

COUNCIL WORK MINUTES
JUNE 19, 2019

The City Council held a meeting on Wednesday, June 19, 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; Terri Hartley; Craig Isom; Scott Phillips.

EXCUSED: Councilmember Paul Cozzens.

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; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Leisure Services Director Ken Nielson; Wastewater Plant Manager Eric Bonzo.

OTHERS PRESENT: Ron Larsen, Don Oswald, Ann Clark, Tyler Melling, Carter Wilkey, Nicholas Willis, Jared Hatch, Tina Dickinson, Vickie Graham, Brittanie Parry, Ionnie White, Jennie Hendricks, Ken Stevens, Mauri Bleazard, Sara Ridgel, Brent Drew, Tom Jett, Ben Barlow, Dallin Staheli, Christopher Quick, Jon Baker.

CALL TO ORDER: Councilmember Adams gave the invocation; the pledge was led by Councilmember Isom.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Isom – I want to acknowledge the fine art work we are blessed with. This is done by our City Library, you can go to the Library homepage and see more artwork. ■Phillips – I would like to have someone look at the sign warning of the stop sign is bent on Ridge Road. ■Hartley – I had someone call about the parking lot at the Airport for temporary parking is full of prairie dogs every morning. Ryan Marshall, Public Works Director – it is not an official parking lot, so we are not required to do filings, but will have to if we make it a permanent lot. Phillips – there is a lot of traffic out there. ■Mayor – we had RAP Tax meetings today, the recommendations will be made next week and come to council on July 3rd. Phillips – Arts had 16 applicants, there is always more need than money. ■Mike Shurtz, Fire Marshal – we are a few weeks away from July 4th, and fireworks displays will be coming up. We want to talk about a few things. Currently state law allows class C fireworks to be sold June 24 to July 25th, you will see them soon. They can be discharged from 11 am to 11 pm July 2-5 and July 22-25 hours extended on the 4th and 24th to midnight. We want to remind people of a few items; Class C fireworks are allowed. It is unlawful to discharge any fireworks within 20 feet of residence, dwelling or structure. Also, we have had all the nice rain and tall vegetation so the risk goes up for fire. Last year we got into Ordinance strongly recommended fireworks in large open spaces, recommend, they are: parking lot at Cedar High School, Bicentennial parking lot, the south parking lot at Canyon View High School,

Iron Springs Elementary and the Aquatic Center parking lot. Also, we ask that they are distinguished and cool before discarding them in a garbage can. We encourage people not to discharge by weed filled lots. We anticipate some drying which creates hazardous conditions. Hartley – can we have the Police Department patrol those areas. People indicate that helps control people. Shurtz – we also send out trucks. Phillips – I hope we will have this information on City social media accounts. Shurtz – the State Fire Marshall’s page is good as well as our Facebook page. ■Mike Phillips, Fire Chief – we had an unfortunate event at SUU, the fireworks at the Summer Games, it was done by a contractor, we were there for standby only. Chief Shurtz talked to them about the NFPA, it was an unfortunate accident. Our show meets the standards, 70 feet for every inch of shell, we need 840 feet, we have 1100 feet to the west. Our shells are buried in the ground, so it is unlikely to have them shoot. We have mowed the area, the only two people in hazard are the two shooting the show. ■Paul – Mr. Phillips asked us to talk to UDOT about tall and large vehicles parking in the downtown. They will get back to us. Also, Mrs. Hartley reminded me that I forgot to bring up that we have been trying to buy a right-of-way from Union Pacific Railroad, from about 300 West to Airport Road, we purchased that the end of May. We have asked engineering to help with design ideas, we will connect through streets, utilities, drainage. Kit – we will do modifications to the street master plan, Industrial Road will be master planned as a 66-foot road with a trail going down the south side and some kind of a parkway. Phillips – now we are responsible for how it looks. Isom – thank you for preserving with the Railroad. ■Danny Stewart – we have been working with a company for 18 months, GoEx is going to expand to Cedar City in Port 15 north of the tracks. This is a great company they do plastic sheets and packaging for medical devices. Isom – how soon will they break ground? Danny – as soon as they can, we will be seeing them shortly. Phillips – it is an expansion for them? Danny – yes, it is costly for them to ship so it is a western expansion.

