

COUNCIL MINUTES
JULY 9, 2014

The City Council held a meeting on Wednesday, July 9, 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 Chief Robert D. Allinson; Fire Chief Paul Irons; Leisure Services Director Dan Rodgeron; Public Works Director Ryan Marshall.

OTHERS PRESENT: Terry Irons, Leonard M. Kaminski, Craig Thomson, Jonathan Roberts, Tyler Braun, Candace Schaible, Joe Gregory, Doug Hall, Holly Coombs, Tom Jett, Melodie Jett, Linda Wilson.

CALL TO ORDER: Jim Vasquez, Assistant Pastor of Sunrise Christian Fellowship Church gave the opening prayer; the pledge of allegiance was led by Councilmember Cozzens.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Rowley – after our part in the parade, I came and set by my family, there was a guy behind me, I think here for Fire Road that came from California that said this is the way American used to be. Also can we start with Engine 13 with the Council and Mayor on it in the future? Chief Irons – I requested the first of the parade and they already had it set. Rowley - we would like to be all together, something to make noise at the start of the parade to let people know it is happening. I received a report 1600 West 355 North, Duplexes that need serious code enforcement. ■Black – Little League District Tournament is in town this week, outstanding games. Kudos to the Parks staff for the parks being in good shape, our local teams are faring well. ■Rick – a few updates, the Mayor, Kit and I met on Coal Creek Flood Control, and we will get letters out to Legislatures. Black – the people on the far end could get out of the flood plain if we get that done. Rick – we have had an intern do some good work, the trees removed 200 S. 300 E. she has done an entire inventory of trees in mow strips and prioritized those with those most needed to be moved to those in good shape. We will meet with Jeff, Ryan and Wally to review this and as funding is available we will get some of the trees removed that cause havoc with sidewalks and curb and gutter. We also have her updating the Emergency Response Plan and she is doing good work. We will bring that to Council for policies that need updated. ■Cozzens – I was approached, out by Spirit Fitness the road narrows and then widens, the people coming off Main Street it is dangerous, could it be

painted No Parking. Kit – on Main or 1600 North? Cozzens – 1600 North. Kit – we will look at it, there is no parking regulated by State Code.

PUBLIC COMMENTS: ■Farmers Market Update – Candice Schaible with USU Extension and Water Conservancy - The Farmers Market will start in a few weeks it will run from 4PM to 7 PM on Wednesday evenings for 12 weeks. The market is located at the corner of Hoover and 100 West. It will start July 23rd. ■Tom Jett – it was a great parade and I think back when I was young in a big city, it makes Cedar City what it is, the parades and participation. Also, the new fire truck is awesome looking; you can tell it's a big truck. Also, I am glad all the firemen that came out to the fire at Stonecastle Recycling, they all do a great job. I watched them for a while, it is impressive, we can stand against any fire department in the Country. ■Leonard Kaminski - I have a complaint 316 Northwestern Drive business. Enough is enough, I am referring to former recycling center on Westview Drive that was owned by Robert Morris. I complained last year to the compliance officer. My wife came here Aug 23, 2013 and turned in Exhibit "A" that sums up the complaint. It was shut down in 2010, in 2014 there are 1,000 of cans, big bundles of papers, he got rid of some of it. It looks like a junk yard. Rowley – is this turning toward Ladybug Nursery? Yes. Craig Thomson, my concerns are the same on this project, they started cleaning and never finished. 10x8 foot pile of broken glass, now there are vehicles, I drive by it every day, and it looks like a junk yard. I know ordinances, fences are required, you required Anderson Service to fence their property, it needs to be cleaned up and it is a fire hazard. I believe they are living in the building and half the roof has blown off. Rowley - there are wild oats that run up to the preschool, it will be trouble. Craig Thomson – there is a code or ordinance that all improvements are supposed to be done if the property changes hands, it has changed hands. Quantum sold their building, curb and gutter is not done. If we are not enforcing the regulations, the City will look like a dump. A gentleman down the road does not have occupancy because he does not have curb and gutter. Something is wrong with the system. In 1971 Cedar City passed a deal with beautification, started on the east side of town requiring curb and gutter, they started in dog town and then moved on out. We need to get back to the basics and dress it up. It is sad; the city looks worse and worse all the time. We brought in GAF, Fabral, etc. and they have to look at it. You have businesses and try and promote the area and you let him get away with it. Anderson and Sherratt had to fence their areas. I am trying to sell my house and people have to drive by that. We need to address the problems. A year ago you barricaded borrow pits off so 4-wheelers cannot go down the road for 4 homes, you made 400 homes suffer, I have 4-wheelers and bike riders suffer. The problem with Mr. Payne's property is he has no visibility on this property because of his fence. You are making everyone in the valley suffer for that. The road is barely wide enough for two vehicles and you have bike races and runs on the road as well. Also, no disrespect, but at the beginning of a parade it is about the flag not a fire engine, it is honor and respect. Rowley – you are right, it makes sense. Leonard Kaminski – Cross Auto is running out of this property, he has occupancy and a permit. Where is the oil and transmission going? Enough is enough. ■Cozzens – what is the procedure, has Code Enforcement looked at it. Kit – building permit triggers the improvements, not change in ownership. Chief – we will look into it. ■Melodie Jett – Cedar is still one of the greatest places to live. Tom and I were out walking and I got to

