

COUNCIL MINUTES
APRIL 16, 2014

The City Council held a meeting on Wednesday, April 16, 2014, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Fred Rowley; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Leisure Services Director Dan Rodgerson; Public Works Director Ryan Marshall; Fire Marshal Mike Phillips; HR Director Natasha Hirschi; Library Director Steve Decker; Water Superintendent Robbie Mitchell.

OTHERS PRESENT: Sola Tumanuvao, Elise Schfield, Tom Marten, Derek Morton, Tom Jett, Melanie Hirschi, Rich Gillette, Atlanta Yardley, Logan Payne, Chris Sanders, Doug Hall, Jack Sawyer, Betty Cuch, Gari Lafferty, Holly Coombs, Tracie Sullivan, Austin Sullivan, Damon Day, Gavin Zufelt, Ethan Zufelt, Matt Zufelt, Elise Waddingham, Megan Jensen, Vernon Jensen, Peter Junggren.

CALL TO ORDER: Councilmember Cozzens gave the opening prayer; the pledge of allegiance was led by Councilmember Rowley.

AGENDA ORDER APPROVAL: Mayor asked to move #3 off the consent agenda. Councilmember Adams with that change moved to approve the agenda order; second by Councilmember Cozzens; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Rowley – at the ULCT Mr. Church spoke and said that it is within the parameters of the law if set up electronically to be at a remote location and vote on matters. I would like us to do that for the rare times there will be an important vote so the Councilmember could vote. Paul – you have to authorize a resolution to do that. Adams – Mr. Church said we should publish and make it aware if we know someone is going to be gone and voting this way. ■Rowley – we talked about a small committee with School Board and Council Members, where are we on that? Rick – I have tried to get in touch with Kent, I will work on it again. ■Marchant – I would like to thank the Mayor for allowing me to serve as Mayor-Pro-Tem in your absence. ■Mayor - we are having two meetings and we have someone that wants to speak at the work meeting, so Staff Comments will be then.

PUBLIC COMMENTS: ■Tom Jett – I would like to tell those that deal with the budget that is an excellent service to offer Spring Clean-Up, I hope we continue to fund this service. ■Derek Morton – I want to give an update on the Tech Star study and results. We had over 40 participants and 54 hours without sleep and 25 business ideas, it is narrowed to 6, two of the top three winners are local business owners. A copy of the

synopsis was handed out to the Council. It was a lot of fun. We appreciate your support. We had a facilitator from Denver who is involved with Tech Star. We had about 10 less people this year, but we brought a lot of people from Utah Valley and Salt Lake and they were blown away. ■Sola Tumanuvao – the item on action agenda for waiver or reduction of Heritage Center fees, the group I was going to have perform has told me that the night does not work for them. I have other performances and venues lined up so I won't need the Heritage Center anymore.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED MARCH 19 & 26, 2014; (2) APPROVAL OF BILLS DATED APRIL 10, 2014 ; (3) APPROVE FOR A SINGLE EVENT PERMIT FOR A BEER GARDEN FOR THE PRCA RODEO ON JUNE 13 & 14 – CEDAR CITY LIONS CLUB; (4) APPROVE EXPENDING BALANCE OF CAPITAL BUDGET (CARPET) ON COMPUTER SERVER(S) IN THE AMOUNT OF \$6,169.38 – STEVE DECKER; (5) APPROVE A ROAD DEDICATION OF PROPERTY LOCATED IN THE VICINITY OF THE NORTHEAST CORNER OF THE INTERSECTION OF INDUSTRIAL ROAD AND AIRPORT ROAD - PAUL BITTMENN: Councilmember Rowley moved to approve the consent agenda items 1, 2, 4 and 5 as written above; second by Councilmember Cozzens; vote unanimous.

APPROVE FOR A SINGLE EVENT PERMIT FOR A BEER GARDEN FOR THE PRCA RODEO ON JUNE 13 & 14 – CEDAR CITY LIONS CLUB: Rich Gillette – we were on consent, do you have questions? Adams – we have some concerns that were not addressed.

