

COUNCIL MINUTES
JUNE 10, 2015

The City Council held a meeting on Wednesday, June 10, 2015, 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 Mike Phillips; Fire Marshal Mike Shurtz; Airport Manager Jeremy Valgardson; Wastewater Plant Manager Darrell Olmsted; Public Works Director Ryan Marshall.

OTHERS PRESENT: Tom Jett, Kip Hansen, Emily Ronquillo, LaNor Warby, Jessica Sury, Robin Haight, Wade Grimm, Barbara Imlay, Mike Mower, Scott Jolley, Rich Cannon, Jannett Johnson, Neal Donohue, Erick Wirz, Katrina Arnell, Wayne Hartley, Terri Hartley, Dr. Howard Maize, Ed Nunes, L E Rayborn, Larry Flich, Steve Ahlgreen, Bob Tate, Casey McClellan, Doug Hall, Tim Beery, Carin Miller, Mark Miller.

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

AGENDA ORDER APPROVAL: Mayor – we need to pull #6 off the consent agenda.

Councilmember Black moved to approve the agenda order for all meetings with #6 moved to action; second by Councilmember Adams; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Rowley – I got a call from a reporter asking when water restrictions would be enforced, I told her they were always implemented, she said it may be wise to remind people. ■Cozzens – I want to thank those involved in honoring our Veterans this last week and those that were sponsors to allow these individuals to have that experience. It was great for me personally, I took 2 of my children that we have adopted from a foreign country and allowed them to see how much the veterans have done for the country. Marchant – it was an emotional experience, the old guys hobbled off, it was a thrill to see them treated so respectfully. ■Mayor – we will have a new intern start Monday and one in two weeks. Katrina Arnell – I am a 4.0 senior at CHS; I will intern with the Mayor on the City budget compiling all budget documents into one format. I am excited to be a part of this. ■Mayor – we found out at last minute, yesterday a combat injured Marine Veteran double amputee came to town, riding his bike across country, I met him and gave him a Utah book. Also, we have Summer Games Thursday, PRCA Rodeo Friday and Saturday, and the Paiute PowWow both days and the parade Saturday morning.

PUBLIC COMMENTS: ■Utah Summer Games (USG) Update – Casey McClellan, USG Director, joined by Bob Tate and Steve Ahlgreen. When Bob retired from the City we were fortunate to bring him on board. Councilmember Black I am glad you are thankful for moisture, but could we get a break from 5-10 p.m. tomorrow. Soccer teams are arriving. We had 74 High School Basketball Teams participate. Opening Ceremonies, any of you looking for an opportunity to learn from someone, there is an 8 minute video that will play that will change your life. Britton Shipp is a hero. The Veterans that just participated will also be recognized tomorrow. Rowley – is it your intent for us to come and hang around in the afternoon? Casey – it is up to you, but you would enjoy it, it is a pre-party event you would enjoy. Bob Tate, USG Sports Director – this is the 30th year and I have been a part for most of it. I love to see people succeed and have a good experience. Last year we had 9,300 athletes participate, we are a lot better this year, we have 27 more basketball teams, soccer we are up 21 teams, our team sports are up and individual sports are up. Several activities have already happened. It brings a lot of revenue in and it shows off Cedar City. We couldn't do it without the City. I was a little nervous to have a few councilmen help; I appreciate their help, Black and Marchant. I appreciate your manpower and facilities, as well as School District, Iron County, Police and Highway Patrol, a lot come together to make it happen. Tomorrow will be fantastic, we have the Jazz Bear, Rodeo Clown, live music from The Party Crashers they do music from the 80's and 90's. We have 41 sports, very well attended, go anywhere in the next 3 days and you will see soccer families everywhere. We go until the last weekend of the month; it is busy, but good. Adams – are you building the soccer back? Bob – yes, we were down last year, we have had 190, but we have 21 more teams than last year, and it really helps. The basketball format helps also. Next Monday we will have the younger kids and the weekend the older adults for basketball. We had record amount of Water Polo in April; we are making it bigger and better. Casey McClellan – the format has changed which we lose a day of competition, but the feedback we got only having one game a day, so we lose one night occupancy, but we will play later on Saturday. For 30 years we have done it one way and they want the dates condensed so they are not off work as long. We listen to athletes, maybe today the lodging & lunch didn't get them, but hopefully they will on Saturday. We took the basketball from 3 to 2 days and we have to figure out where to put them all. We played in 7 gyms. It is important that we talk about our sponsors; we couldn't do it without you. Also, Austin Bingham, what a rock star, he has been awesome, everyone in the City we appreciate what you do. We can't control the referees and bad calls, but we can control the soccer moms. Brian Head, Cedar City, SUU, Upper Limits, they play a major role with us in the financial backing, Larry H. Miller, Governor's Office of Economic Development, and Select Health. Black – kudos to you and your staff, there is not a cash register in town that doesn't feel the positive impact.