PUBLIC COMMENTS: ■Ann Clark – I am 64 years old and have never been to City Council meeting. I am at the parks a lot and I am highly concerned about the soccer park and the Aquatic Center area and when you said fireworks you should clean the weeds around there. 5 years ago, it was beautiful, the ball fields were green, now a dead tree, weeds knee high and dead grass in the parkways I wouldn’t shoot off fireworks. I would pick up my grandson at the middle school and while I was waiting I would get out of my car and weed. I called Wade and never get an answer but it did clean up, the Aquatic Center looked better, this year it has looked terrible, the soccer fields are full of dandelions. The Aquatic Center is almost depressing to see how it has deteriorated in 5 years. I called again Wade got no response, no response from Ken, I see the lawn getting mowed at the pool, so I stop, it was Ken, he was nice and charming and he said give me a month, the dead trees and the other trees growing from the bottom, the parking lot should have a street sweeper, the grass in the pool area is good, the ball fields are worse, the grass looks dead, they are watering now. The Summer Games is going on, and they are coming, I called, and Wade didn’t answer, but I said I would be ashamed. Being from California I know how quickly a place can become a ghetto. We love Cedar City, my kids all graduated from SUU, but I see a deterioration with weeds. Can we take some action? I now hear they are going to expand the ice rink. The schools mow and don’t have weeds, SUU is also taken care of, the rock area coming off the freeway is full of weeds. I really hope some action is taken. I don’t know if it is the funds, but I don’t see workers at the park. I hope the City Council will think about that. If we keep

the City lovely then it is lovely, but we don't want to look grubby and shabby. If you have answers I would be thrilled to hear them. Paul – some of the dry grass at the Fields at the Hills, when the rain stopped, and the warmer weather came on they recognized the problem with capacity in the sprinkler system, they are trying to get more water on the grass. They have fertilized and sprayed the weeds. Ann – when we went to the soccer games, I see they put weed killer on the dandelions. If someone would spray in the spring it was a simple job, but now it is costly and a lot of work. I do see them watering. Everyone else is able to. Ken is nice and listened, but it has been 5 weeks and see no improvements at the Aquatic Center, it should look like a premier lot. Phillips – you are talking the weeds and grass outside. I was there a few days ago and it is bad. Ann – when I talked to Ken I wanted to say if you take care of it you don't have to redo things. Hartley – I know when they were getting the cemetery ready for Memorial Day I know because of the weather it was all hands-on deck there. I think that contributes to that. Ann – I feel like something needs to be done, I have driven around year after year and it continually gets worse, you are losing a lot of plants. I tried to go the right way by calling and nothing is happening, I wonder where the parks people are. Phillips – you created a call for action.

CONSIDER A SINGLE EVENT ALCOHOL PERMIT FOR A BEER BLOCK PARTY ON JULY 27TH, 223 NORTH 100 WEST – POLICY KINGS BREWERY, LLC: Sara Ridgel – I am here to talk about a fun event that we are trying to put together. We want to have a beer block party. I sent in a handwritten plan, I want to do what they do in northern Utah, Tuachan, and Zions. We will server beer in the rope in area, food trucks, inflatables and food trucks. This will be in our parking lot; the lot will be blocked off. It will be a lot of fun. I have security and we want beer to be fun and family oriented and not just a sin. July 27th from 1:00 p.m. to 9:00 or 10:00 p.m.

Chief Adams – the background has been done and there are not concerns. Phillips – will you have music? Sara – yes, we are working on this. It has been hard to get people commit until it is approved. We have SUU and Thor coming with inflatables as well. Consent.

