggregate principal amount of not more than \$25,000,000; and related matters.

Zions Bank Financial Consultant Marcus Keller addressed the board about the increase in the bonding. The increase in materials and labor is greater than was anticipated. The hospital has asked that the increase move from \$15,000,000 to the \$25,000,000. The amount of increase will give the hospital project some wiggle room in case any more increases occur. He stated that the hospital board is supportive of this resolution. Mayor Robinson, who is also the Chairman of the hospital board, reiterated the hospital board approval of the new resolution increase. With this information, Board Member Schena motioned and Board Member Cox seconded to approve Resolution 7-27-2021 as presented. Board Members Cox, Murdock, Webb, Schena and Bradshaw voted yea with a unanimous vote. The motion passed with a unanimous vote. There being no other business, Council Member Cox motioned and Council Member Murdock seconded to move out of the Municipal Building Authority meeting. Council Members Cox, Murdock, Webb, Schena and Bradshaw voted in favor by voice vote. The motion passed with a unanimous vote. The Council moved out of the MBA meeting at 9:47 p.m.

### **BEAVER VALLEY HOSPITAL BOND RESOLUTION**

The Beaver City Council considered Resolution 7-27-2021 as recommended by the Municipal Building Authority. The hospital project total is approximately \$30,000,000 to \$35,000,000 with the increase in building supplies. Bonding is a way for everyone who uses the facility to help pay for the debt over a longer period of time. It gives the hospital a way to adjust and react with agility with the construction market. This is the reason for bonding. The interest rate may be between 2 and 3 percent. There would be caps on the interest rate so it would get too high. The bond would be callable at any time so it can be refinanced as needed. It would be possible to bond for 15 to 20-years. Should

the UPL Program be terminated, there is sufficient money to service the debt of the renovation. The remaining debt on the building of the hospital will be included in this bond as well. Council Member Schena motioned and Council Member Cox seconded to approve Resolution 7-27-2021 as recommend by the Municipal Building Authority. Council Members Cox, Murdock, Webb, Schena, and Bradshaw voted yea by roll call vote. The motion passed with a unanimous vote.

**Consent Item:**

The Beaver Canyon Marathon committee is requesting that the city pay for the T-shirts and the Port-a-potties. Council Member Bradshaw motioned and Council Member Webb seconded that Beaver City pay for the T-Shirts and Port-a-potties up to \$5,000. All voted in favor. None opposed.

**ADMINISTRATIVE/COMMITTEE REPORTS**

**Manager Brown:**

No report at this time.

**Council Member Bradshaw:**

**Emergency Services-** The EMTs have a new ambulance which was funded through a grant.

**Water** – The new well was repaired and recently maintained for about \$15,000. The PI pumps ran for three days in July. There will be no extra pumping charges added to the PI bills this month.

**Fire District** – A newer water tender truck has been added to the fleet.

**Electric** – The Creamery has a new charging station for electric cars.

**Council Member Schena:**

**Pioneer Park** – The “No Dogs on the Park” sign is down. A sprinkler is broken on the Pioneer Park. There is a dead spot on the hill.

**Fort Cameron Complex** – This complex is a really small area with many uses and not much parking. As Beaver City looks at future plans for this area, parking needs to be a high consideration. More bleachers are also needed at the facility.

**Council Member Webb:**

**Economic Development** – Housing is a problem throughout the state. Air B&Bs and BRBO’s are hard on housing because they take away from available homes to purchase or rent for residents. Fire insurance policy at Eagle Point is being worked on so they can be rated.

**Thanks** - Thank you in the paper for the 24<sup>th</sup> of July to all those who made it such a success.

**Swimming Pool** - Chemical for pool has been found.

**Opera House Renovation** – The Beaver Civic Arts just completed their theatre season and are very thankful for the new building and theatre.

**Emergency Preparedness** – With the disasters witnessed in other communities close to us, the question is, “Is Beaver City prepared for disasters?”

**Council Member Murdock:**

**Rodeo Grounds** – There was a huge crowd on Saturday night. More bleachers are needed and the restrooms are needed badly. The Covid money could be used to help with this project.

**Council Member Cox:**

**Golf Course** – The clubhouse is looking for employees. Rains have made the golf course look so green. The course was closed on July 24<sup>th</sup> because there were many reunions and they were short-handed for employees.

**Trash cans on Main Street** – Trash cans could be placed on Main Street during the parade on July 24<sup>th</sup>.

**Mayor Robinson:**

**Hospital** – Mayor will keep the council informed as the renovation project moves

**CLOSED SESSION:** Council Member Schena motioned and Council Member Cox seconded to move into closed session to discuss the character, professional competence, or physical or mental health of an individual. All voted in favor. None opposed the Council moved into closed session at 10:35 p.m. and moved out at 10:52 p.m.

Council Member Bradshaw motioned and Council Member Webb seconded to adjourn the meeting. All voted in favor. None opposed. The Council Meeting was adjourned at 10:53 p.m. The next scheduled regular Council meeting will be held Tuesday, August 10, 2021 at 6:00 p.m.



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

**MATTHEW ROBINSON**  
**MAYOR**

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

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