■Mayor – we have invited these people to come in and meet with Staff. Robin Haight – Representing Cedar Knolls and Interstate, we have tried to create a dialog with the government. I was watching a TV show and I saw cop cars out the windows looking for individuals, I looked up and seen doors ajar and I couldn't find out what was going on. They had people hot wire Glenn Spencer's truck. I went to church the next day and told of the excitement and Boyd Hall looked me in the eye and said why didn't you tell me.

When I find out something I need to share with my neighbors. I have stood with water 41 inches deep in my business, I have seen sewers back up so they had to remodel, I have lived through things in Cedar. I want to be aware of what is going on. I felt we were the home team to protect home, families and friends; we want to make sure we do the best job possible to get results we want. I suggest that it is good we have the camera, but we need a camera for staff so we can hear and understand them as well. The City Attorney and City Engineer should be in view also. They have power that influences decisions. We are convinced a buffer zone is good between residential and commercial. We want an open dialog, preventing the problem is the best solution. We are friends of our neighborhood where we live and want to participate the best we know how. The biggest thing is lack of communication. Thank you for the dialog. Black – I appreciate you taking the opportunity to meet with staff, it will help all of us. Robin – I think it will help. I want to be friends not enemies. ■Dr. Howard Maize, talking about the noise of the helicopters, we have acres and miles where they can go, we have gone to the City, they say it is a county problem, the County says it is a City problem. The business of Upper Limits Aviation is here in the City, we want to find out what we can do. Our houses are in the flight path, where they turn around, they fly low, slow and noisy and it is a constant nuisance, we are retired. One is keeping a record of when, day and time, I am keeping a diary of how low. There has to be a place to fly, we have called them to find another place to fly and then we get more helicopters. Black – where do you live? Dr. Maize - by the Substation on Lund Highway. Mayor – the reason with the City/County thing is they live outside the City limits. Dr. Maize - We are in the flight path of the fixed wing, they fly high and are quicker and quieter. We have heard they were thrown out of other cities. It is 7 days a week 4-6 times a day. One of us was in the BLM and a fixed wing came over and we motioned them to go the other way and they did. 11-11:30 p.m. they flew over us four times Monday night. There are 4 of us here, there are a lot more out there, we can bring the entire neighborhood. If they want to fly over the house 1-2 times a day and go to Minersville Highway, but they pick one flight path every day. Rowley – I asked if ULA could alternate flight paths once a week so one neighborhood doesn't get it every day. When they do that it becomes unpredictable and it is dangerous. Dr. Maize – they say they don't want to anger the people of Enoch.

Jeremy Valgardson, Airport Manager – I was asked to talk about standard procedures and flight patterns. I want to thank Dr. Maize, if they have problems I invite them to the Airport to go over the map. The issues we have the location where the neighborhood is located, VOR is navigational aid for all instrument training and they have to have so many holds and approaches, it is 5.6 miles from Cedar City Airport, we only analyze the noise in the 5 mile radius, everything else is a Federal issue. They shoot out to the west which is right over the neighborhood, it is a FAA flight path, they are supposed to go up and this is not just for our airport, the rotorcraft go below the fixed wing and are about 1,000 feet off the ground, the City or County cannot control. Rowley – they are required to follow that pattern? Jeremy – yes, it is published by the FAA, it is a highway in the sky. If the conditions are too bad to get in the airport they have to do a hold and fly in circles. Rowley – helicopters can go where they want, why can't they go a different direction. Jeremy – it is training purposes, it is still a separation not to hit a house and it gives communication with Salt Lake. If they just went to the west in a cloud they have to