CONSIDER A SINGLE EVENT ALCOHOL PERMIT FOR A BEER GARDEN AT THE JULY JAMBOREE CAR SHOW. MARK BARUFFI: Isom – this is standard affair for July Jamboree, it has been done for years. Chief Adams – we have no concerns, we have a positive recommendation. Consent.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM RESIDENTIAL AGRICULTURE TO MIXED USE IN THE IRON HORSE RDO, POD 1 LOCATED NEAR THE CEDAR MIDDLE SCHOOL. LEAVITT LAND /TYLER ROMERIL: Ron Larsen, Leavitt Land – this is POD in the RDO, across the street from the fields on the Hills, 93 acres. The plan originally was to have 3 uses, small commercial, R-3 and R-1. They are not going to do the commercial, it will be R-1 single family lots and R-3 Townhomes. Phillips – when I talked to Brent, I wanted to make sure it is townhomes? Ron – that is correct, 103 townhomes and 53 single family lots and the remainder which is ½ the property will be deeded to the City as open space. It will be two developments; the PUD will come through shortly. Phillips – will Pod 1 be done in the phases? Ron – the R-1 will be done in one phase, the PUD will have probably 3 phases. Kit – there is also a master planned paved trail in the area. Paul –show the sewer. Ron – it is at the intersection and stubbed to the property. There is an existing 14” water line that will be moved into the roads of the development. Isom – do you see any impact in relation to the

school? Ron – no, everything will be accessed onto Cove Drive, there will be two public roads to access.

Mayor Wilson-Edwards opened the public hearing. There were no comments. The hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CITY'S OPEN BURNING ORDINANCE. MIKE PHILLIPS /TYLER ROMERIL: Tyler – a few months ago we had discussion with opening Thunderbird Gardens, the current ordinance would not allow burning there, it says when established burn pits are in place bon fires could be held in the pits.

Chief Phillips – we, State Forestry and Lands and BLM are good with it. Hartley – thanks for following through with this. Phillips – how many pits? Chief Phillips - We don't know. Phillips – any problems with people living in the Golf Course with smoke? Chief Phillips – it is quite a way up there, it shouldn't be a problem.

Mayor Wilson-Edwards opened the public hearing. There were no comments. The hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE REGULATING THE LOCATION OF CARGO CONTAINERS. TINA DICKINSON /TYLER ROMERIL: Tina Dickinson – we proposed an ordinance, it went to Planning Commission and Tyler redid it to regulate setback and stacking. We have other options, we have conflicts of interest. The 40-foot containers, according to the Building Department require a permit, anything over 200 square feet require a permit and inspection, so we need to consider that. It didn't address the burying of them, we have some videos, they are dangerous, they collapse and rust out. I hate for us not to address that. Also, even since we proposed it, there is a list of people that addressed it. If we pass the one Tyler wrote, there has been a number of other places that have put in ordinances, Parowan, Enoch, Springdale. I am not bothered by them, but I see a trend of them becoming an issue, many are not in a good condition, the containers are like a billboard. If we do the last one that was approved, it was the least restrictive in the State. Parowan took a year and a half to put theirs together.

Vickie Graham – Parowan took 1 ½ year, container size, residential commercial, whether they could stack them, the only thing they didn't cover was burying them, they are not built to take pressure from the side. If you bury it, you have to do some much to them. Parowan's is 3 pages long, what to do with grandfather containers which is nothing unless it is moved. They needed to be painted neutral color and remove signage or graffiti. The minimum lot size was 1/3 acre, the City Council wanted it to be ¼ acre so it didn't pass. Springdale did a page of why they didn't want them at all, there are too many gray areas, it didn't fit with their village atmosphere.

Tina Dickinson- Springdale's says they have an industrial and urban look and feel that is expressly incongruous the rural, small-town atmosphere and "in the park" feel the general plan promotes. Because of their standard box layout and configuration, locking hardware on

doors and metal construction, it is difficult to bring storage containers into compliance with the spirit of the Town's design ordinances, even when attempts are made to disguise, screen, or shield the storage containers. It also states that property owners do not realize they need permits.

Iron County is the 3rd poorest county in the State, we rely on tourism, if we let it get to look not appealing people may not want to come here. Whether individually we think it is a problem, but nationwide people see it as a problem. Enoch enacted an ordinance more restrictive than this. I hate to see Cedar City get behind the curve. St. George started in 2013 and it has been difficult for them. I would like to not have to play catch up. We need to look at building code for sheds, barns or detached buildings. Parowan did ban them in the historic district. We need to take into consideration we have code in place. The 20 foot are 160 square foot and you can't do over 200 square feet without an inspection. We have an opportune time to get it under control, if we are too easy on it you will have to address it again.

