

COUNCIL MINUTES
FEBRUARY 13, 2019

The City Council held a meeting on Wednesday, February 13, 2019, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson-Edwards; Councilmembers: Ron Adams; Paul Cozzens; Terri Hartley; Craig Isom; Scott Phillips.

STAFF PRESENT: City Manager Paul Bittmenn; City Engineer Kit Wareham; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Darin Adams; Fire Chief Mike Phillips; Wastewater Superintendent Eric Bonzo; Public Works Director Ryan Marshall; Leisure Services Director Ken Nielson; Golf Superintendent Jared Barns, Golf Supervisor of Maintenance Steve Carter.

OTHERS PRESENT: Willis Gurr, Eric Woolsey, Scott Rawlinson, Daniel Rawlinson, Andrew Laws, Carter Wilkey, Shanda Badger, Chris Badger, Tom Jett, Dallas Buckner, Sheridan Hansen, Julia Valerius, Kelly Dalton, Maridon Nielsen, Kimber Heaton, Braylon Bingham, Kyler Munford, Kason Bulloch, Kody Diekmann, Jacob Gally, Kern Bulloch, Kurtis Munford, Julie Bishop, Casey Bishop, Amy Pyne, Tim Watson, Darrin Duncan, Jose Gonzales

CALL TO ORDER: Councilmember Phillips gave the invocation; the pledge was led by Scout Troop 345.

AGENDA ORDER APPROVAL: Councilmember Isom moved to approve the agenda order; second by Councilmember Hartley; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Isom – the two water breaks, unrelated and not systemic problems? Ryan Marshall, Public Works Director – the snow & cold is what caused it, and they are unrelated. Cove Drive water was in by 1:00 p.m. they have it filled, but have the road closed until it dries out. Industrial Way they did a temporary patch, today they had to cut it out and replace an area, the Dairy is on another line, only storage units were affected. Isom – I congratulate our staff on the quick repair. It is unusual to have two mains in one day. ■Hartley – thank your staff for all the snow removal. A few residents are calling to question getting rid of piles in the neighborhoods. Ryan - We try to keep it as clear as possible. Phillips – a question from the businesses, Main and Center, when the snow is pushed up against the intersections from sidewalk to cross the street were not cleared. Ryan – the store is responsible for in front of their stores. I don't know about the crosswalks, I will check with the State. ■Cozzens – County Commission approved to have Councilwoman Hartley serve on the Water Conservancy District. I attended a meeting yesterday, we put data loggers on recharge places, the more water we can measure the more we can report to the State Engineer. Rural Water Tech Alliance provide SCADA services for this type of project, they are non-profit and outfit the data loggers with SCADA and transmit it to the cloud. With recharge, irrigators were also at

the meeting, they can put these at the canals and measure what they deliver to their customers. When you can look on your phone and see how much we recharge and use as much water as possible for recharge. If we buy the water loggers, the Water District would pay the yearly fees for the SCADA and monitor the data in real time. There were people from Emery County, and it was a benefit for them to see what everyone was using. I think we should look at it as a City. Kit – it would be helpful; our measuring devices are archaic, and we are not getting very accurate information. Phillips – where is the alliance located? Cozzens – I think in Utah County. The places that have implemented it love it and they waste very little water. ■Employee of the Month, Jeff Lennert. EAC. Ryan Marshall – Jeff Lennert works at WWTP, when Eric moved to management, Jeff moved into the senior role and taken on a lot of work. Jeff has been with the Wastewater treatment Facility for 13 years. In 2016 Jeff was moved into the Plant Senior Operator position and is responsible for the day to day operations and maintenance at the Treatment Facility and ensuring that plant processes and maintenance run smoothly on a daily basis. His ability to identify, research, and fix issues in a timely manner at the Facility are commendable. Jeff has and keeps a very positive working relationship with the operators and facility staff and keeps safety at a forefront daily. He has been very instrumental with the safety program and protocol of the facility and has updated and created many SOP's for safety and compliance. Jeff accepts any task or request given to him by the Superintendent and follows through to make sure they are completed. He responds to any after hour/weekend emergencies if needed to assist the other operators or to ensure the facility is running smoothly. Jeff recently studied for and passed the Utah Wastewater operator Certification Grad III exam with the State of Utah and moved into a (DRC) Direct Responsible Charge role at the facility. We are very fortunate to have him as part of our team at the Wastewater Treatment Facility. This was submitted by his supervisor Eric Bonzo.