stick to this. Rowley – they are practicing instrument procedures, but sometimes they go up I-15? Jeremy – yes, that is visual training. For safety reasons we keep them below the fixed wing. Rowley – is there a way they fix their rotors to make them nosier. Scott Jolley – can you identify the VOR and neighborhood. Jeremy – it is away from the VOR, but the navigation is directly over the neighborhood, it is like a freeway, it is always open. Dr. Maize – we but up against BLM and did shooting at 10-11 at night, there is a noise ordinance after a certain hour, is there not a noise ordinance for the helicopters? Mayor – we have had those discussions, we can have Upper Limit address that if they would like. Dr. Maize – are they always working off the instrument all the time. We are looking for common courtesy for the citizens where you work. Larry Flich – what we are asking, I compare this business to other businesses such as a contractor where you can ask them to stop at 7PM, it is common courtesy. The helicopters in my point of view is a business and it is your job to set rules for the business and a curfew from 7-7 would be nice and it would be nice to have one weekend a month off. Mayor – one of the issues with the night flights, their requirements are to have flights in the dark and it doesn't get dark until later. Black – is the instrument training at night? Jeremy – yes, when I got the complaint, we checked the tail numbers, they are not all ULA, we also get a lot of BLM, police and other aviation, and they are using that VOR also. Scott Jolley – Community relations and business development – some of the concerns Dr. Maize brought up, when helicopters are in a VOR pattern they have to follow the highway Jeremy talked about, as they are doing that there will be noise. Above ground level is 1,000 feet, but on a take-off and approach they will be below that. FAA minimums is 500 feet, Jeremy said it is 400 feet above ground level, if it is lower we have broken the barrier. With the concern of can't patterns be done somewhere else? We launch south between ULA and terminal and turn north or south over Metal Craft of I-15 we run aircraft across the state constantly and they follow I-15. If the noise over the neighborhood is because they are in a VOR pattern for training. We are trying to mitigate the noise, but where the VOR and neighborhood are in the county we have no control. We would love to be with a weekend off. They have to fly so many hours in 15 week for the University. To take one or two complete days off you compress the problem so you fly later at night or earlier in the morning. Larry – is there one day on the weekend not to use a VOR? Scott – it depends on the students. The 6 times I was given or 10 times in 2 days, there is not much way to cut that back and provide the training. Rowley – at the Belmont race track they limited to 90,000 viewers because they can't handle any more, is there a way to limit the students. Scott – the cap on the program is 300, we are at 230 that is what the valley can stand based on FAA. Also, FAA requires a decibel and we ran the same aircraft at 75 feet away from the building with us in the building and we were at 50 decibels, I get 60 from Jeremy. The average human to human is 65 decibels, we feel if we stay at the 1,000 or above we can dissipate the noise. Rowley – can't a helicopter stay at a level and then drop? Rich Cannon – you cannot come straight down, it is the least safe place to be in. A UHP helicopter crashed doing the same thing. We need to come down at a slope. Mayor – we were not starting early on Sundays. Rich – correct, we start at 9 a.m., other days we launch a 6:30 and 7:30, most days we end by 5:30 and 7:00 p.m. and some have to go in the dark for their training. Scott – simulators are great, but they don't count toward the hours, the FAA requires the number of hours. Dr. Maize – the question is if the VOR is in one place and the other is northwest, why is it that the flight pattern goes