Hartley – do you have Enoch, Parowan and Springdale for us to look at. Tina – yes, I will get you copies. Isom – we seen in two versions of the proposed ordinance, the one presented by these folks and one recommended by staff, one more restrictive than the other.

Tyler – Ms. Dickinson came and met, and we drafted an ordinance, after that we presented it to City staff, and staff was uncomfortable, so we presented it to Planning Commission they recommended we get another. It would restrict from all residential zones with an exception for 6 months if used for construction or remodeling. Any contained now located in a residential zone would be grandfathered but would need to be painted. I hate writing an ordinance that applies to everyone but us and the City uses them in residential zones, we use them to store equipment. Also, the City has stayed out of the esthetic requirements of someone's homes, if they want that they have CC&R's. Staff said the cargo containers can be used for residential purposes as long as they are used like a shed, exception if they are being used for remodeling or moving. In talking with developers with 200 units it could be 1.5 years. They should not be used for human habitation. We hoped to have middle ground to allow property owners to have them in their back yard.

Phillips – I would like to thank these ladies for taking a lead on this, it is important to you and the community and nation and state wide. Esthetics do play a part and we have a role to play in what our community looks and feels like. I would not like one next to my yard or in my yard. I didn't think the original proposal was out of line. What we have now is so weak we shouldn't do it at all. Tyler – you couldn't see it from the street. Phillips – if there are standards for basements and it is a safety issue to bury them we should take a lead on that whether private property or not. I would like to see us not back to far off, but if we need more time to study it like Parowan, but they voted it down over ¼ acre versus 1/3 acre.

Tina Dickinson – the safety information is coming from a group that does bury them and they know there is work to do on that.

Hartley – do you have an issue to this? Tyler – if they want to bury something that is not smart that is their right. We need to make sure people use an electrician and are doing it right or hooking onto the sewer right, but it is a long road. Also, how would we enforce this. I started driving around town and there are a lot of them around. Phillips – and they are not attractive. Tyler – in Planning Commission we said that staff did not nail it, it is a start. Phillips – I don't want to vote a wrong vote that doesn't address the issue. Let's take more time, find the issues and see if they can be addressed.

Tina – Vickie and I have done a lot of research. I have a list of all the cities in Utah that have addressed this. If we address cargo containers we need to address the size we allow, at least rise to Enoch standards that says they must be painted. The burying is dangerous. I hear Tyler's point, maybe it be addressed by a building inspector, but we have a problem with people burying them and not having permits. That is something to address in the ordinance. It's not like people will be ticketed, advise them and warn. We didn't recommend them be removed, but that they be painted. We don't want to turn into Detroit. My grandparents worked at the mine, people worked at Coleman now they are at Smead. We are the 3rd poorest county in the state and we rely on tourism.

Paul – we use them for storage of materials in Leisure Services, but also training in the Fire Department, and we plan to stack them for training, it is a safe training center. That is how we have used them.

Tina – our proposal only addressed residential. I know he addressed the City has them.
Phillips – we have to think of the whole city.

Mayor Wilson-Edwards opened the public hearing. Tom Jett – we are the 5th poorest, not the 3rd. Also, the 200 square feet issue applies to Cumberland sheds, prebuilt storage units that are built, not just cargo containers. Personally, I don't have an issue with cargo containers. It will open someone going around with a tape measure going around.

Carter Wilkey – I am on the board of the HOA at Equestrian, we have a park with storage container on their park which is in a residential zone which is 17.5 acres. We want to be compliant as well. Phillips – could you paint it? Carter – I don't know. This is an example, it is not just homes that use them.

Christopher Quick – I don't see why we have more regulations. I see why not bury them. I have not noticed the containers on Main Street.

Tyler Melling – these containers are like title loan shop, they are a sign of other issues. When outbuildings become cumbersome to build people look at prefab sheds and storage containers. To what extent you limit people to use this as people have nationwide. I would like to have outbuildings easier to build.

The hearing closed.