Melanie Hirschi – my concern is that I am on the committee that puts on the PRCA Rodeo and we had not heard about this, no contact with the Lion's Club, we have contacted most of our sponsors. We have sponsors that don't want to be involved with an alcohol event. I think they should have contacted us first. I was surprised. If our sponsors back out we have no money to put on the events. Rowley – will some back out? Melanie – yes, and we don't have enough money to cover their losses. I am surprised it is to this point and we have no knowledge. Marchant -- I think you should have been involved in the decision. Melanie – we would need 2 years to replace sponsors that back out. Marchant – it is interesting information to know. How critical is it that it be approved for your group. Rich – it is not critical, we are the concessionaire's and we were looking at it as a fundraiser for the club, I apologize. We weren't trying to hide anything. We don't want to jeopardize the rodeo. With the beer garden concept, it is a contained area and they have to purchase in a contained area. Melanie – our sponsors don't want to be associated with the beer garden. Black – if we have sponsors pull out it jeopardizes sustainability. Rich – we were just looking to purchase more funds, we don't want to jeopardize the rodeo. Adams – this is something that has not been a problem in the past, the sponsors have promoted the event.

Black moved to not approve the license for this rodeo, but to work on other rodeos; second by Councilmember Cozzens; vote unanimous.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A TOTAL OR PARTIAL WAIVER OF HERITAGE CENTER FEES: This item was pulled from the agenda.

CONSIDER AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE PROVISIONS RELATED TO HOME OCCUPATION PERMITS – BRUCE HUGHES/PAUL BITTMENN:

Paul – the ordinance in your packets last week is still the proposed ordinance. There was a write-up on drive up windows that is available if you want it in the ordinance. Black – I still have a problem with the parking. Do we want to look at having X number of parking on site. Paul – the parking is required on site. The stalls vary on the type of businesses. If it is a beauty salon where you have customers that drive in and park you would have more than a tax prep business and they are already established in the parking ordinance.

Councilmember Adams moved to approve amending the ordinance provisions related to Home Occupation permits and add verbiage about the drive-through window not being allowed; second by Councilmember Black; roll call vote as follows:

Ron Adams	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE
Fred Rowley	-	AYE

CONSIDER AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE PROVISIONS RELATED TO ALLOWING STRUCTURES IN THE FRONT YARD SETBACK – EVAN LUDWIG/PAUL BITTMENN:

Black – I would like to thank him for his community service, but I think everyone could come up with an emotional plea for a change.

Marchant – we need to be careful to change things we can't back up. Adams – will that allow us to enforce the removal of others around town? Paul – Larry is aware of one by Smith's he was aware of this proposed amendment and he was waiting to see if the ordinance was changed.

Councilmember Black moved to deny amending the zoning ordinance provisions related to allowing structures in the front yard setback because of safety factors and too hard to administer; second by Councilmember Cozzens. I would hope the neighborhood would be happy to help Mr. Ludwig with snow removal; roll call vote as follows:

Ron Adams	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE
Fred Rowley	-	AYE

APPROVE A RESOLUTION ADOPTING A PREMIUM ONLY PLAN FOR CEDAR CITY CORPORATION – NATASHA HIRSCHI: Councilmember Black moved to approve the resolution adopting a premium only plan for Cedar City; second by Councilmember Adams; vote as follows:

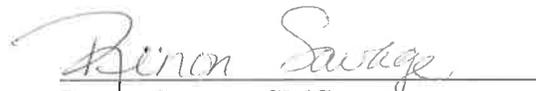
AYE: 5
NAY: 0
ABSTAINED: 0

APPROVE A RESOLUTION REVISING THE 2013-14 FISCAL YEAR BUDGET – JASON NORRIS: Paul – it will move C-Road to maintenance so we can start chip sealing.

Councilmember Adams moved to approve the resolution revising the 2013-14 fiscal year budget; second by Councilmember Marchant; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

ADJOURN: Councilmember Cozzens moved to adjourn and move into the work meeting at 5:50 p.m.; second by Councilmember Rowley; vote unanimous.


Renon Savage, CMC
City Recorder