COUNCIL WORK MINUTES
JUNE 3, 2015

The City Council held a meeting on Wednesday, June 3, 2015, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

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

EXCUSED: Mayor Maile Wilson.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; Executive Secretary Barbara Barrick; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall, Human Resources Specialist Natasha Hirschi.

OTHERS PRESENT: Karsten Reed, Scott Jolley, Melodie Jett, Tom Jett, Jade Etchart, Kris Groves, Shannon Nowers, Blake Cozzens, Jay Adams, Bob Platt, Terri Hartley, Wayne Hartley, Nataly Burdick, Corey Baumgartner, Patrick Charles, Robin Haight, Brenda Haight, Wade Grimm, Barbara Imlay, Doug Hall, Haven Scott.

CALL TO ORDER: Reverend Montgomery of St. Jude Episcopal Church gave the opening prayer; the pledge of allegiance was led by Rick Holman.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■John – I would like to apologize to Wade Grimm for the confrontation last week. Danny could you update us on the signs? Danny – We finished the draft for the RFP which will go out this week. ■Fred – Thanks to the Fire and Police Departments for the difficult situation last week and how they handled it. It turned out as well as it could have. Thanks for a job well done. Are the two officers okay? Chief A – They will be. I visited with them last night. Their vision will be fine, but their eyes are still sore. ■Don – I attended the Arts Council presentation. It is quite an active group and I'm pleased with what they are doing with encouraging all forms of the arts. Our RAP Tax funds are being used wisely with that group. It was a pleasant evening. ■ Rick – I have some suggested alternatives to the June meeting agendas. Mayor Wilson needs to propose the final budget, but won't be here. I'll print out some suggested changes and bring them next week. ■ Danny – The Economic Development Council of Utah recognized Cedar City and the USF in its newsletter.

PUBLIC COMMENTS: ■ Scott Jolley – Upper Limit Aviation. I wanted to give you an update on our efforts in DC. So far I've spent about 50% of my time in DC working on legislation. Senators Hatch and Congressman Stewart have been helpful and expect it

to pass committee. We don't expect this legislation to affect us here in Cedar City. The airport manager here is awesome. We've been very pleased with his efforts and the assistance to Upper Limit out there at the Airport. City staff is doing a great job. Fred – When Stewart was here it seemed like he had no sympathy for this. Scott – The way the flight training has been administered in the US is that the standard is the school with the highest costs. The cap that is proposed would eliminate veteran flight training. We are working to bring European students in. 45% of all FAA certs are issued to foreign nationals at this point. They have to have background checks and a lot of screening. Fred – Are you aware of on-line petition going around? Scott – I couldn't find it and I invited the author to come to the hanger to answer questions. We've done a lot to mitigate flight patterns. Fred – I live on the same street as him and I don't think there's a problem. Don – In the past you have invited those impacted, and they came to understand the program. Scott – Lots of the comments in the petition were in favor of what we do. We've mitigated a lot and some don't understand the FAA regulations. Anyone is invited to visit and we'll help address their concerns. ■ Danny – I just received an email that Cedar City has been ranked 20th out of 1300 as the best small city in America. I'll forward this to you.

PUBLIC HEARING TO CONSIDER A REQUEST FROM THE PAIUTE INDIAN TRIBE OF UTAH FOR A DONATION FOR ITS 35TH ANNUAL RESTORATION GATHERING – PATRICK CHARLES/RICK HOLMAN :

Patrick – I am the chairman for the 35th annual Pow Wow. I became the chair two months ago and next year we will follow the procedure to obtain funds from City. Everyone is invited to attend the Pow Wow and learn about the tribal culture. Each year we try to get funding from different sources. It costs $15,000 to put on and we hope to raise that much. Rick – In the past we've donated $2500 and I propose we take it out of Executive Discretion. The Tribe has said they will go through the community promotions grants process next year. Fred – What happened to the road re-do through the tribal area? Kit – It is progressing and close to being ready to asphalt. It's been going for a month and a half. Patrick – We would like everyone to come out and we also have a parade on Saturday. Lineup is at 8 a.m.
Consent. Ron opened the public hearing. The public hearing was closed with no comments.