Phillips – I don't think it is ready for action meeting next week.

CONSIDER ANNUAL BLANKET CONTRACTS & 2-YEAR STREET LIGHT MAINTENANCE CONTRACT. RYAN MARSHALL/JEFF HUNTER:

Ryan Marshall – we go out for blanket contracts for material, labor, chip seal, etc. closed bid, companies are notified, it is published, Jeff and staff review them and recommend who they recommend. There are quite a few bid items. We are asking that you put on the consent agenda for approval.

Phillips – we didn't get bids for the trees, is that correct? Yes. So how do we handle it. Ryan – the company wasn't able to bond, and they were the only company for the past 4-5 years. They are still available for us to hire, they just couldn't bond for a blanket contract. Phillips – how do they determine what trees? Wade has an arborist, Jeff looks at the trees in the areas that are being chip sealed, to see if they are hanging too low. Paul – Jeff's people are more worried about getting their equipment in and out. Ryan – you will see this year we only have one bidder on some items. The biggest issue we will face is the concrete blanket contract, we have one, but we come to the end of the FY and we have money left because we can't get the projects done. We used to have a person on staff that could do the work, that is something we may want to look at again. We have issues with a water break and we cone off the area. we are struggling with that now. If they can't respond we can move to a local company and that doesn't work either. Maybe look at funds identified as concrete repairs and maybe bring someone back in house.

Isom – can we compare amounts to last year if we only have one bidder. Phillips – are the bids within budget? Ryan – yes, they went up, but within reason. Consent.

REVIEW BIDS TO CONSTRUCT THE WASTEWATER TREATMENT PLANT DEWATERING BUILDING LIFT STATION. KIT WAREHAM:

Kit – in last year's budget there was an item for the WWTP to install a pump for the dewatering building. There is a big screw press that squeezes the stuff and the water drains out of the building and into drying beds. Originally when they did the nitrate project the engineers had a system for the water to drain and help by putting the water into the beds it de-nitrophy and the system works better with the treatment process. The original thing did not work well, and it didn't pass the flows. We decided to put in a lift station to take the water from the screw press and pump it to the drying beds. The budget was \$208,000. We received two bids, the low bidder is Munford General Contracting in the amount of \$165,553.00. they just completed the sedimentation station on the Main Street Diversion project, so we are recommending them to receive the bid. Phillips – this is in the current budget? Kit – yes. Consent.

CONSIDER ADOPTING BYLAWS FOR THE CREATION OF THE CEDAR CITY ACTIVE TRANSPORTATION COMMITTEE. SCOTT PHILLIPS /TYLER

ROMERIL: Scott Phillips – this began some time ago. Councilman Adams got me involved with the Southwest Public Health people. I had the opportunity to work on the active transportation forum with UDOT being the facilitators. Active transportation improves our health and the health of our communities. It also lowers our healthcare costs. The more people who walk and bike the more we lower those costs as we reduce the levels of obesity, heart disease and diabetes. We have a trails committee, and I recognize that, but I appreciate

the Mayor and City Manager for indulging me with this. It is an opportunity to look at all forms of active transportation, walking, biking, skateboarding, rollerblading, wheel chairing, whatever you want it to be. There are a lot of positive benefits. We are a University town, we are an active community and a tourist town. The Slow Roll is a perfect example on how to keep people engaged. It involves trails, but it is more, how do we keep people active and moving and take traffic off the road. An atmosphere of an active lifestyle. I worked with Tyler on an ordinance.

Tyler – the bylaws were read, put together a plan for the citizens of Cedar City for walking, biking, etc. the purpose is to come up with a plan and work with staff and community organizations to make the plan work. It is recommended up to 9 members, one of the City Council, members are required to live in Cedar boundaries with exception of someone from UDOT. While on the committee it is a 4-year term the first will be staggered, five will be 4-year terms, and four will be 2-year terms. There will be a chair, a voting member, Roberts rules or order, written minutes, members can be terminated if they submit resignation, move out of the city or the mayor can remove if they are excessively absent.

