

COUNCIL MINUTES
DECEMBER 3, 2014

The City Council held a meeting on Wednesday, December 3, 2014, at 3:00 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 Rodgerson; Public Works Director Ryan Marshall; Parks Superintendent Austin Bingham.

OTHERS PRESENT: Jacob Miner, Heath Oveson, Dale Evans, Tom Jett, Doug Hall, Elizabeth Woodward, Dan Brummer, Andrea Johnson, Ron Larsen.

CLOSED SESSION – REASONABLY IMMINENT LITIGATION: Councilmember Marchant moved to go into the closed session at 3:01 p.m.; second by Councilmember Black; vote unanimous.

Councilmember moved to re-open the public meeting at 4:07 p.m.; second by Councilmember ; vote unanimous.

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

AGENDA ORDER APPROVAL: Councilmember Cozzens moved to approve the agenda order for the RDA and Work meeting also; second by Councilmember Black; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Marchant – on black Friday my children went to stores that were very crowded and came back and expressed concerns, what if we have medical emergency or fire do we have protocol to take care of those issues, so I texted the Council and Chief Irons and I got a call on Monday from the Manger of Wal-Mart and he said I appreciate the concern of the conditions at Wal-Mart and I spent the morning with the Fire Marshall and they were in compliance on most things. I appreciated that Chief Irons was proactive and that Wal-Mart was being a team player. I told Jacob Miner how much I appreciated that fact that they had taken it seriously and were pro-active and pleased that he is here it shows his commitment. We appreciate the manner you took care of the concern of mine and hope in the future you will continue to work with us. Also, we have a birthday boy today (John Black) and one this weekend (Fred Rowley). ■Rowley – would it be possible on the Sales Tax reports to give us an idea of what the percent compares to the year-to-date point and see where we are compared to last year. Jason – yes. Black – can we get a

rolling 3 year average? Jason – yes. Rowley – the sound system at the arena is messed up, the microphone and amplifier overheating. We need to get an antenna or a better amp or something. A friend of a friend said we own the railroad tracks by IFA and wants to know if he could salvage them. Kit – your friend is wrong, the Railroad owns them. Rowley – I also want to know where the money is going from the cans in the binnies and how much it is. ■Mayor – we have had our two community meetings, we are now getting email comments and then will do another update to the strategic plan.

PUBLIC COMMENTS: ■Jacob Miner, Store Manager of Wal-Mart – brief explanation of what did happen, we have one goal and it is to have zero accidents, most planning is on safety. We made a mistake not in compliance, but the middle of the store, it caused a congestion going north and south in the store, and after ½ hour we opened flow at the front of the store. We will change for next year. Rowley – it seems you had different things open at different times, do you do that? Jacob – yes, a 6 a.m. and 8 a.m. portion of the sale and then the next day. We have quite a bit of egress after 6 am, we get close to capacity, it is one person for every 12 square feet, I did the map with Phillips, we had a 2.7% decrease in people from last year, but what we did with the registers caused congestion in the back of the store. Rowley – we appreciate what Wal-Mart does for the City. People come from far away to spend money and it helps with sales tax. Jacob – the community is important to us as well. I am also a volunteer fire fighter and I walked the store with Mike to make sure we were in compliance. ■Dale Evans, Evans Hairstyling College – I own Mikes Tavern building and the adjacent building on Hoover and 100 West and I noticed that you did diagonal parking on 100 West and it ended at Hoover. We have trucks come and park in front of the building and stay 4-5 hours, it blocks the entire store area which makes it hard to rent my building, I would like continue the angle parking at least past my building. The trucks can go behind the motel, but they pick that one spot. I would like diagonal parking. Kit – it shouldn't be a problem. Paul – you would have to amend your ordinance. Rowley – it would be good to clean up the planter area along 100 West.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED NOVEMBER 12, 2014; (2) APPROVAL OF BILLS DATED NOVEMBER 21, 2014, AND NOVEMBER 24, 2014 ; (3) APPROVE THE THIRD AMENDMENT TO WASHINGTON COUNTY SOLID WASTE CONTRACT FOR RECYCLING IN THE AMOUNT OF \$34,620 – RYAN MARSHALL; (4) APPROVE LEASE OF A CASE 580 SUPER N LOADER/BACKHOE FROM CENTURY EQUIPMENT IN THE AMOUNT OF \$3,998 – AUSTIN BINGHAM; (5) APPROVE AN AMENDMENT TO THE JUNE 7, 2013 INTERLOCAL AGREEMENT BY AND AMONG CEDAR CITY CORPORATION, IRON COUNTY, THE IRON COUNTY SCHOOL DISTRICT, THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT, AND THE CEDAR CITY REDEVELOPMENT AGENCY CONCERNING THE AVIATION WAY PROJECT AREA PLAN – DANNY STEWART; (6) APPROVE DECLARING BICYCLE AUCTION PROCEEDS IN THE AMOUNT OF \$957.00 FOR PUBLIC INTEREST USE – CHIEF ALLINSON; (7) APPROVE THE APPOINTMENT OF TOM JETT TO THE CEDAR AREA TRANSIT COMMITTEE – MAYOR WILSON:

Councilmember Marchant moved to approve the consent agenda items 1 through 7 as written above; second by Councilmember Black; vote unanimous.

APPROVE A RESOLUTION TO ACCEPT AND UPDATE THE CEDAR CITY WATER CONSERVATION PLAN- JONATHAN STATHIS: Councilmember Cozzens moved to approve the resolution to accept and update the Cedar City Water Conservation Plan; second by Councilmember Rowley; vote as follows:

AYE: 5
NAY: 0
ABSTAINED:0

APPROVE A RESOLUTION ESTABLISHING PROCEDURES FOR SIGNING CONTRACTS & OTHER WRITINGS – PAUL BITTMENN: Paul – there was request from staff to make a slight change. We do two types of bond agreements, one with subdivisions and the bond is in place as a layer of security for public infrastructure installed to standard, inspected and survives 1 year warranty period. The other is a deferment bond on a project by project basis, the one now is for Zaxbys Chicken, a little of landscaping that needs to be complete so they can't get the certificate of occupancy. This bond lets them place a 150% of the cost and if they don't put them in, we do. We see these bonds a lot of businesses that want to open their doors and it takes more time than businesses want to wait. The subdivision bonds get into big dollar issues. We would like to you to delegate after review, it does not have a budgetary impact.

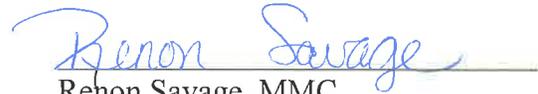
Councilmember Rowley moved to approve the resolution establishing procedures for signing contracts and other writings as amended; second by Councilmember Black; vote as follows:

AYE: 5
NAY: 0
ABSTAINED:0

APPROVE AN ORDINANCE AMENDING THE CITY MANAGER'S POWERS AND DUTIES – PAUL BITTMENN: Councilmember Black moved to approve the ordinance amending the City Manger's powers and duties; second by Councilmember Rowley; roll call vote as follows:

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

ADJOURN: Councilmember Cozzens moved to adjourn and move into the RDA meeting at 4:35 p.m.; second by Councilmember Rowley; vote unanimous.


Renon Savage, MMC
City Recorder