CONSIDER A REQUEST TO WAIVE BACK SEWER BILL FOR PROPERTY LOCATED IN THE VICINITY OF 1487 WEST 165 SOUTH – KARSTEN REED:

Karsten – I recognized that a service was provided. I was raised in Saudi Arabia and lived in Greece and I recognize that utilities are of tremendous value. My case is different, though, than ones you've had before, as the City was providing a service, and knew they were providing it, and failed to bill the home for this. In other instances the City did not know they were providing service. I pulled the schematic and the City was aware. They just haven't billed for 30 years. We purchased this property as a rental. My contract with the tenant was that they were to pay the bill. Then I receive a bill 13 years later. It would be a hardship to find these tenants and try to collect from them or to pay it myself. The City is a little negligent in knowing they are providing a service and failing to bill for it. That's why I'm asking for redress. Paul B – What we have is an eight inch

sewer line next to the lot next to lateral. The City doesn't know when it was connected. In the past, we've had folks by-pass and connect without telling the City. That is one reason why back-bill ordinance is in place. In 2003, the billing records indicate that when the home was purchased, the City was not aware of providing the service. Karsten – The billing department may not have known, but engineering did. You can tell by the schematic.
Paul B – What you have shows a six inch lateral and an eight inch line and it doesn't show it is connected. Karsten – My exhibit shows that it was connected. Paul B – Staff doesn't agree it means it's connected. Karsten – Any reasonable person reading this would say the engineer writing this is saying that this is connected. Paul B – If it was connected, the engineer would have said it is connected. Karsten – It says, the lot line was dug up looking for a sewer problem. Kit – I didn't work here then so I don' t know. Karsten – If there is a single family residence that hasn't been billed in 30 years, the City should have figured it out. Paul C – I need to disclose that my son and Karsten work very closely together. This is about the third one of these back-billings we've discovered since I got on the Council. If we could run report on those who are hooked to the system and not billed, we could take care of this. It is no fun. Could you research how to do this Rick? Rick – Kristin has started an audit of all 8000 accounts and it is taking some time. We are getting an intern next week and that is what we will assign to him. Then we'll dye test for sewer collections and find out if there is a lateral from those addresses. So for 27 years that residence has been using our services and we are asking for two years payment. Paul B – This residence has never received a sewer bill. There was a note in the file in 2003 that there was no sewer service, when the Reeds took over. Fred – Does the sewer show on the bill? Karsten – The tenant receives the bill. Seeing a bill is not an issue. Fred – It is. If the bill says no charge then it's different than not seeing it at all. Karsten – My assumption is that I am being billed correctly. Fred – It's the same situation as the places that were getting water shut off, as the people responsible for paying the bill are not getting notice. But you've received the benefit of the sewer and the amount you pay will be a pittance. It's likely those who connected to the sewer knew more about it than the City does. Karsten – I think this shows that the City became aware of this and didn't bill. It is kind of a hidden street. Fred – This is an additional $21.00 over the two years to pay off. Don – We are throwing stuff at a tenant that he probably doesn't pay attention to. Karsten – Most people don't look at the bill unless it's out of line. Paul B – The City's contracts are always with the property owner, not the tenants. Karsten – It would be an undue burden to collect from tenants. I didn't illegally connect to the sewer. Fred – But you've been receiving the benefit. Karsten – I'm not disputing that.
Action.

