

COUNCIL WORK MINUTES
JUNE 18, 2014

The City Council held a meeting on Wednesday, June 18, 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; Don Marchant; Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Lieutenant Darin Adams; ACO Officers Zach Banz and Stenson Bergstrom; Leisure Services Director Dan Rodgerson; Economic Development Director Brennan Wood.

OTHERS PRESENT: Ron Larsen, Cindy Lime, Barry Lime, Deborah Snider, Carol Ann Modesitt, Tyler Brown, Olyvia Lindgren, Fred C. Adams, R. Scott Phillips, Staci J. Carson, Bob Platt, Justin Barnes, Marc Wittwer, Kirt Brown, Jacque Marchant, David Nyman, Kevin Robison, Holly Coombs, Marvin Dodge, Doug Hall, Tom Jett, Michael Beach.

CALL TO ORDER: Pastor Jerry Van Iwaarden of the Westview Christian Center gave the opening prayer; the pledge of allegiance was led by Paul Bittmenn.

AGENDA ORDER APPROVAL: Mayor asked that the Executive session be moved to the end of the MBA meeting.

Councilmember Marchant moved to approve the agenda order with the change; second by Councilmember Cozzens; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Rowley – we learned the demise of a restaurant on 100 West, we hear it is partially because of the off-site sign ordinance, I would like to look at that ordinance again. Paul – that is part of the zoning ordinance, you can refer that to the Planning Commission. We can discuss the sign ordinance on the next meeting and you can forward a list to the Planning Commission to work through. ■Black – were you able to contact the post office? Mayor – I have not got through. Black - Have we started with the Federal people on the Coal Creek? Rick – Kit and I will work on that. Black - have we been able to work with Union Pacific? Rick – they were on their environmental assessment and that is the last I have heard. Black – we discussed involving Federal Representatives to see if they have any influence. Rick – the Mayor has talked with Union Pacific representatives and they indicated that we may be able to work something out on the western end. Mayor – they indicated we are on hold until after the environmental assessment. Black – Stone Castle, where are we? Rick – I received a text this morning saying he has everything in place for the final local inspection. We are still following up on what the State has required from him and he has not given a response

yet. Black – is he accepting anything there? Rick - only what local residents drop off? Black – we are allowing that? Rick – we will tell him to shut it down. Black – I think we have to. Cozzens – he has bails everywhere, don't they ship them off? Rick – it is a timing issue on the prices. Marchant – we have a meeting to review a lot of things, there are extenuating circumstances. We have drawn a line in the sand and I think we see some cooperation. ■Rowley – earlier today Marchant and I visited the Cemetery and staff, they are great group of workers doing great things. We commented on what a beautiful Main Street we have. I was then in a meeting with a gentleman from Nauvoo, Illinois and he said the drive through town is what made him and his wife move here. Marchant – the flowers on Main Street look great. ■Marchant – many of us attended the Paiute Dedication, fantastic, it went extremely well, it was a good group. The boulders are in place with inscriptions in it. Rowley indicated he had seen people skateboarding on them. Rick – Dan is working on something to prevent that. Marchant – I hate to see this happen to such a wonderful project, I hate to see it defaced. I don't want to see it defaced at all. Rowley – it says not to stand or climb on monument. Mayor – maybe we need to do some fencing. The brochures they handed out at the program that explained the story, having something like that would be good for when people look at the monument that would make it a more educational experience. Marchant – Dan and your group recommend something for that. Cozzens – what about a little fence with stainless steel bolts that bolt into the concrete may solve the problem. Paul – once the monument was built it was dedicated to the City. Our contract says if we are doing anything we need to include the tribe. ■Cozzens – where are we with water warnings? Rick – as of today 73 first time warnings have been issued, no second warnings. ■Mayor – the opening ceremonies for the Utah Summer Games (USG) and the Rodeo and Pow Wow it was a cultural and fun weekend here in Cedar. Rowley – there were 1500 people at the pool on Saturday escaping the heat. Marchant – fireworks were absolutely fantastic at the USG.

PUBLIC COMMENTS: ■There were no comments.

**PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM R-2-2
(MULTIPLE FAMILY DWELLINGS) TO R-2-1 (SINGLE FAMILY
DWELLINGS) ON PROPERTY LOCATED AT APPROXIMATELY 2300**

SOUTH AND TALON DRIVE – INSITE ENGINEERING: Ron Larsen – this is out on South Mountain, the line represents was zoned R-2 and when they created the R-2-2 it was made that. We are adjusting to where the lots are and we want to change it to R-2-1. Rowley – this was done voluntarily from the landowner, the people with the larger lots had concerns so they voluntarily agreed to change the zoning to avoid duplexes. Ron – some lots are large enough for duplex and twin homes this guarantees that won't happen. Paul – there are slivers of land left that need to be changed. Ron – we will come back and change those to R-1, we will bring it back to clean that up. The subgrade on the road is about done. Marchant – how many children are located in the subdivision? Larsen – we don't know. Marchant – to my knowledge there are not many. Cozzens – when people bought there could they not look at the master plan to see where the road will be? Ron – yes they could have. Marchant – who initiated the development? Ron – 3 Eagle LLC and they sold it and the owner lost it to the bank. Marchant – it would be interesting

to see if the child factor is really a factor. Ron – people are always concerned when traffic increases.

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

PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM ANNEX TRANSITION (AT) TO RESIDENTIAL – 1 (R-1) ON PROPERTY LOCATED IN THE VICINITY OF 150 SOUTH KINGSBURY DRIVE – PLATT & PLATT ENGINEERING:

Bob Platt – this is Cimarron Heights Subdivision, the subdivision is Annex Transition and the request is to make it R-1. Rowley – is there an issue with a homeowner's driveway? Kit – it is in regards to the subdivision, the driveway will be rerouted. Bob – they will have a paved access up to their gravel driveway. Kit – that is what the General Plan calls for. Mayor Wilson opened the public hearing. There were no comments. The hearing closed. Action.

CONSIDER FINAL PLAT APPROVAL AND APPROVAL OF BOND AGREEMENT FOR BOULEVARD PLAZA, PHASE I PUD – BOB PLATT:

Bob Platt – this is the final of Boulevard Plaza PUD, three parcels. The PUD is because they share common utilities and access. Rowley – the utilities are sized accurately? Kit – yes. Bob - there is a future phase owned by the Wittwer Family. Rowley – what size of lines? Kit – 8" sewer line and 10" water line. Marchant – I am glad to see some development, it is a great addition to our community. Mark Wittwer – Dave Thomas is doing well, he had a heart attack, he has a great team, the response has been very good, and we have been steady. The process has been great; the City has been fantastic to work with. We are excited about possibilities of having more stores built there. Black – I hear a report that the sales staff was writing as much as the St. George store. Mark – our staff has been working for years and they have been happy. Rowley – how far do you feel customers will come to this store? Mark – they come from up the mountain and a number of people that had never been to the St. George store. We want to keep tax base here, we are pleased with new customers, and we hope it becomes a shopping hub. We don't want to drive away local competitors; we want to keep people from driving to St. George and to Salt Lake. Rowley – have you extended delivery out? Mark – we have extended to Parowan, but there is a cost to go up the mountain and to Beaver. We have had a challenge to keep up with deliveries; we did add a bunch of trucks this week. Consent.

CONSIDER A RESOLUTION AUTHORIZING APPLICATION TO THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT FOR THE RENEWAL OF A RECYCLING MARKET DEVELOPMENT ZONE IN IRON COUNTY – BRENNAN WOOD:

Intern Olivia Lindgren & Brennan Wood – we want to submit an application to the Governor's Office creating a zone that can get tax credits if they used recycled equipment and product. We have had this in the past; it is extending what we have. Black – what is involved? Brennan – it is a resolution saying the municipality agrees to the zone, it doesn't change our zoning. Rowley – it says GAF will use recycled materials? Brennan – If they use recycled equipment they get a 5% credit.

Rowley – would Stone Castle qualify? Brennan – they have to be in an I&M zone. MSC does take advantage, we have companies that have used it and we hope they use it more in the future. It is an easy way to incentivize companies. We do this for Iron County. Rowley - is it federal money? Brennan – State. Action.

