

COUNCIL MINUTES
AUGUST 26, 2015

The City Council held a meeting on Wednesday, August 26, 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; Project Engineer Trevor McDonald; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Mike Phillips; Fire Marshal Mike Shurtz; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Aquatic Facility Manager Chris Hudson; Parks Superintendent Austin Bingham.

OTHERS PRESENT: Terri Hartley, Bob Whitelaw, Craig Isom, Marui Bleazard, Tom Jett, Melodie Jett, Donna Law, Linda Wilson, Kip Hansen, Tim Watson, Ben Harris, Arden Smith, Corey Baumgartner, LaNor Warby, Devron Johnson, Robin Haight, Barbara Imlay, Wade Grimm, Jeremie Sargent, Splendor Sargent.

CALL TO ORDER: Reverend Lee Montgomery of St. Jude Episcopal Church gave the invocation; the pledge was led by Councilmember Rowley.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Mayor – Friday is the Leisure Service Department, 2015 Moonwalk 5K, starts at the rise of the moon or 9:00 p.m. at the Bicentennial Ball Complex, you can register now or at 7:00 p.m. that evening ■Mayor - Our Library is one of 19 that got a Smithsonian traveling exhibits, October 16 – November 12th, it is a neat happening. There will be things going on throughout the exhibit. ■Mayor – this September there is a new event taking place that Splendor Sargent is in charge of Red for Recovery, National Recovery Awareness Month for those recovering from addiction. Mayor presented a Proclamation as Recovery Awareness Month in Cedar City. Splendor Sargent - September is awareness month, I came from the Radio and did community events. I am with Therapia Addiction Center and work with people overcoming addiction. I came through mine 15 years ago and so I have a passion to help people. With addiction comes a lot of shame and guilt. I wanted to bring this in support, Unity in the Community, the problem here is huge, if we embrace and empower those in recovery they will have better success. We will have red ribbons, pins and light bulbs. The money will go to a non-profit recovery outreach that is for peer mentoring for people in recovery and funds to help them pay for what they need. Ribbons are \$5. We will have lots of events, a concert in Cedar City; there are many people that want to help. There will be a ribbon cutting in St. George, recovery days in the park by Southwest Center and a list of things. Mayor – this coincides with the School Red Ribbon Week. ■Mayor – with all the new board members, Paul provided training for all new board members so people are aware of their

role. Paul – we had a lot of existing members show up as well as 3 of the Council Members. I try to give them information on what we want as far as decorum at our meetings and things we do. ■Black – I want to recognize Tom Jett, every year he does things to recognize City Staff and he allows us to help with that, so thank you. I attended a ribbon cutting for Family Health Care, I asked Danny if he could have them come and explain what they do. I rubbed shoulders with people taking advantage of the Chamber of Commerce Golf Tournament, I want to recognize the Chamber, especially Chris and his Staff, the Chamber is in good hands. Mayor – the Golf Course is beautiful. ■Rowley – I was in a meeting with school faculty, they are having a fund raiser at the Aquatic Center, and the fee was \$300 but when they found it was a fund raiser the fee went to \$500. Rick – that is part of the fee schedule. Rowley - I would like to share a section from the training last night “The ability of public body to discuss the public’s business and to reach an informed decision is significantly hindered by conduct lacking civility. Further, the ability of the public to participate in the public process is hindered by conduct lacking civility. In order to protect the public’s ability to participate and to protect the orderly conduct of the public’s business, the following behavior during a public meeting is not allowed: (1) interrupting another person; (2) talking over one another; (3) taunting; (4) unreasonable personal attacks; (5) shouting; (6) booing; (7) name calling; (8) general conduct that is disorderly, rude, profane, or that disrupts the orderly conduct of the public’s business.” This is written for the Chairs of all our committees, if you offend the rules they are asked to leave. I commend the Mayor last week maintaining civility. Mayor – we want the public to feel welcome. ■Cozzens – I gave Mr. Scott a tour of the Happy Factory for Just Serve.org, it is hosted by the LDS Church. If you look for people you need, you can list your organization on the website. Also had Channel 2 news DJ Bolerjack and his cameraman there. It is a great organization and is a neat thing to connect those that want to serve to those that need service. ■Mayor – Red for Recovery will not have red lights down Main Street, but will work with Austin to put them on some poles. ■Mike Phillips – and update on the Okanogon Complex Fire in Washington where one of our engines are located. There is about 120 engines there, almost 1400 people by the end of the day, it is the #1 fire 280 thousand acres. We received a request Friday afternoon, sat down with Mayor, Rick and Jason. They left Saturday morning and arrived Sunday evening and went to the fire line Tuesday morning. They have not seen the sun; it is smoke all the way. All the fires active today map, they are to the Canadian border. Incident management teams let two fires grow together. They were at base camp the first night and are eating MRE’s. They are not close to the fire, but they are going to houses and doing structure triage, telling what they want, if they don’t do it they are red flagged and they don’t try to save the home if the fire gets to them. They cover about 25 miles of road on the northwest side of the fire. They wake up each day with ½ inch of ash on them. They do have new cots and sleeping bags. They are glad to be serving people in the community. They text the Mayor each day. Rowley – I saw a fire truck from Wickenburg, AZ, are they part of the fire? Mike – probably. Mayor – we issued a press release today, we have had a lot of news reports since then. People throughout the State of Washington appreciate our guys. We will update on social media and text. Black – the staff up there are trained for these types of fires. Mike – they are highly trained and excited to help by using their training. ■Rick – this past summer we engaged an SUU Student, Devron Johnson. Devron Johnson I am from Delta, and I am a junior Accounting Major, I have worked with Rick Holman, some projects are, sewer service