PUBLIC COMMENTS: ■Cedar City Lion's Club Members – Darrin Duncan, Past President of Cedar City Lions Club. We want to present a check for \$5,000 for bleachers at the Cross Hollows Event Center. We also want to thank the City for the support. Bittmenn – this is for new bleachers at the Arena, they received them in December, and it took a few weeks to get them put together, but we have them and they are new and safe. ■Maridon Nielsen – I have been here for the past 10 years with the same problem. I have two questions on Aime Avenue. If they keep putting apartments from my place to 200 North, what will happen to the intersection in front of my place? I want a light, I can't get out of my driveway, the more apartments make it difficult. Phillips – have there been any traffic studies done? Kit – yes within the past few years and on the streets north and south of the Aime Ave apartments. Maridon – it depends on the time of day when it is bad. Cozzens – what would a light do to traffic in that area? Kit – it is hard to say without thorough traffic counts. It may be complicated because you are offset on the intersection. Hartley – have we ever looked at a round-about instead of a light? Kit – not at this location, but we have at other locations. Hartley – that would give continuous flow. Kit – we could possibly do to help the intersection out is make it line up better across the street. Cozzens – would you be willing to sale or give up property to line up the intersection? Maridon – I would have to think about that. Kit and I were talking about putting a curb down the north side. Kit – if we did, we should make it so the intersection lines up and

do it right the first time. Maridon – what are the plans for the dirt road around my property? Kit – long term is, and it was on the budget at one time to make it an oiled road. The road can't go up the hill, it could come in and cul-de-sac and put lots around it. There is reason to leave the road in and get it improved. It would also help you out if you ever decided to sell lots. Maridon – I am not going to. I am concerned about the dirt road. It is a blind corner, you can't see cars coming from the north. If you try and go onto the dirt road you can't see cars coming, it is a bad place to have a road with that turn. Kit – when we had it in the budget, part was to buy some property so the road could turn and 90 degree for better site lines. Kelly Dalton - there have been three accidents, you cannot see when you come to the dirt road, they have run off the road and ran into the cinder block wall. Mayor – the presentation was done last week. Kelly Dalton – I live off Aime Avenue on College Way and West Harding. In the Planning meeting the information we got was 6 townhomes and three bedrooms per unit and there is no restriction on how they are rented, they could put 30 students in the homes. They will be sold individually. That would throw a lot of traffic down the dirt road. You should go on that road and see how blind the intersection is. The traffic comes from the townhomes above and there are about 100 units, and this would put more traffic down. Phillips – can we look at 45 North in the budget? Kit – we will look at it. The 6 units will not be on that dirt road. The triangle piece is too steep to develop. Amy Pyne, we live at 75 N. College Way, we agree with the safety and also privacy. There are unintended consequences in rezoning, if the city pays and not the developers that profit from it. It is steep and there is potential up to 36 students. It is a decent dirt road and cuts off a stop sign, so people will use it and it creates hazard since two cars cannot pass. It also overlooks 5 backyards, people can see into our home. If it was single family dwelling it is not much impact, but this will have more impact. It allows direct visual into the home on 45 North which is a bunch of females. The road only boarder's Maridon's property and our back yard. Closing the road would not impact anyone's property. Closing the road would serve a safer road and not creating hazardous driving and privacy. If you allow rezoning it must consider all of the impact to safety and privacy. If you could see the road and impact it would be an obvious decision if it was your own home. We ask that you consider not just the builders but the people that live there. Hartley – when was it rezoned? Kit – I don't recall, but it has been done for a while. What is the possibility if the property owner is not developing to put up barriers and block the road? Tyler – who owns the property, it is City property, so we could block it if we needed. Paul – emergency access to the neighborhoods would be blocked and we don't want to block Larry out of his property. Adams – if Aime was blocked off it would not affect Larry. Kit – we can talk with Larry. Mayor – we will look into the options. Kit – we can't block it permanently. Paul – do we use it for any maintenance? Kit – no, the only thing we maintain is the detention pond. Paul – we need to maintain the detention pond so we don't have flooding issues.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JANUARY 16 & 23, 2019; (2) RATIFY BILLS DATED JANUARY 14, 2019, & APPROVE BILLS DATED FEBRUARY 11, 2019; (3) APPROVE VICINITY PLAN FOR AIME AVENUE PUD. PLATT & PLATT/DON BOUDREAU; (4) APPROVE VICINITY PLAN FOR THE WILLOW CREEK SUBDIVISION. GO CIVIL/DON