CONSIDER A REQUEST TO ANNEX APPROXIMATELY 18.41 ACRES OF LAND IN THE VICINITY OF 2800 NORTH AND NORTHFIELD ROAD – STRATTON FAMILY/BOB PLATT:

Bob – A year ago we discussed this annexation. The only thing that has changed since then is the law and that's why it's back. Paul B – Bob and his company have been to the County and they've signed off of this. The biggest issue that the County had was road maintenance, and we have found out we've had agreements in that area for quite some time. Now the law says the preference is for no islands and no peninsulas but if the City

and County agree, it is okay. Bob – This is in the Cedar annexation declaration area and borders the City on 2 ½ sides. John – What kind of feedback are you getting? Bob – I haven't tried to sell this annexation to them and they don't seem that interested at this point.
Paul B – This is a preliminary step and is just saying we'll move forward.
Fred – I went out by Quichapa and hundreds of acres are paved and have electricity, hydrants, etc. What is the status of that? Paul C – I think that's a private development. Paul B – There is a large piece out there annexed, but it is sagebrush. Fred – So we're not on the hook to provide water for that vast acreage. Consent.

CONSIDER ACCEPTING A ROAD DEDICATION ON PROPERTY LOCATED IN THE VICINITY OF 445 WEST COAL CREEK ROAD – JAY ADAMS/PAUL BITTMENN:

Jay – That property on the screen is part of Cacique and they want to deed it to Cedar City. The improvements are all in. Paul B – They've done a lot of work to clean up the title. Cacique came in for a building permit and found their property extended into the public right of way. Fred – Cacique is one of our unsung manufacturing businesses and is an important part of our economy. Don – This just seems like it is common sense. Consent.

REVIEW OF CODES – ROBIN HAIGHT:

Robin – We've come back with more information to share regarding things we were concerned about last time. Rick helped us put this together. We were pleased with Cedar City's efforts to honor fallen veterans on Memorial Day. We want to draw attention to some of the veterans in our neighborhood. Frank Imlay was a veteran and he and his wife built a home on Interstate Drive that is threatened by the proposed development in that area. He passed away but his wife, Barbara Imlay, still lives there. They wanted to stay there tranquilly for the rest of their lives. They had sewer problems a few years ago and these are photos of the rocks that were taken off the pipes that had crushed the pipes. We think it represents a violation of the code and someone should look at it and rectify the problem. This is the inspection notice that says everything is okay and I think some things were buried and we need to know what codes are in place out there. We are feeling threatened. You need to recognize the sacred nature of the homes in our area. With the stroke of a pen, we go from residential to commercial and will lose $50,000 in our home appraisals. What benefits one person shouldn't hurt another person. Some of the codes in place on the screen should be to protect peace and tranquility. Who is protecting our rights? Who do we petition for help? Do the people on Interstate have the same rights as those who have more prestige in the community?

Some of you may ask what my interest is in this, but Barbara Imlay has been a good friend of my wife and she didn't know what to do and who to go through to get help. She feels threatened in her own home. We are asking for the codes to protect those in our neighborhood. This is my family and we love where we live, yet we want to protect the peace and sanctity of our home. What affects Barbara will affect us. Do we have any rights? We are here to address the issues and see if the codes protect us. Are they equally enforced? This is creating a lot of unneeded stress for people. The codes are confusing

and you need to define who can help enforce them. People need to be protected. This morning I read there is a Hepatitis A outbreak in our community. When you integrate commercial with residential it can be disastrous. There are disease vectors than can happen in a highly populated area. Measles, Hepatitis, West Nile virus, Lyme disease. We need to be careful. There is too much rush-rush and hush-hush. We want to go back to the 154 people who signed the petition. If you care about us, how can you help us and inform us? May we all work together for a better solution.

CONSIDER AN EXCHANGE OF SERVICES AGREEMENT FOR THE AIRPORT – RYAN MARSHALL:

Ryan – We identified a need on the northwest side of the Airport. It currently is a dumping ground and we want to fill it in and make it an area to use for potential future development. Animals also hide out in that area. We decided to put out a proposal to fill that in and put it into the master plan. Schmidt Construction would fill with clean fill and they propose an exchange of services. We would allow them to fill the pit and waive landfill fees and they will do projects out at the Airport in exchange, such as brush removal, and fencing changes, etc. We have identified all those. We would like to enter into an exchange of services agreement with them. John – Who will clean up the debris? Ryan – He will. There will be 210,000 cubic yards and it will be compacted. It will allow us to get some projects done that we have been unable to fund in the past. Don – It is a win-win situation both ways and will be done right. Paul B – We advertised and the only one that bid was Mr. Schmidt. John – Are there issues with access? Paul B – Prairie dog restrictions and others that are applicable. Ryan – We will put in controlled gate right in the area off of the Lunt Highway, and it's a non-prairie dog area. Paul B – It is in your packets, but it was put in there later in the afternoon for those who haven't seen it yet. The clean fill is dirt, rocks and concrete. Kit – As the fill goes in, if anyone comes in and wants to build in the future, we will have to have the fill tests documented. I will email this language to Paul B to include in the contract. Paul C – Make sure there are no problems with the fill, make sure it's compacted correctly.
Consent.