hear the SUU Marching Band and see free art at Braithwaite, and Little League Game all on a drive, these are free or under \$5.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JUNE 18 & 25, 2014; (2) APPROVAL OF BILLS DATED JULY 3, 2014 ; (3) APPROVE AN AGREEMENT WITH BMCA CEDAR CITY, LLC (GAF) TO DELAY INSTALLATION OF A CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS – GAF/PAUL BITTMENN; (4) APPROVE BID FROM BLACKBURN & ASSOCIATES IN THE AMOUNT OF \$221,242.32 FOR THE 1700 WEST AND 100 WEST WATERLINE REPLACEMENT PROJECT – JONATHAN STATHIS; (5) APPROVE CHANGE ORDER #1 IN THE AMOUNT OF \$53,885 FOR THE CEDAR CANYON WATER TANK REPLACEMENT PROJECT – JONATHAN STATHIS; (6) APPROVE BIDS FOR THE ANNUAL BLANKET CONTRACTS AS FOLLOWS: PAVEMENT MARKINGS TO STRAIGHT STRIPE PER BID; SMALL CONCRETE PROJECTS TO GLEAVE CONCRETE PER BID; INSTALLED ASPHALT TO ASHDOWN BROTHERS CONSTRUCTION PER BID; STREET MATERIALS SUPPLY TO VARIOUS VENDORS ACCORDING TO BID BREAKDOWN; CRACK SEALANT/CHIP SEAL ASPHALT/OIL SUPPLY CONTRACT PER BID; CHIP SEAL ASPHALT/OIL APPLICATOR TO J & T PETERSEN, INC.; ASPHALT STREET CRACK SEAL TO SPENCER ASPHALT PER BID; TRE TRIMMING TO PROFESSIONAL TREE SERVICE, INC. AT THE RATE OF \$75.00 PER HOUR; TOWING SERVICES TO BRADSHAW CHEVROLET FOR \$35.00 PER VEHICLE TOWED – JEFF HUNTER; (7) APPROVE THE PURCHASE OF A NEW REFUSE TRUCK IN THE AMOUNT OF \$232,900 FROM NATIONAL ENVIRONMENTAL WASTE SYSTEMS – JEFF HUNTER: Councilmember Marchant moved to approve the consent agenda items 1 through 7 as written; second by Councilmember Cozzens; vote unanimous.

CONSIDER APPROVAL AN ORDINANCE CHANGING THE ZONE FROM R-2-2 (MULTIPLE FAMILY DWELLINGS) TO R-2-1 (SINGLE FAMILY DWELLINGS) ON PROPERTY LOCATED AT APPROXIMATELY 2300 SOUTH AND TALON DRIVE – INSIGHT ENGINEERING: Paul – we would like a motion to table until staff put it on the agenda. The owner of the larger parcel of property which goes far beyond the rezone would rather not have it rezoned while in his ownership, the buyer of the property is going through the subdivision process and is amenable to the rezone, the contingencies on the sell is preliminary plat is approved on the subdivision on the area to be rezoned. They are trying to get on Planning Commission agenda for next week, if they do it will be on the next action meeting if not it will wait.

Councilmember Black moved to table this ordinance until staff puts it back on; second by Councilmember Rowley; vote unanimous.