BOUDREAU; (5) APPROVE FINAL PLAT APPROVAL TO THE FIELDS PUD PHASE 3 – WATSON ENGINEERING/TYLER ROMERIL; (6) APPROVE FINAL PLAT APPROVAL FOR OLD SORRELL RANCH SUBDIVISION, PHASE 1 – WATSON ENGINEERING/TYLER ROMERIL; (7) APPROVE PURCHASE OF GOLF COURSE PUMP STATION (PART OF PHASE 3 IRRIGATION PLAN) FROM WATERTRONICS IN THE AMOUNT OF \$172,354.00. JARED BARNES; (8) APPROVE BID FROM INTERSTATE ROCK PRODUCTS IN THE AMOUNT OF \$787,234.88 FOR MAIN STREET WATERLINE REPLACEMENT PROJECT. JONATHAN STATHIS; (9) APPROVE BID FROM SCHMIDT CONSTRUCTION IN THE AMOUNT OF \$2,048,817.00 FOR THE 4500 WEST SEWER PROJECT. TREVOR MCDONALD; (10) APPROVE A PUBLIC UTILITY EASEMENT TO ROCKY MOUNTAIN POWER TO RUN A POWER LINE ACROSS CITY PROPERTY TO THE ANIMAL SHELTER. KIT WAREHAM/TYLER ROMERIL; (11) APPROVE BID FROM MUNFORD BUILDING IN THE AMOUNT OF \$136,793.20 FOR THE COAL CREEK MAIN STREET DIVERSION PRIMARY SAND SEPARATOR PROJECT. KIT WAREHAM; (12) APPROVE PROPOSAL FROM LEWIS YOUNG ROBERTSON & BURNINGHAM IN THE AMOUNT OF 48,075.00 TO UPDATE CEDAR CITY'S IMPACT FEES. PAUL BITTMENN;

Councilmember Hartley moved to approve the consent agenda items 1 through 10 as written above; second by Councilmember Isom; vote unanimous.

CONSIDER AN INTERLOCAL FIRE AGREEMENT WITH THE TOWN OF CEDAR HIGHLANDS. MIKE PHILLIPS: Tyler – I added one additional line, but with speaking with Chief Phillips their system is ISO recognized. Mike – if ISO recognizes the system it is ok, we have other areas that are not as well covered. ISO does recognize. Cozzens – we are covered, if there is a fire without enough hydrants. Phillips -- it's not any different that County area that doesn't have any fire system. Tyler – that added language we did not require from the County, Enoch or Kanarraville. When we renew the agreements with the other entities, we could include it if Mike feels it is needed. Cedar Highlands does not have options.

Councilmember Isom moved to approve the Interlocal Fire Agreement with the town of Cedar Highlands; second by Councilmember Cozzens; vote unanimous.

CONSIDER AN ORDINANCE AMENDING CITY ORDINANCE 26-IX-4 TO REQUIRE HOME OCCUPATION APPLICANTS TO CERTIFY THAT THEIR HOME OCCUPATION WILL NOT BE IN VIOLATION OF ANY APPLICABLE CC&R'S. RON ADAMS/TYLER ROMERIL: Tyler – I made the amendment Mr. Adams recommended to have the applicant certify that they don't violate applicable CC&R's

Councilmember Adams moved to approve the ordinance amending City Ordinance 26-IX-4 to require home occupation applicants to certify that their home occupation will not be in violation of any applicable CC&R's; second by Councilmember Phillips; roll call vote as follows:

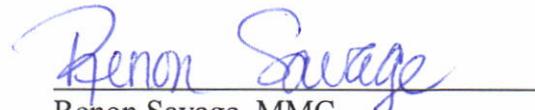
Ron Adams - AYE
Paul Cozzens - NAY
Terri Hartley - AYE
Craig Isom - AYE
Scott Phillips - AYE

CLOSED SESSION, PROPERTY NEGOTIATIONS:

Councilmember Isom moved to go into closed session at 6: 17 p.m.; second by Councilmember Phillips; roll call vote as follows:

Ron Adams - AYE
Paul Cozzens - AYE
Terri Hartley - AYE
Craig Isom - AYE
Scott Phillips - AYE

ADJOURN: Councilmember Isom moved to adjourn at 6:30 p.m.; second by Councilmember Hartley; vote unanimous.



Renon Savage, MMC
City Recorder