

COUNCIL MINUTES
AUGUST 14, 2019

The City Council held a meeting on Wednesday, August 14, 2019, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Councilmembers: Ron Adams; Paul Cozzens; Terri Hartley; Craig Isom; Scott Phillips.

EXCUSED: Mayor Maile Wilson-Edwards.

STAFF PRESENT: City Manager Paul Bittmenn; City Engineer Kit Wareham; City Attorney Tyler Romeril; City Recorder Renon Savage; Police Chief Darin Adams; Fire Chief Mike Phillips; Public Works Director Ryan Marshall; Leisure Services Director Ken Nielson; Airport Manager Nick Holt; Executive Assistant Kathy Dahl.

OTHERS PRESENT: Doug Hall, Dallas Buckner, Teri Kenney, Brittanie Parry, Don Oswald, Chris Dahlin, Tom Jett, Keith Gilbert, Delice Tom, Jim Burgess, Jackson Bow, Adam Hahn, Laurel Yellowhorse.

Councilmember Isom moved to appoint Ron Adams as Mayor Pro Tem; second by Councilmember Phillips; vote unanimous.

CALL TO ORDER: Councilman Cozzens gave the invocation; the pledge was led by Councilmember Phillips.

AGENDA ORDER APPROVAL: Councilmember Isom moved to approve the agenda order moving #7 to action and pulling items #12 and #13; second by Councilmember Hartley; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Isom – I want to thank all that participated in the primary election, both citizens and candidates, we always aspire better voter turnout, but I am grateful for the 13 that threw their hat in the ring to run. I applaud the effort of all, I think the number of candidates deepened the conversation. Thank you. ■Phillips – on July 17 & 18 UDOT did a traffic/pedestrian study at 100 West Center and the preliminary results have returned and it was high enough to recommend and install a cross walk on two sides, we are asking for all four. We have a meeting tomorrow. It is a dangerous intersection to pedestrians. ■Employee of the Month, Kathy Dahl. EAC: Ryan Marshall – Kathy Dahl is the employee of the month, the division heads got together and nominated her. Kathy has been with Cedar City for 6 years. In that time, she has kept Public Works running like a well-oiled cog in a very large machine. She is the administrative assistant for the water department, street department, fleet department, sewer department and the Airport on occasion. She generates and tracks reports for each department including chlorine reports, County and City sewer connections, Blue stake requests, road break permits, work orders, garbage can tracking, hydrant meter tracking, water restriction tracking, enplanements

and PFC's, street sign repairs and replacement, street light repairs and blanket contracts just to name a few. She also supports and documents the Airport Board meetings, CAT's board meetings, Regional Wastewater Board meetings and Parking Authority meetings. In her spare time, she fields all the calls from the public. Kathy always has a positive attitude and is willing to jump in and help whenever she is asked. As you can see, she multi tasks well jumping between departments while simultaneously addressing residents' concerns. She is very good at getting answers for the residents that call in and responding to them as quickly as she can and many times defusing angry citizens by just listening to them and communicating with them. She has recently revised our blanket contracts and has been the driving force to get these in place for the start of the new fiscal year. She has improved our tracking of the street signs and lights. She has researched and helped develop our force account proposal for the Airport resulting in over \$1 million in approved for account work. She has helped develop land lease contracts and has caught several county sewer connections that were missed and not being reimbursed for. I know when I give Kathy a task to do that it will be researched, accurate and done in a timely manner. For all these reasons and many more, we in the Public Works are nominating Kathy as the Employee of the Month. ■Renon Savage mentioned that additional ballots for the Primary Election will be counted on Friday and then again next Wednesday before we canvass at a special City Council meeting after the work meeting. ■Chief Adams – I was out on 100 West and talked with Kirt Carpenter and was in contact with people that own the Key Research building and he is working on that and will sell to Leavitt Land. The North side is the Episcopal Church, I will follow up with them. I don't know if you are familiar with the nuisance ordinance, we will enter into a voluntary contract with the property owner and after that time we will issue a citation if needed. It is our desire to give them 30 days and at that time if the issue is not abated, we can abate it and seek restitution after the fact. Otherwise we go weeks or months with no action. Phillips -- after 30 days they can appeal and then it can go another 30 days, I think we should look at it. Adams – there is a balance between the nuisance and property rights.