CONSIDER APPROVAL OF AN ORDINANCE AMENDING CEDAR CITY ORDINANCE CHAPTER 38 SECTION 38-2-2 ADDING A SECTION 38-2-2A

DESCRIBING THE METHOD OF EXTENDING OFF-SITE DRAINS TO NEW DEVELOPMENTS AND THE METHOD OF REIMBURSEMENT TO THE DEVELOPER FOR SUCH EXTENSIONS – KIT WAREHAM:

Kit – this is the storm drain ordinance and this allows a developer to be reimbursed when he installs in front of another property owner so that when they develop he can get reimbursed for their proportionate share which is usually half. We have provisions similar in water and sewer ordinance. It is a 10 year agreement. Rowley – have you heard positive or negatives from land owners? Kit – no, usually no news is good news.

Councilmember Black moved to approve the amendment to Chapter 38, Section 38-2-2 and adding 38-2-2A to provide for a method of reimbursement for off-site storm drains in new developments; second by Councilmember Adams; roll call vote as follows:

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

CONSIDER A RESOLUTION AMENDING THE CITY WIDE CONSOLIDATED FEE SCHEDULE – PAUL BITTMENN:

Paul – these are the matters we discussed last week, changes to Library, Parks & Recreation, and clean-up in water and changes in Airport. Rowley – I did not see Mr. Decker last week, and I haven't talked to him, wouldn't it be more time consuming for him to put a fair market value on the books. Paul – a lot of the books have a low value and they assign a nominal value. Certain books with a quick search of internet sites they get a greater value and get a better price.

Councilmember Marchant moved to approve the resolution amending the consolidated fee schedule; second by Councilmember Adams; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

ADJOURN: Councilmember Rowley moved to adjourn at 6:05 p.m.; second by Councilmember Black; vote unanimous.


Renon Savage, CMC
City Recorder

Date: August 23, 2013 / HAND-DELIVERED

To: Code Enforcement Officer } *to: Carrie*
To: Chief of Police Robert D. Allinson } *8-23-13, 9:11am*
To: Business License/City Recorder Renon Savage }
To: Building & Zoning Department Larry Palmer, Chief Building & Zoning Admin } *copies to: Laurel*
10 N. Main St. } *8-23-13, 9:15am*
Cedar City, UT 84720 } *(Admin. ofc)*

Re: 316 N. Westview Dr., Cedar City / Ordinance Compliance Issues

For years now, the property and yellow dilapidated building at 316 N. Westview Dr. (located at the corner of Hwy. 56) has looked like an abandoned, unoccupied junkyard filled with piles of waste materials, old automobile tires, tin cans, paper, cardboard, and a lot of other trash.

4 copies for Mayor & all CC members (have mail boxes for each)

This property was once a recycle center (under the registered name of Wasteaway Resource and Recovery Services/Robert Morris, 415 N. Main Ste. 206, Cedar City, UT 84720) until it was shut down by the Cedar City Offices due to zoning violations. It was understood the recycle center owner was ordered to clean up that property, but this was never done. While a small portion of debris was recently removed, most of the trash, including old tires and cans, remains scattered and piled all over the lot. Cedar City's Ordinance - Chapter 20, Health Regulations, Section 2 (copy attached), clearly states that it is unlawful to accumulate waste materials upon premises - and to do so is in violation of the City Ordinance.

And the mess on this corner lot just keeps getting worse, day by day. Within the last two months, and in addition to all of the existing trash and material waste, the property has now become a vehicle salvage parking lot covered with numerous parked cars, trucks, and even boats and RVs, some of which are marked "for sale" and displayed as if on a used car lot.

There is also an increasing amount of auto and pickup truck traffic in and out of this property on a regular basis, mostly after business hours, yet there is no visible designation of a business operation at this location. On a daily basis, there are pickup trucks parked on the property identified with the business name of AA Machining & Welding (phone number 801-404-0692, however, according to the UT Department of Commerce, this company does not have a current UT business license.

Not only is this property an extreme eyesore for the public and tourists to see in such a very visible location, there are concerns regarding the compliance and enforcement of legal, fire code, public safety, and health regulations. This location may be far removed from SUU and Cedar City Festival areas, but it happens to fall within the jurisdiction and responsibility of the Cedar City government offices.