CONSIDER A RESOLUTION ADOPTING A PERSONNEL POLICY REGARDING THE USE OF PUBLIC PROPERTY. TYLER ROMERIL:

Tyler – the pasts year the State of Utah had a case up north where a public employee was misusing public funds and had for some time. When they looked at it criminally they found it to be tougher to charge with a crime, so they decided to tighten down the law, and what they have done makes it if you abuse public property it is a felony if convicted of using public property, if they misuse a cell phone it could be a felony. When we went to the prosecutor’s training where they review some of the new laws, and talking with other government officials, mainly attorneys, there were some concerns there. This goes into effect July 1st. None of us want to be convicted of a felony or lose our benefits we have worked hard for.

When I wrote this, I wrote it with my belief that the current city policy is preventing misuse of public property. I didn’t make a new policy, just made it clear. What would be added to the Personnel Policy, which also applies to the City Council. I will read it for the benefit of the public “ Public Servants are responsible to protect and conserve public property. To help improve the effectiveness and efficiency of public services, incidental personal use of public property is authorized under Utah Code §76-8-402 and is further authorized under this policy. Incidental personal use of public property is authorized if:

- 1) the Public Servant is authorized to possess the public property when the personal use occurs;
- 2) the use is in compliance with City and Department policy;
- 3) it is part of their official responsibilities and duties to possess the public property at the time of personal use;
- 4) the personal use does not damage the public property;
- 5) the personal use does not interfere with the use of the property as intended for public use;
- 6) the personal use of the public property does not increase costs to the City; and
- 7) the Public Servant agrees to pay for any costs that may derive from personal use.”

I have a cell phone, I bought on my own, to be available 24 hours a day the City give me a small stipend, if the Chief of Police calls I answer. Randall chose a different plan, the city purchased his phone, he is always available to law enforcement. The intent of writing this way is if he gets a call from his wife he can answer if, it is a personal call, it doesn't cost the City extra, he doesn't take the call when with a citizen, and is using it in compliance of city policy. Another example, if the Fire Department has an axe issued, he is on vacation and the axe is in his vehicle he can't use it to cut his own fire wood it is not part of his official use, he can't use it.

The other is the use of City vehicles. The concern with the case up north, the individual would be going to training in Denver, he would go to Lake Powell for a week and then go to Denver and was getting paid mileage the entire trip. The vehicle use depends on the department, we encourage the Police Department to drive their cars around town to show presence of law enforcement. We need to show that the benefit of using a public vehicle the benefit is substantially in the City favor versus the private use. It states "As allowed under Utah Code §76-8-402, the use of City vehicles by a Public Servant in compliance with City and Department policy, shall be deemed as providing a value to the City which substantially outweighs the personal benefit received by the Public Servant."

It is not strict, strict, but gives some flexibility. If I go to a training and want to go out of my way 20 miles to see an aunt, I get a stipend and it is ok. If a city vehicle goes to a training it has to be in compliance with their department policy. They can't drive 50 miles out of the way to get a steak but follow their policy.

CONSIDER LOCATION OF GYMNASIUM AND ICE RINK. PAUL

BITTMENN/MARK WILSON: Hartley – as I worked closely with the Staheli's and Staff on this project, I volunteered to assist with a presentation of the concept and scope of the project. Dallin, I also plagiarized some of your information. I want to make it clear I put this together, and it is not necessarily of the opinion and understanding of my fellow councilmembers or staff. I welcome anyone to jump in with questions or comments. I will then turn it over to Jason to discuss some of the details of the funding sources. Mark Wilson is also here to discuss from an architectural standpoint and to answer any question.

I will begin with a little history of how we got here. Some of this was prior to me coming on the council, so please do not hesitate to speak up if I misrepresent something. In 2011 the Cedar City Aquatic Center opened. Preliminary plans for the building included a gym in addition to the pools and multipurpose rooms. Due to budget constraints. The gyms were taken out of the plans and were not included in the final design that was voted on by city residents. A second phase was planned, and it was anticipated a gym would be built at a future date. The site for this future expansion was leveled, footings installed, elevator and locker rooms built all to accommodate this. Residents have waited patiently for the Heritage Center debt to be paid off in July 2021 so we could move forward with a gym, walking track and exercise equipment, completing the pieces to grow this to a full city rec center.