PUBLIC HEARING TO CONSIDER THE CEDAR CITY COMPENSATION PLAN – RICK HOLMAN :

Natasha – We hired Personnel Systems to perform this study last October. There are a few changes from the numbers you got last time, as some wastewater certifications were missed in the last one. I think you are familiar with the process. We included Department Heads and employees. This is the opportunity to adopt and put this into policy. We are currently looking at a compensation policy with Department Heads. John – Compliments to you and staff on the depth and breadth of this study. It's very professional and well done. Don – It's one of the fairest studies I've seen to establish the criteria. And you spent a lot of time on it. Rick – Mr. Swallow pointed out that some positions are currently below market and the budget includes an effort to address those. Fred – We lost an employee this week because of better pay somewhere else? Natasha – Yes. He was an equipment operator. Rick – This will help us be more assertive in retaining employees. Don – It is important to address this, as budgets allow. John – Staff needs to

know that we are committed to do that. Ron opened the public hearing. There were no comments. The public hearing was closed.
Consent.

DISCUSS HELEN FOSTER SNOW PROGRAM – DON MARCHANT:
Don – This is something that's come to light in the last year. In 2009 the statue was erected in honor of Helen Foster Snow. The majority of people here don't know who she was. She was an international figure working with China in the 1930's. She established relationships with that culture and was nominated for the Nobel Peace Prize on two occasions. In recognition of her accomplishments, SUU started programs and exchanges with China. Last year I had a Helen Foster Snow scholarship recipient in my class. The Arts and Dance Department have an exchange program, with many cultural exchanges. The student in my class wanted to take it further and establish a recognition from City to City. In talking with Rick, we feel like this is something where we could partner with SUU and add to their program and re-establish Helen Foster Snow as a known person in Cedar City history. She is one of the 10 most important in Cedar City history and 80% of people here don't know her. We want to get something going with China in partnership with SUU. A few months ago, we had a delegation from China come through the City Office and they were very impressed with the City and it was exciting for me to see it. Right now we've extended it from the cultural element and I would like to propose we refine it. We don't want to reinvent the wheel and we want to partner with SUU. We want to make Helen Foster Snow a significant part of our community. There will be another scholar exchange this fall. Fred – We had a Chinese television station come through Cedar last year. Helen Foster Snow is a big deal in China. The phrase Gung Ho was coined by Helen Foster Snow.
Consent.

CLOSED SESSION – REASONABLY IMMINENT LITIGATION:

ADJOURN: Councilmember Black moved to adjourn and move into the Executive Session at 6:49 p.m.; second by Councilmember Rowley; vote unanimous.

Barbara Barrick
Executive Secretary

CITY COUNCIL EXECUTIVE SESSION
JUNE 3, 2015

The City Council held an executive session on Wednesday, June 3, 2015, at 6:55 p.m. in the Council Chambers at the City Office, 10 North Main, Cedar City, Utah.

MEMBERS PRESENT: Council Members: Ron Adams; John Black; Paul Cozzens; Fred Rowley; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; Executive Secretary Barbara Barrick; Human Resources Specialist Natasha Hirschi; Finance Director Jason Norris.

EXCUSED: Mayor Maile Wilson.

REASONABLY IMMINENT LITIGATION:

ADJOURN: Councilmember Fred moved to adjourn at 7:32p.m.; second by Councilmember Black; vote unanimous.

Barbara Barrick
Executive Secretary