It is understood that Cross Auto, an auto repair business, has taken occupancy of this property. As a concerned community, we need to be assured that this property has been fully inspected by the City License Officer and authorized officers/deputies to verify that this business is carried out in accordance with the laws and to insure compliance with building, fire, safety, and health codes, as well as legal disposal/storage of hazardous materials (i.e., antifreeze, motor oil, etc.) If Cross Auto is changing locations using its existing business license, the new Westview Dr. location must be considered as a "new" business site and subject to inspection for compliance of city and state ordinances. How many "parked" vehicles are allowed to be "stored" or displayed "for sale" on an auto repair lot? When will this accumulation of fire-hazard waste materials finally be removed from this property, in accordance with the City Ordinance?

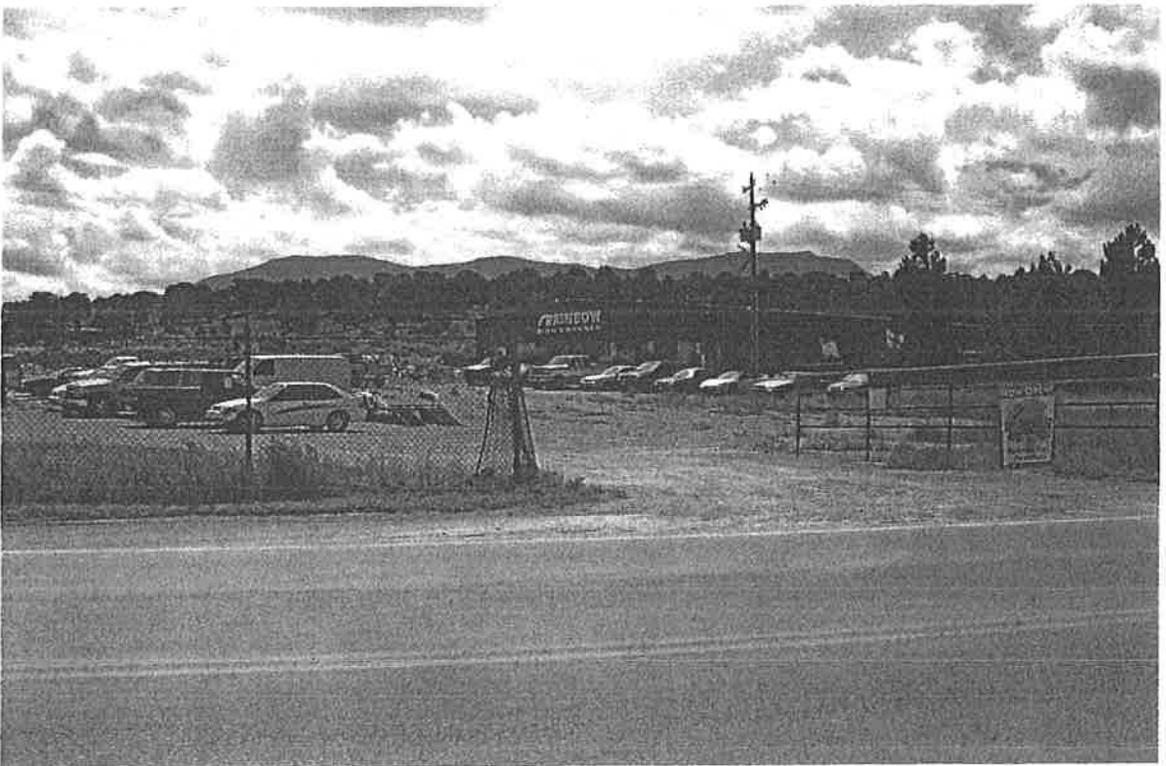
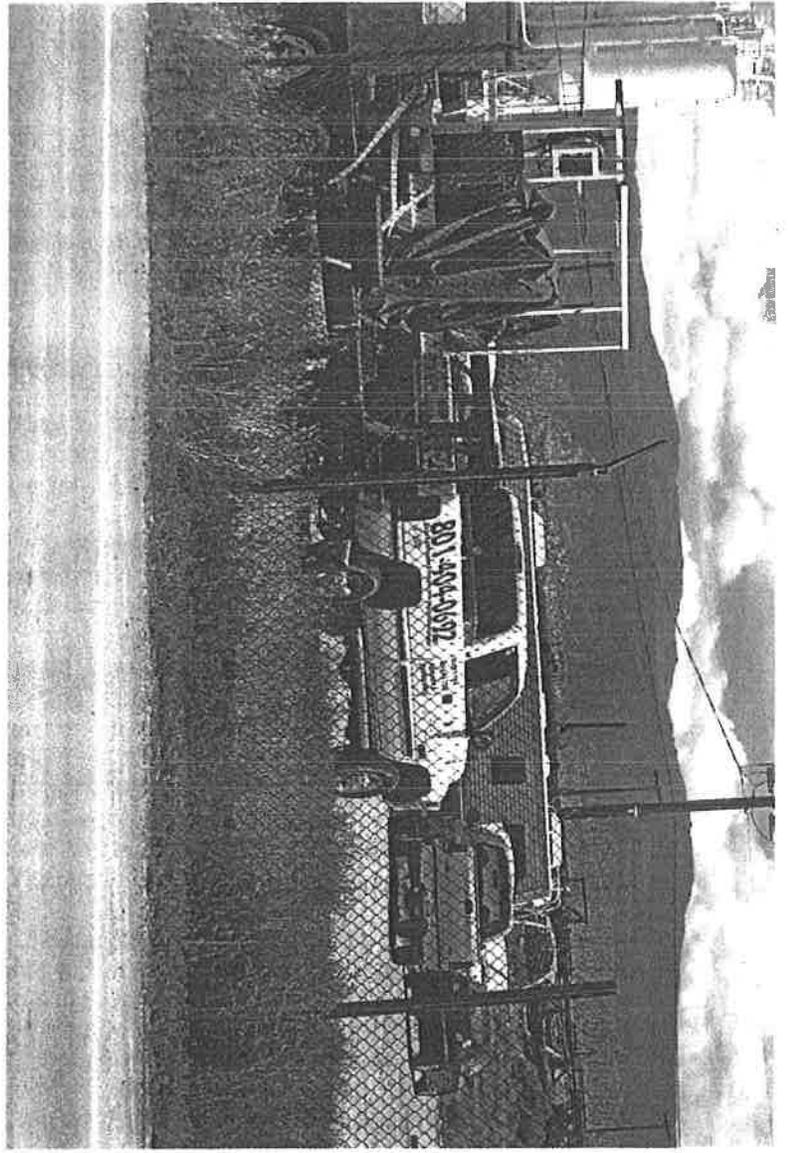
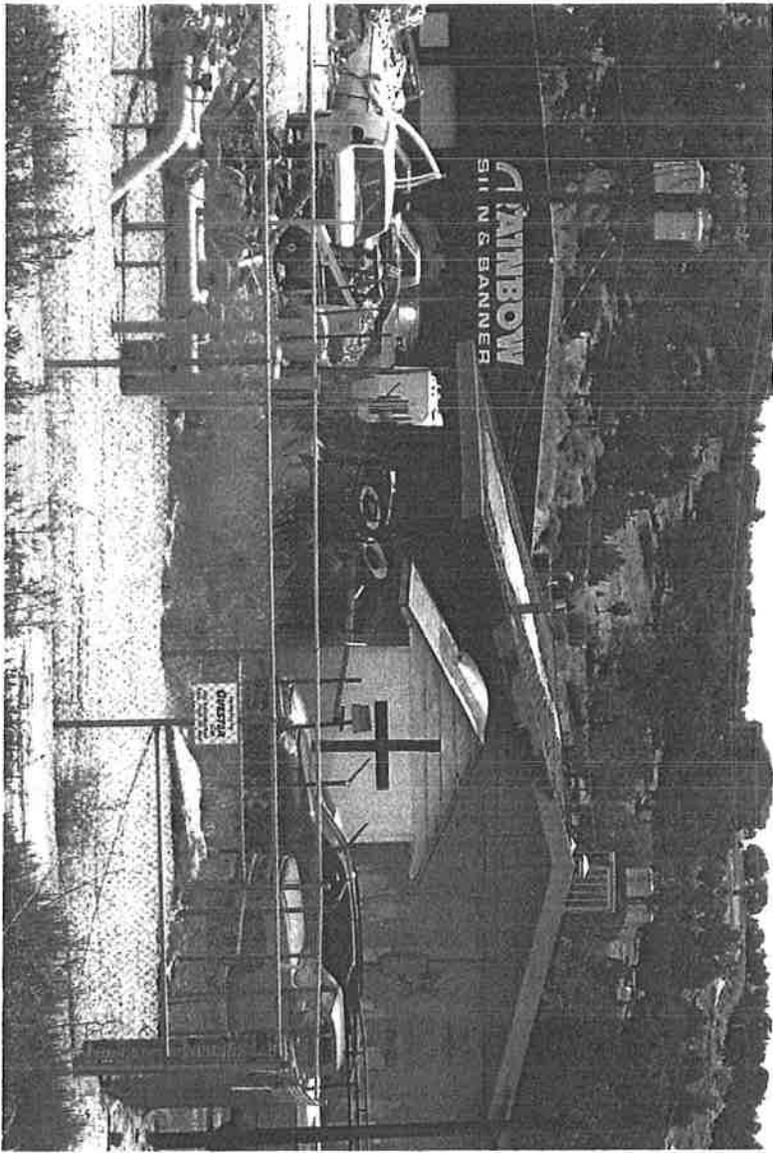
This letter confirms information presented to the Cedar City Council at the Wednesday, 8/21/13, meeting. Thank you for your attention to this matter.