CONSIDER OUTDOOR ADVERTISING AGREEMENT WITH YESCO

OUTDOOR MEDIA – DAN RODGERSON: Dan - we applied for TRT tourism dollars, some improvements at the Golf Course were funded that was as well as Cross Hollows and billboard advertisement on I-15. It is boiler plate from YESCO, Paul had small revisions to the agreement. We will use the funds for a billboard on I-15. We need authorization to enter into the contract. We want to advertise the Golf Course, with 18 holes and unique and challenging. We found a fun photo to use in that. We have posted on the Cedar Ridge website soliciting pictures. If you feel strongly the image needs to be changed. Dan – it has to be fabricated. Rowley – I think you should focus on the 11th hole. It is one sign at Hamilton Fort heading north; you see it coming from the south. This is for the agreement; I will try to get better photos. Consent.

CONSIDER A VETERINARIAN SERVICES AGREEMENT – CHIEF

ALLINSON: Darin Adams, Zac Banz and Stenson Bergstrom – recently this year a bill was passed to allow Animal Control Officers to give rabies shots, before you had to be a licensed Vet Tech or Vet. This allows us to give the animals the rabies vaccine required for every dog, cat and ferret. It makes the animals more adoptable. Stenson – we have to work under a veterinarian, Dr. Esplin has agreed to do that. Mayor – would you vaccinate every animal that came in? Zac – no, only every animal that is adopted out. Mayor – is there a way to tell if an animal has rabies? Zac – yes, one animal in Utah tested which was a bat; it will be very beneficial and it will force licensing of animals. Stenson – it doesn't require much training, it is like the other vaccines. Zac – it is a virus that changes. Adams – you store it on site? Zac – we do store it on site, in a separate fridge at the shelter. Consent.

REVIEW BIDS FOR THE GOLF COURSE PRAIRIE DOG FENCE

INSTALLATION PROJECT – KIT WAREHAM: Kit – we received bids on Monday for this project. We only received one bid from Orton Excavation for \$135,573, there was \$160,000 budgeted, \$117,000 for materials, \$43,000 for installation and the bid was significantly higher. Rick – it did go up, \$36,000 for installation. Kit – we bid alternate items, it was \$34,000. We are about \$58,000 short to get the rest of the fence installed. Rick – there has been a joint effort with Iron County, UPDRIP, US Fish and Wildlife, we are pulling the group together to talk about alternatives. We will bring something back next week on how to proceed. Most of the materials are on site at the old Forest Service lot. We have satisfied the State's requirement of the \$100,000 by purchasing the fence. Action.

REQUEST TO TRANSFER CAPITAL FUNDS FROM THE AQUATIC CENTER

TO THE PARKS DEPARTMENT – DAN RODGERSON: Dan – two years ago we budgeted funds to build a sign at the Aquatic Center, and we were approached by Mesa Hills and they said if you provide power we will build your sign and the City entered an

agreement. We have funds that have been carried over for two years; I would like to use that in other parks throughout the City. When I first came to town I turned by the car lots to get to the golf course. The Mayor has asked that I make it a priority to get a sign to the Golf Course, so I would like to transfer the money to parks to get a sign at the Golf Course. I have a skilled mason that works for us at a nominal fee, so I would be able to do two or three signs depending on what we do. The Golf Course is unique because we don't have a place to put it. We can work with Tom Jett to do it on the lawn of LaFiesta, a pole sign or the owner of the old furniture store or an island sign in the road. I am asking to move the funds and then explore the options. Marchant – it only makes sense that if we put a sign on the freeway we need to be able to find the Golf Course. Rowley – the asphalt on the road there is about a 4 to 5 foot space by the furniture store that is City right of way. Dan – we want to be good neighbors, we have options. Rowley – I think it is a great thing. Consent.

CONSIDER THE CERTIFIED TAX RATE – JASON NORRIS: Jason – the County Assessor is still working on finalizing the assessed value of the property. They are not far enough along yet. We have not changed our approach to property taxes, no increases so we intend to adopt the certified tax rate. I hope we have it next week. Cozzens – it fluctuates to maintain the value. Rowley – any idea on what will happen? Jason – I would assume it will go down, but what fraction I am not sure. Action.

EXECUTIVE SESSION – REASONABLY IMMINENT LITIGATION:

ADJOURN: Councilmember Black moved to adjourn and move into the Special Action meeting at 6:26 p.m.; second by Councilmember Rowley; vote unanimous.


Renon Savage, CMC
City Recorder