over our houses. Rich Cannon – it is not just the instrument path, there are requirements to do holds which is a racetrack, outbound for one minute and turn and inbound for one minute, it usually puts us 2 miles from the OVR. Dr. Maize – is there another direction that is not over the houses that on occasion they can fly. Rich Cannon – we have limited dramatically how much they go, we don't allow them to go South, we hold to the north, the east is the approach path to the runway, so we only have the northwest corner. Scott Jolley – you might want to save money for your light poles, the BLM is barely getting out. The concern of us getting kicked out of another city, that has not happened. You will have noise over Cedar City tonight, they will be practicing for USG, one aircraft tonight and 5 tomorrow. We have appreciated the cooperation with the City. We welcome these people to come out to our office and we can explain things to them as well as the economic impact, we have had one gentlemen come out and do that. We have a good relationship with the County; we have 13 that are deputies with the County. We appreciate your airport manager; he is smart, does his research and is good to work with. Marchant – what would the possibility be to take a few of the citizens up with you and show the parameters you have to fly by and so they can see the proximities you are dealing with. Would any of you be interested in going up with them to see this? Dr. Maize – sure. Scott – as long as Mike is ok with that. Cozzens – when ULA came to town, I appreciated them taking Councilman Marchant and I up and they have improved a lot since then, but it helps to see. I have appreciated ULA discussing the issues and some situations have gotten better. Scott – we want to be a good community partner. Ed Nunes – it is my opinion that they are a great economic to the community, they may have a 300 limit to the students, but at 230 they have too many in their program. They need to look at a compromise so everyone is happy. Drop the number of students so we can have a day off. We understand flight patterns. We need a compromise, right not it is all money. Mayor – Scott would like to meet with you and bring you in so you can understand and compromise. Their operation is capped. Ed – when they came in the community they had to get special use permits, they may have a ceiling at 300, but 230 is too high. It is up to you to come up with what is fair. We are on the receiving end and we are not getting any of the money. Who says that you can't limit and knock down the number of students? It is not just us that are here, it is everyone out that way. It is one sided.

Mike Marrow, Chief operation Manager – the increasing students, we will increase but keep the flying the same. We are working with FAA to reduce hours to pick up the cap which is self-imposed. There should be no increase in hours flow, but more students. Mayor – some of this would help to understand the situation in a meeting with them. Mike – the company where we can work with folks we will. We will look to see if we can change flight patterns if there is a way to change the VOR holds. Cozzens – can they have an alternate? Jeremy – no, these things are put in by NASA and the Navy in the 30's, they won't move a VOR, and the next closest is in Milford. This services the Cedar City Airport. Mike Marrow – I would like people to come out and have a good civil conversation. Mark Miller, I live in Fiddlers, I felt we were in the middle of the flight path. There are more people upset than will come to council meeting. I am a private property rights person, I live high along the cliffs and it invades my property rights. They are pretty routine and fly up

I-15 and it is every 15 minutes all day long. They can be Life Flights, but I have seen them fly 200-300 feet above my back yard. I know there is an economic benefit, but it is not as tangible as my property rights. Sheriff Gower – I am sympathetic, but having ULA as a tool that I have used several times, they are invaluable for a search, which is usually an emergency situation and it is a fantastic opportunity for us to have. Air support will save a life, it already has and it will continue to happen. I know chief Allinson has used them as well. I encourage you to meet with ULA and work it out, they do bend over backwards to help the community.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED MAY 20 & 27, 2015; (2) APPROVAL OF BILLS DATED JUNE 5, 2015 ; (3) APPROVE A REQUEST FROM THE PAIUTE INDIAN TRIBE OF UTAH FOR A DONATION OF \$2,500 FOR ITS 35TH ANNUAL RESTORATION GATHERING – PATRICK CHARLES/RICK HOLMAN; (4) APPROVE A REQUEST TO ANNEX APPROXIMATELY 18.41 ACRES OF LAND IN THE VICINITY OF 2800 NORTH AND NORTHFIELD ROAD – STRATTON FAMILY/BOB PLATT; (5) APPROVE ACCEPTING A ROAD DEDICATION ON PROPERTY LOCATED IN THE VICINITY OF 445 WEST COAL CREEK ROAD – JAY ADAMS/PAUL BITTMENN; (6) APPROVE AN EXCHANGE OF SERVICES AGREEMENT FOR THE AIRPORT – RYAN MARSHALL; Councilmember Marchant moved to approve the consent agenda items 1 through 5 as written above; second by Councilmember Rowley; vote unanimous.