Sincerely,
CONCERNED CITIZENS OF NORTHRIDGE AND CROSS HOLLOW HILLS

cc: Mayor Joe Burgess; Cedar City Councilmembers: Ron Adams, Nina Barnes, John Black, Paul Cozzens, Don Marchant
Maile Wilson
Fred Rowley

Att: Ordinance/Chapter 20, Section 20-2, Accumulation of Waste Materials; photos of property

ies to:
(at the 7-9-2014 Cedar City Council Mtg.)



CHAPTER 20

HEALTH REGULATIONS

SECTION 20-1. Food Service Establishments. Permit.

No new business license shall be issued nor existing license renewed in Cedar City to operate any food service establishments as defined in the Code of Food Service Sanitation Regulations, Utah State Division of Health, July 16, 1969, Part 1-3, until the applicant has been inspected and issued a valid Food Service Establishment Permit by the Southwestern Utah District Health Department. Note: Food Service Establishment shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tea room; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial feeding establishment; private, public, or non-profit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

SECTION 20-2. Accumulation of Waste Materials.

It shall be unlawful for any person to allow garbage, ashes, waste, cinders, tin cans, rubbish, manure, or other refuse to accumulate upon premises under his control or to fail to remove same within twenty-four hours after notification from the Board of Health so to do. All garbage, ashes, waste, cinders, tin cans, rubbish, and other refuse may be ordered by the Board of Health to be hauled away by any collector of garbage, etc. and the owner or occupant of said premises shall be required to pay all expenses thereof.

SECTION 20-3. Accumulation of Manure in Stables and Corrals Prohibited.

It shall be unlawful for any person having charge of any stable, stall, shed, apartment or yard in which any animal shall be kept, or in any place within the limits of Cedar City in which manure or liquid discharges of any animal shall accumulate or collect, to permit such stable, stall, shed, apartment or yard to be kept in an unclean or unsanitary condition.

SECTION 20-4. Depositing Waste Materials in Gutters and Ditches Prohibited.

It shall be unlawful for any person to sweep into or deposit any paper or other rubbish in any gutter or ditch within the City limits or to empty in any gutter or ditch any swill, house slops, contents or spittoons, or other filthy refuse. It shall be unlawful for any person to throw or deposit any dead animal or fowl, or any live animal or fowl in any reservoir, pool, canal, creek, or other stream of body of water within the City.

SECTION 20-5. Unsanitary Conditions Prohibited.

It shall be unlawful for any person to suffer or permit, or have upon his premises, whether owned or occupied by him, either one or more of the following unsanitary, fly producing, disease-causing conditions, it wit:

1. Manure which is not securely protected from flies.
2. Any privy, vault, cesspool, sink, pit or like place which is not protected from flies.
3. Garbage which is not securely protected from flies.
4. Vegetable waste, trash, litter, rags or refuse of any kind, nature or description in which flies may breed or multiply.

SECTION 20-6. Garbage Receptacles.

Every owner, lessee or occupant of any building, premises or place of business, shall provide, at his expense, garbage containers of a type to be approved by the City Engineer which containers shall become the property of the City.

SECTION 20-7. Garbage Districts.