Fast forward to 2013 when the prior city council approved a local nonprofit, YETI to set up a temporary ice rink in that location since the infrastructure was in place. A little over \$90,000 in RAP tax was awarded to prepare the site for the rink. Around \$100,000 of private funds

were also spent to provide the needed equipment for the rink. Over the past 6 years the rink has operated in that location, however it was never intended to be a permanent home. Rink operations have been covered by user fees from the rink.

Over the past several years, through public meetings, surveys and a feasibility study conducted by the city, it was determined residents of the city are passionate about having both a gym facility and a permanent home for the ice rink. Staheli's approached the city with a plan to create a public private partnership for the ice rink. Since that time, council and staff have been working on this, hoping to establish a path to providing both venues. City council members are in favor of moving forward with both projects if feasible. A memorandum of understanding was approved by council in April giving the Staheli's and city staff the authority to proceed with gathering information and funding resources to see if we could make this work.

In visiting with folks, I have found there are a few misconceptions out in the general public I am hoping to vet out tonight and over the coming week to enable council to make a determination for the gym and the rinks permanent location. The Staheli's and the city can then go to work on a lease contract and ironing out the final details to see if this is feasible for both parties.

Jason Norris - Dallin and I spoke earlier, it is not to represent Staheli Recreation, but present some financial point of view for Cedar City. See Exhibit "A" some of our funding when we distribute taxpayer dollars to external facilities.

Phillips – we are assuming we are not adding additional funds to the fund balance? Jason – yes, and we will be in the negative. Hartley – unless we transfer money from the general fund, is that during the budget? Jason – yes, transfer money from the general fund to the Aquatic Center for the fund balance. Paul – when you do that we have to increase the tax revenue in the general fund, we have been lucky recently where we have had money, or you must cut something out. In a good economy there is more revenue, a poor economy becomes very difficult.

Mark has drawn up different options and given estimates, just no they are estimates and they could be higher.

Hartley – when we talked today, do the costs include relocating the utilities? Jason – no, they do not. As I talked with engineering, if the gym is moved into the front area, the water system for the hydrant and the culinary system, then demolition of the water system will have to be done and moved. Kit – to tear up curb, gutter and sidewalk it will cost about \$250,000. Jason – there is a GO bond on the walls and the elevator and the site preparation. Phillips – is it a 20-year bond? Jason – I believe it is a 30-year bond. We have water service, we have sewer to the locker rooms, power and site preparations that we would not have to incur in the designed location.

I sat down with Troy Maxwell who does our GIS who can help with additional costs. The sewer service ends and it gravity flows downhill toward I-15. If the area is utilized, how

long the sewer line has to be, there would be pumps and additional costs. Also, we have irrigation line from the lake and it would have to be rerouted which is a cost we were unaware of. We don't have costs for the various scenarios, we can get those costs if you want them, but they are not included in the architectural projections, it could be up to \$1 million dollars. Isom – I think it would be worth our while to get the costs for the sewer and rerouting the irrigation line.

Hartley – we forget there are all the underground utilities.

Mark Wilson, architect, I was the original architect on the Aquatic Center and enjoyed that process very much. There was a lot of involvement from the citizenry and the council. I employed Ellsworth Paulson, a reputable contractor, they are a great company and Nathan Ellsworth is the cost estimator. These are based on schematic drawings. I was hired by Staheli's for the original schematic and it seems that may not be an option. I was then asked by Paul for the City to prepare schematics on where we may locate the other facilities. I am doing my best to act like I was dropped in by a helicopter. I will give you my opinion with my experience. I have done a dozen recreational facilities in 3 states. I have some main considerations, Jason has done the costs consideration well. Cost, function and esthetics is what I will address. Function, I see as a neutral party is the gym will be owned and operated by the City and it requires a strong connection. If I was programming I would want the gym located with the pool, elevator, observation deck and locker rooms, that is gained by the original location. Hockey as I understand and it has been great working with the Staheli's, they are atomist and it is a negative to the City and probably a negative to the Staheli's it is more difficult for the hockey people to function, hockey should be where it doesn't have a direct connection to the City. For esthetics it needs to be built with similar materials in any location. The difficulty I see with the different locations, adjacent to the west of the building, the entrance is easily found which is important. You will have people come that have never been there. Also, on the front, it is a large building that is very tall and the scale of it that close to the street is an esthetic consideration you should think about. The question of windows was brought up at the last meeting, you can put in translucent panels and can be in window frames, so you don't have direct sunlight and it would tie into the designs. The street and pool have a little buffer, but the gym in the front location you would not have that so much. Any location for the hockey rink would work. I think it is fantastic that the hockey would be located there. I know it costs more to move the gym, it is about the same amount to move the hockey as the gym, within a couple hundred thousand dollars. In order to get the gym to fit in the front you have to put it close to the street and a different connection for the two spaces in the rotary space. An elevator would also be required where in the original site they are already in the area. you would also have to add additional restrooms if the gym is in the front.