PUBLIC COMMENTS: ■Delice Tom, I am the chair of Cedar Band, I wanted to let you know that we are here to let you know we are available to be in communication if anything that needs to be addressed with the native area and the Cedar Band members. Our office is on 624 North 100 East. I recognize one of our councilmembers Jackson Bow. Jackson Bow – I am a councilmember for Cedar Band. We want to close the gap between us and the City. Delice. Tom – we want to focus on the newspaper article where it said there was consultation with the Cedar Band and it was not, it was a board member. We are available for a consultation, so we know everything is right on. We want to have a good and positive thinking among ourselves. We are one of the 5 bands in the area of Washington and Iron County and the second biggest band in the area. we have business and have broken ground on a travel center on Exit 51 and hope to open April 2020. We did have some local officials at the ground breaking and we appreciate you being there. We have been trying for 15 years to have something down there. We want you to know we do like to do business with people in the area. we are in the County area, but people that live in the Cedar City area do business and we want to focus on your needs and our needs. Phillips – who should be the contact? Delice Tom – I will provide email addresses and phone numbers so you can contact us. Phillips - when do you meet? Delice Tom –

the second Wednesday of each month. We are remodeling our building so tonight's meeting is moved to next week. We have remodeled the outside of the building and are working on the inside. We are anxious to work with the City and be in good standing. Phillips – that is good to have someone meet with you at other times. Delice Tom – we would have liked to have someone consult with us. Adams – we are here for you also if you have issues you want to bring to us. Delice Tom – we are putting together an after school tutoring program. We are always open for helping you and you us. Vice Chair Laurel Yellowhorse, the Vice Chair of the Cedar band. Phillips – we appreciate you being here and reaching out to us and making an attempt. Laurel – we want easy communication to be on the same page. ■Rolly Grossbaum, SUU Men's Tennis Coach – I am here to propose the option of building indoor tennis courts or pickle ball courts. I know this has been brought up in the past. In Cedar City we have 7 different tennis teams, Division one men's and women's teams, 2 boys and 2 girls high school teams and a University club team, no organized public tennis, no program for kids or adults because they can't play year-round. It is something that keep people active in the winter. I spoke with US Tennis Association, they have a \$50,000 grant for 4 or more courts, \$30,000 for up to 3. I have spoken with Brian Nichols and have looked at buildings for options and at the University PE Building. I have talked with SUU and understand there is RAP Tax. Phillips – how did the University respond to this? Grossbaum – the biggest thing is funding; their teams drive to St. George every day. They are interested but need funding. They just built strength and conditioning gym, they do use donors for funding. They are interested but need funding. We hope to work with US Tennis, the City, Iron County School District and SUU. Phillips – our biggest issue is funding and staffing. Hartley – you may not be aware that we participate with the High Schools for maintenance. We are also looking to finish our indoor gym at the Aquatic Center that would have 3 full courts. I question the ability with things in the work. I think another standalone building would be a ways out. Paul Bittmenn – I have no idea the cost. The School District we did CHS Courts and it was around half million, that is without structure or land. I cannot speak to a commitment without know the amount. Grossbaum – I got proposal for a bubble, 4 courts were \$550,000. You said 3 courts in the works? Hartley – basketball courts. Phillips – there is also an ice rink in the works, so tennis would be down the line. Adams – I think the high school courts were about \$1,000,000 per court with the post tension courts which are needed with the weather. Phillips – I know the U of U has a bubble on tennis courts and practice field for football. Coach – I was hoping to have it a public facility so everyone could use it. I have never had courts put in for over \$100,000. Paul B. – the cost was not per court, it was per complex and it was to take the courts out and put new post tension courts in. - ■Gary Atkinson, I live at 900 West 200 South across from SUU Sports fields Ordinance No. 37-7-1 amendment, established in 2002 to prohibit watering system before 8:00 a.m. or 6:00 p.m. I agree with the philosophy and it was amended in 2014 and not well implemented. The original announcement said the operation of systems would be prohibited accept during repair of the system. The amendment in 2014 changed it to redefine what the systems were, secondary and primary systems. Instead of people repairing their own systems it prohibited except for short periods and a person present, no definition of the period or who the person would be. July 22nd I was in my yard because of a defect in the irrigation system, about 500 feet of sprinkler pipe buried 18 inches in the ground and I realized one was broken, I had stop and waste valve

uncapped, and the 50 lb water key sticking up and a tool in my hand and covered from water from a sprinkler spraying over me at 9:10 a.m.. a Water employee stopped me, and I told him I needed to repair. The inspector said I had a short period and he and others determined that a short period should be 5 minutes or less, sufficient time to diagnose and repair, and he was going to write a warning and if I did it again, he would write a larger citation. I was trying to get help from one of my sons at 9p.m. the problem become worse, it was a saddle valve that broke loose and fed water and the pressure is 110 psi at my home and bursts between 110 and 200 psi which have caused an explosion in my basement. The problem leaked underground, filled in the water well and flooded two basement rooms causing removal of furniture, carpet padding and over \$1,000 in damage. The amendment does not define a short period, a homeowner does not think 5 minutes is sufficient. In our society it would be my suggestion to amend the ordinance to allow property owners the time necessary to diagnose and repair a system and operate the repair under their own presence and supervision. Cozzens – was the saddle that broke the meter? Gary - No it was on the irrigation system. Cozzens – you couldn't shut off the irrigation system? Mr. Atkinson – I was trying to diagnose and needed time to do that. Phillips – I think we should look at this.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JULY 17 & 31, 2019; (2) APPROVE BILLSS DATED AUGUST 8, 2019 ; (3) APPROVE A SINGLE EVENT ALCOHOL PERMIT FOR A BEER GARDEN AT THE IRON GAMES FITNESS FESTIVAL ON SEPTEMBER 6, 2019. HEATHER ALLEN/ CHIEF ADAMS; (4) APPROVE VICINITY PLAN FOR NORTHFIELD ESTATES SUBDIVISION, PHASES 1 THROUGH 5. WINDMILL PLAZA, LLC/DON BOUDREAU; (5) APPROVE DISPOSING OF CITY PROPERTY LOCATED AT 55 EAST 900 NORTH. PAUL BITTMENN; (6) APPROVE FINAL PLAT APPROVAL FOR SYCAMORE TRAILS PUD, PHASE 4, GO CIVIL/TYLER ROMERIL; (7) APPROVE FUNDING FOR AIRPORT APPROACH LIGHTING THROUGH FAA GRANT IN 2020. NICK HOLT; (8) APPROVAL OF COMMITTEE APPOINTMENTS (see Exhibit "A"). MAYOR WILSON EDWARDS;