The City Council shall from time to time create, and establish in the City, garbage districts as may be necessary for the proper collection of said garbage. Garbage in residential areas in Cedar City may be handled or collected in a different manner than in business areas and the City may make such charge for collections as outlined below.

SECTION 20-8. Permit.

It shall be unlawful for any person, firm, or corporation to collect, haul or dispose of manure, garbage, market waste, ashes, tin cans, bottles, dead animals, rags, waste leather, waste paper, night soil or other refuse or waste material, without first obtaining a permit so to do from the Board of Health.

SECTION 20-9. Hauling Garbage, etc.

It shall be unlawful for any person engaged in hauling garbage, manure, rubbish, or other matter of any kind to permit, allow, or cause any of said matter to fall and remain in the streets.

It shall be unlawful for any person to convey, transport or haul through or upon any of the public streets, any garbage, swill, market waste, night soil, or pulp, or other similar refuse except in sanitary receptacles especially constructed for the purpose, the same to be subject to the approval of the Board of Health.

It shall be unlawful for any person to suffer, permit, or allow any vehicle loaded with garbage, manure, slops, swill, market waste, pulp or other refuse to be or remain standing upon any public street within Cedar City, any longer than may be necessary for the purpose of loading and transporting the same.

there were rocks in the road and someone flew past me and broke my windshield. The water runs from the east to the west. We know there is supposed to be curb and gutter, why didn't Quantum put in the curb and gutter? There is another building that has not put curb and gutter along it either. We need to step up and say enough is enough. There is someone that doesn't have occupancy to his building, but he is using the building, he just doesn't have power. Also, the old Warby building on the corner is a concern. We were showing our home and that was a concern. Two winters ago there were trash violations and they are still there. It is old. I know Gene Anderson was made to put a fence up. There are a lot of codes not fixed and watched. We have two businesses on 200 North that are not handicapped accessible. We need to do something about the road. We have water from Quantum's property and the preschool it washes on the road. The Payne's have rocks from their driveway on the road. Mayor – we will look at it. ■ Kathy Kaminski – I have problems with the same property that Craig talked about, 316 North Westview, on the corner of Hwy 56. We used the recycle until it got so bad. We found that there were zoning violations and it was shut down and the registered agent is Robert Morris. We start seeing pickup trucks with big phone numbers for AA Machining and Welding, I looked them up through Dept. of Commerce, registered agent is not licensed, they are in there all the time and more in the later evenings. I goggled the phone number, the number is to someone for a sexaholic anonymous and that was a concern. I called the Business Licensing and there is not a license for someone to be there. They did not find anyone there. It is a fire and health hazard, cans and standing water, I am at my wits end. I talked with Zoning and Code Enforcement. We hear Cross Auto is moving in there, we are concerned, has it been inspected, will there be dumping sites for hazardous waste. I am doing my homework and trying to understand what to do. Please consider that it needs to be looked at it is a fire and health hazard. ■ Mel with the State of Utah, we have a proposed lease for the Heritage Center. We have proposed to lease the conference room space at the Heritage Center over a year. I talked with Jason, sent him a proposal 3 months ago and he told me we were on the agenda tonight. We want a yearly lease for \$1,000 a month to have access to the conference rooms. ■ William Selman – since the gentleman brought up the road, Shurtz Canyon Road, east on old Hwy 91 there is a subdivision that is going good. There is a section of road 50 yards long that is ½ of the road. The other side of the street as it turns left, Holiday Inn probably paid for the half. As you come down you are straight on traffic. It is along a vacant piece of property, and it is a safety issue. It would be great to widen. The subdivision is taking shape, the area is picking up with buildings.

CONSIDER WAIVING PAST DUE CHARGES ON A UTILITY BILL - ROBERT RYAN SCHOFIELD:

Mr. Schofield – I don't have any paperwork. In 2008 I purchased the home and lost my job and had to move to Las Vegas. I thought I had all utilities turned off but I hadn't. There is a \$500 bill that built up before it was shut off. There is 10 months of no use. I understand it didn't get it turned off; I would like to only pay two months. I tried to get in contact in September and didn't get called back. The home went into foreclosure. Cozzens – when there is a foreclosure, does the bank do that or someone else? Schofield – when I rented it the water had to stay in my name. Why did it stay on for 10 months before it was shut off? I didn't get bills because my mail was going to my mother-in-law and I recently received a large stack of mail. Wendy Bonzo

