

NOTICE AND AGENDA February 10, 2022

Notice is hereby given that the City Council of Blanding, Utah will hold a Special Council Meeting on February 10, 2022 at the City Office, 50 West 100 South Street, which meeting will begin promptly at 6:00 p.m. The agenda shall be as follows:

Due to the COVID-19 outbreak and the emergency declaration by the State of Utah, members of the public may be limited to maintain social distancing. Go to <https://bit.ly/2UUjBh2> to view the meeting live on YouTube. If the public wishes to comment, they may email a short and concise comment to cityoffice@blanding-ut.gov. Comments shorter than three minutes in length that are received before the start of the meeting may be read during the open forum portion of the meeting.

In compliance with the ADA, individuals needing special accommodations during this meeting may call the City Offices at (435) 678-2791 at least twenty-four hours in advance. Every effort will be made to provide the appropriate services. One or more members may participate in the meeting electronically, according to Blanding City Ordinance 1-5-5-F regarding electronic meeting participation. All agenda times are approximate.

POLICY MEETING

- I. Call to Order
- II. Roll Call
- III. Prayer or Thought
Anyone in attendance is invited to notify the Mayor prior to the meeting if they would like to offer a prayer or thought.
- IV. Pledge of Allegiance
- V. Approval: Consent Agenda
- VI. Declaration of Conflicts of Interest

Business Items

1. SFW and Occupancy Requirements

In compliance with the ADA, individuals needing special accommodations during this meeting may call the City Offices at (435) 678-2791 at least twenty-four hours in advance. Every effort will be made to provide the appropriate services. One or more members may participate in the meeting electronically, according to Blanding City Ordinance 1-5-5-F regarding electronic meeting participation. All agenda times are approximate.



CITY COUNCIL MEETING - STAFF REPORT

Author: David Johnson, City Manager
Department: Administration
Subject: Wellness Center Occupancy & SFW Event
Date: February 10, 2022
Type of Item: Business Item

Background

During the February 8, 2022 City Council meeting the Sportsman for Fish and Wildlife (SFW) organization requested that the City Council allow the organization to hold their event at the Wellness Center with an occupancy load greater than 299.

The Council directed staff to ask the State of Utah Fire Marshall if there are alternative methods that could be used to temporarily increase an allowed occupancy, such as having firefighters and trucks at the ready. Since the meeting, other questions were also sent to staff to ask the Fire Marshal. Below are key points from the Fire Marshal's responses.

Fire Marshall Responses

If the City has firefighters on site with trucks would the state Fire Marshal approve a larger capacity than what is posted?

"I would not approve an increase in occupancy based on firefighters being outside. This is not a surprise, or one time event. This is an event that you have held before and planned to hold again when you made the decision not to install a fire suppression system in this building, and to limit the occupancy to 299."

Would the Fire Marshal be willing to recalculate the occupancy without a fire suppression system? What codes are used to make those calculations?

"An "A" occupancy with an occupant load of 300 or more shall have a fire sprinkler system. This occupant load could be changed by your building official if you install a code compliant fire sprinkler system in the entire building."

Would the Fire Marshal see an issue with the City updating the posted occupancy and basing it on assemblies in state code?

"An "A" occupancy with an occupant load of 300 or more shall have a fire sprinkler system."



Other FAQs

How was the 299 limit discovered?

Last year during the spring, City staff followed up on COVID occupancy requirements. Staff found that the posted occupancy for the Wellness Center was set to 299. In looking at state code regarding occupancy calculations, it appeared that the Wellness Center could fit up to approximately 1,400 people in an assembly or 600 with tables and chairs, since occupancies can vary based on the use.

Staff contacted the state Fire Marshal to see why the occupancy was set at 299. The state Fire Marshal and his staff looked into the code and explained that the calculations for occupancy **do not apply** to the Wellness Center, because it does not have a fire suppression system.

They referred staff to state code, as follows:

[F] 903.2.1.4 Group A-4

(<https://up.codes/viewer/utah/ibc-2015/chapter/9/fire-protection-systems#9>)

An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

- The fire area exceeds 12,000 square feet (1115 m2).
- The fire area has an occupant load of 300 or more.
- The fire area is located on a floor other than a level of exit discharge serving such occupancies.

How was the 299 determined?

The City Council also asked staff to look more into how the 299 occupancy was determined. In researching more on the 299 occupancy, Staff pulled up the original plans and found that the 299 occupancy was prescribed in the original set of plans by the architect the City hired.

Since state code requires that a building with more than 12,000 sq ft or 300 occupants must have a fire suppression system, and since the Wellness Center is nearly 15,000 sq ft, the architect set the occupancy at 299 to provide the largest possible occupancy without hitting 300, which would trigger the state requirement and costs to install a fire suppression system.

Through the architectural plans, construction bids, and bonding the City formally accepted the 299 occupancy limit.

Can the 299 be recalculated?

The City Building Official also looked at state code and found that any occupant load of 300 people or more requires a fire suppression system, regardless of occupancy calculations based on use. This is why the Fire Marshal said that the current occupancy cannot be increased unless the City installs a fire suppression system. As such, state code dictates that the City must currently maintain an occupant load of 299 or less in the gym.



However, the City Attorney explained to Administration that the City Council can direct staff to hire a neutral, outside third-party that is expert in this field of state code to contest the Fire Marshal's interpretation before making a decision. He also recommended that the expert should be free of conflicts of interest, such as associations with SFW or other organizations that use the Wellness Center. The potential risk of this approach is that a third party could return with unfavorable results, such as a lower occupancy or direction to install a fire suppression system.

What measures did the City take on the 299 limit?

After initial discussions and direction from the City Council, Staff immediately ensured that all City events remained under 299. Staff also informed the School District, SFW, and others that all future City and third-party events would have to be under 299.

Can the City Council vote to allow the SFW event with more than 299?

Yes. The Fire Marshal, Insurance, Attorney and staff all acknowledge that the City Council may still vote in favor of allowing the event over 299. If the City Council does so, please note:

- The City would be in violation of State Code [F] 903.2.1.4 Group A-4
- The City's insurance explained that the City would assume the risk and liability, as detailed in the February 8, 2022 City Council meeting packet.
- It sets a precedent and opens the door for more requests over 299.

Budget Impact

- The SFW event pays \$250 to use the Wellness Center.
- Total estimates for a fire suppression system range between \$300K - \$500K.
- Increased potential liability.

Recommendation

Based on the advice and feedback from the City's insurance and Fire Marshal, Staff recommends approving the SFW event if it remains under the posted 299 occupancy.

City Council Options

- Vote to allow the SFW event at the Wellness Center with an occupancy less than 299.
- Vote to allow the SFW event at the Wellness Center with an occupancy more than 299.
- Vote to direct staff to hire a neutral, outside third-party that is expert in this field of state code to contest the Fire Marshal's interpretation before making a decision.

Department Review

Administration, Attorney, Insurance, Planning, State Fire Marshal

Attachments

N/A