Councilmember Hartley – did we confirm it was the week of Labor Day? Phillips – Labor Day is the week before. Also, there was a correction on the Schmidt payment? Paul – it is a change order for relocation, it was an issue of timing and how the project rolled out. We had a timing goal, but due to timing on process of acquiring right-of-way he had to move and remobilize.

Councilmember Phillips moved to approve the consent agenda items 1 through 6 and 8 as written above; second by Councilmember Cozzens; vote unanimous.

APPROVE FUNDING FOR AIRPORT APPROACH LIGHTING THROUGH FAA GRANT IN 2020. NICK HOLT: Nick Holt, Airport Manager – we are looking for approval with the condition that the AIP grant is funded, when funded the Mayor will sign the grant.

Isom moved to approve the funding with the provision that the AIP grant is funded; second by Hartley; vote unanimous.

CONSIDER AN ORDINANCE CHANGING THE ZONE FROM ANNEX TRANSITION TO INDUSTRIAL & MANUFACTURING-2 FOR PROPERTY LOCATED AT 951 NORTH LUND HIGHWAY. GO CIVIL/TYLER ROMERIL:

Dallas Buckner – this is a 2-acre parcel across from the Airport on Lund Highway.

Councilmember Hartley moved to approve the ordinance changing the zone from Annex Transition to Industrial & Manufacturing-2 at 951 North Lund Hwy; second by Councilmember Phillips; roll call vote as follows:

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

CONSIDER A BLANKET CONTRACT FOR SEWER LINE REPAIR AND REPLACEMENT. ERIC BONZO:

Councilmember Cozzens moved to approve the blanket contract with John Orton Excavating; second by Councilmember Phillips; vote unanimous.

CONSIDER A RESOLUTION AMENDING THE AIRPORT'S RULES & REGULATIONS. NICK HOLT:

Nick Holt, Airport Manager – no changes from last week.

Councilmember Isom moved to approve the resolution amending the Airport's Rules & Regulations; second by Councilmember Hartley; vote as follows:

AYE: _____ 4 _____
NAY: _____ 0 _____
ABSTAINED: 0 _____

CONSIDER RECYCLING PROGRAM. RYAN MARSHALL: This item was pulled.

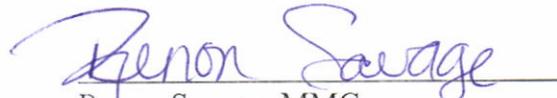
CONSIDER A RESOLUTION FOR THE CEDAR CITY ENGINEERING STANDARDS 2019 UPDATE. KIT WAREHAM: This item was pulled.

CLOSED SESSION – PENDING LITIGATION & PROPERTY NEGOTIATIONS:

Councilmember Isom moved to go into closed session at 6:19 p.m.; second by Councilmember Hartley; roll call vote as follows:

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

ADJOURN: Councilmember Isom moved to adjourn at 6:46 p.m.; second by Councilmember Phillips; vote unanimous.



Rehon Savage, MMC
City Recorder

CITY COUNCIL CLOSED SESSION
AUGUST 14, 2019

The City Council held a closed session on Wednesday, August 14, 2019 at 6:24 p.m. in the Council Chambers at the City Office, 10 North Main, Cedar City, Utah.

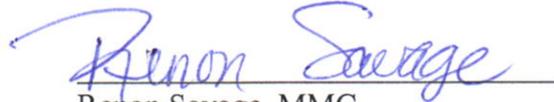
MEMBERS PRESENT: Council Members: Ron Adams; Paul Cozzens; Terri Hartley; Craig Isom; Scott Phillips.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Public Works Director Ryan Marshall; Airport Manager Nick Holt.

PENDING LITIGATION:

PROPERTY NEGOTIATIONS:

ADJOURN: Councilmember Isom moved to adjourn and move back into the council meeting at 6:46 p.m.; second by Councilmember Hartley; vote unanimous.



Renon Savage, MMC
City Recorder