APPROVE AN EXCHANGE OF SERVICES AGREEMENT FOR THE AIRPORT – RYAN MARSHALL: Last week we talked about standards for compaction if we want to build a building at a later time, we want to evaluate to see if there is interest. We need to evaluate if that is an area we plan to build on. Rowley – Kit, you dump dirt, how long will it have to set for natural compaction? Kit – never. Cozzens – you will get some just moving the dirt? Kit – you get some, but not 95%. Ryan Marshall, Public Works Director – we can go a few weeks, but if the requirements for the compaction not a value for him he doesn't want to pursue. We want to fill in the low are where the deer and fox hang out. Rowley – you are trying to get rid of a hole. Yes. Cozzens – my concern from fill that has been dumped, trash, tree, leaves. If it is clean fill and you won't build there I won't have a problem. Rowley – we will put that in the master plan if we don't want to build there. Rowley – who would pay for the water? Ryan – we will work that out. Black – will runway expansion ever be there? Ryan – no. It backs up to Bulloch Pit. He would clean out the old cars that are now there. Rowley – don't we use the Bulloch Pit? Ryan – we dump there. We use the other side of the fence; we are talking about the Airport side of the fence. Cozzens – the likelihood of anything being built there is not likely. How deep is the fill area, we could over excavate and re-compact if needed. Jeremy – 100 feet deep. Kit – it is 700 feet from the runway.

Councilmember Black moved to table the item until we have more information; second by Councilmember Marchant; vote unanimous.

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

Rick – Mr. Reed is not here, he made his recommendation based on his assumption that the home was hooked up for over 20 years and not charged. We periodically find these situations, to relieve those from the back pay the ordinance was passed to go back 2 years, that is what we recommend.

Rowley – if I went shopping at Wal-Mart and had dog food and forgot it was there and I got to the car I can't say they and I didn't notice so I get it free. I had something similar happen to me, there was a benefit for 20 years, I believe the bill should be paid.

Cozzens – I have a conflict with this item so I will recuse myself.

Councilmember Rowley moved to deny the request to waive back sewer charges for Karsten Reed at 1487 West 165 South; second by Councilmember Black; vote Aye – 4, ABSTAINED – 1 Paul Cozzens.

Adams – are we working on this situation? Rick – yes.

CONSIDER AN ORDINANCE ADOPTING THE CEDAR CITY COMPENSATION PLAN – RICK HOLMAN: Rick – Natasha presented this last week, I appreciate the Council recognizing the value of the plan.

Councilmember Black moved to approve the ordinance adopting the Cedar City Compensation Plan; second by Councilmember Cozzens;

Marchant – question on the motion. Is there a way to amend by transferring funds from our 25% reserve to bring compensation up? Mayor – that is on the next agenda.

Roll call vote as follows:

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

CONSIDER THE CERTIFIED TAX RATE – JASON NORRIS: Jason – I got an email at 4:21 today, it is opened for us to enter our information, but we won't be raising taxes. Paul – we should put it on the agenda until we get it, there is a deadline to have it adopted, but if we don't have it from County resources we are late.

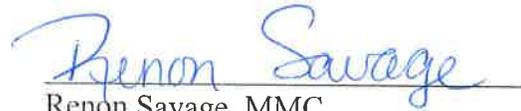
Marchant moved to table until we have the information; second by Councilmember Adams; vote unanimous.

APPROVE MODIFIED MEETING SCHEDULE FOR JUNE AND JULY – RICK

HOLMAN : Rick – I included in your packet the suggested meeting schedule. We moved the budget process back a week and we are not meeting on June 24th.

Councilmember Adams moved to approve the modified meeting schedule for June and July, cancelling the June 24th meeting and holding an action and work meeting on July 1; second by Councilmember Rowley; vote unanimous.

ADJOURN: Councilmember Black moved to adjourn at 7:00 p.m. and move into the special work meeting; second by Councilmember Adams; vote unanimous.



Renon Savage, MMC
City Recorder