I believe it is best to build the gym in the current design location and find a place to put the hockey on the site. It would require some fill, hockey could be an atomist building. The hockey in order for the Staheli's to survive they have to build next spring. I don't know how the funding works. So, to give Staheli's money to move the location for the hockey you will have to consider and work out. If they can't get it moved it will jeopardize their operation and it needs to start in the spring. The cost to move the hockey rink we were looking at the

same footprint that we had designed for the gym and that could be reconsidered and there are some efficiencies that could reduce square footage and some in construction because we were limited to the two existing walls and we could look at different construction material. You could do hybrid facility with prefab building and skin the outside to look like the Aquatic Center. The ceiling can be reduced to single story building.

Ken Nielson, Leisure Services Director – I can't add to the money and Mark has done a great job. But if you have question on programming or functionality you can ask. Isom – last time you felt it would work better in the original location. Ken – it does because of the locker rooms and how the building was built. Locker rooms are for the swimming pool and they gymnasium. The reason the building is like it is was for the gym being on the original location. We have elevators, observation deck, locker rooms, O&M on the personnel being able to control both. The pool can open the west and the east doors on the roll up doors. We create flow and different vibe at the pool. The programs we hope to do in the gym, not just basketball, but other rentals of the facility work better in the original location. Phillips – is there a master plan for the front corner? Mayor – Staheli's have a first-right of refusal on that location.

Dallin Staheli – we have a lot of shipping containers at the ice rink, so keep that in mind. You have been given a lot of good information. Phillips – I know you spoke of the existing location the views but the sun itself on where it hits the ice. The new building will have a roof, if it moved to the west or the corner, what does it do to the ice? Dallin – not a lot if it is designed right. The sun to the south and the west is an issue, south facing walls that are open would not work well. I don't think there is a benefit for one or another. Hartley – you still want to open it to the north to have the synergy to the lake? Dallin –moving it will take some of the synergy away, it's not the end of the world, no, but the synergy is not the same. We want the north side open. Phillips – if you had your preference over the location next to the building or on the corner? Dallin – if cost is not the issue I would prefer the corner, but Phil Schmidt warned me to stay away from the corner because it is solid rock, but that could be at the parking lot also. Phillips – you have to do site prep at either location. If it costs \$3.6 million in one location is it that or more in another location. We have two possible ice rink and gymnasium and it is \$3.5 or \$3.9 million, if we get two facilities built and the difference is \$2 million, are we as a city willing to put \$1.5 million towards subsidizing your facility but we get two facilities. Dallin –that is a question, Jason gave you numbers, but we didn't get the difference from moving the gym or rink. Jason – I provided by gym, but not Staheli having the skate rink in another location. It was \$800,000 additional for the gym to be moved. Hartley – from Paul's presentation last week it was roughly \$1.5 million to move the rink from last week's presentation.

Mark Wilson – according to original estimates the cost of the building in the location where it is located was \$1.9 million, the last estimate on the stand-alone ice rink on the west side which included site costs of \$309,000 and reconfiguration of parking lot was \$2.955,000 million. Paul – is that the costs you presented that could go down with different material? Mark – yes. If you went to the other location, you could apply more money to that. You will need structural fill either location, there might be savings in site costs. Isom – they gyms in