audit I looked at different accounts and see who is being charged for water but not for sewer, I submitted a report to Kristin and she narrowed it down to those she thought should have die tests to verify if they should be charged. Rick – we had an incident on 1450 West who received sewer service without being charged. We have found 8 customers that we need to get on sewer service, between Kristen and Randy Clove and his staff. Kristin will put the sewer on their account and we will notify them they have not been paying and we will go back two years, they can make a payment plan if they would like. Devron – the next project is ADA compliant corners, I looked for a ramp, and if they did we made observations to see if they are ADA compliant, the bubble sheet for the blind. We also checked for the lip and the size to see if it is easy or accessible. Rowley – did you look for nothing at all or under an inch? Devron – anything under an inch. Also check the condition of the sidewalk corner, poor were the ones worn with cracks, they are the priority of which one to work on first. It was a combination of if they have a ramp. High traffic around schools is high priority. The results we got, we had 923 that were in perfect condition, 40 that were 1, no ramp in high traffic areas. 1 & 2 are less than 25% of the sidewalk corners, even including 3's it is still under 25%. We used the GIS system to record the results so it is easy to see where they need work. Anything in blue is a 1 in priority. If you click on the dot it will show the condition and all about it. We had a lot of 1's in Fiddlers and also by SUU and South Elementary and Cedar High. Troy was very helpful. Rick – Jarom Hlebasko brought this forth, he helped Jarom and we were able to get it on our own GIS system. We will have the information available for Ryan and Jeff. They can look at priority 1s in the street maintenance area. Cozzens – what does it cost? Jeff - \$1,500 to \$3,000. We do 10 a year. Ryan – also if it is a hazardous sidewalk. Rowley – how much is the bubble mat? Jeff – about \$250. The new ones are better than the old stick on ones. Marchant – we could have people sponsor a corner in their neighborhood. Mayor – it is amazing to have all this information. Devron – I also worked with Craig Orton, the Sexton, he needed help in his filing and organization. I entered a lot of forms setting on his desk that had not been entered in the system, created monthly reports for the Health Department from March 2014 – present. I also organized a filing system for 2015. Marchant – how long did you spend? Devron – 2 – 3 hours each day in the summer. I am going back to school. Cozzens – what type of backup do we have on the data? Rick – that is a good question; we are budgeted to do a new cemetery building, hopefully when we move we can take care of that. Austin Bingham – each week Craig does a back-up on a thumb drive, we have 4-5 copies every week. I also do a back-up. Marchant – did we pay him? Rick – we have had interns through the Leavitt Center and they pay the interns, they are quality workers. He has got a good idea of the cities. Mayor – Donna Law is now over the Leavitt Center and we will work with her in the future to continue to get excellent interns. We will have a presentation from the intern that has been working on the budget document. ■Chris Hudson – the reservation was made for the pool \$400, with \$100, they wanted to rent the multipurpose room and sell their own concessions and we charge a \$50 rate for that.

PUBLIC COMMENTS: ■Kip Hansen – I would appraise my observation of the traffic flow by CVHS, I think it is much better than it has been, but we are still in training. I appreciate the many different city departments involved, Chief Phillips concerned with fire lanes, if we had a fire it would have been a problem, but it has been corrected. Your people are doing their jobs. Chief Allinson, your Resource Officer is a great guy. The

resources you have provided him with are good. We are off to a good thing. I appreciate everything the City does working with the School District. Also, I am on the Cedar Livestock Board, we are been recommended for a donation, I hope you vote right on that.

■Robin Haight, plead with you not to pass the Windmill Plaza because of too many questionable problems. They changed the access that is 30 feet wider; they have had 8 years to make agreements on the access. In May when I came in they talked about how hard it is to have a restrictive access, they changed it. I worked for State Road in the 70's and if we were off 15 inches it was embarrassing, they are off 30 feet and it is not a consequence, I think it is. The through road going from Main Street to Interstate is not fair, they just want to so they can get 5 lots, I don't think it is fair to the neighbors. You may wonder why I am here, my name is Haight, my relative was one of the first Mayors in Cedar City and they made questionable things. I am begging you to not rush and pass it. Barbara Imlay may have more courage and dignity, she deserves to be restricted. Her husband Frank was in the military for 22 years, and the grandson of Lee who was part of the Mountain Meadow Massacre. Please help the family recover. She is being discriminated against. I cannot see one thing that has been done to help her. She has sat at my table in tears. Give it more time and thought. We have information that verifies what we are saying. We try to follow codes, and ordinances and we are recording the meeting to prove what was said. Please protect her rights. I beg you and plead with you to help this lady protect the sacred nature of her home.

■Wade Grimm – first I would like to comment about one of the comments, there is only one with a Hindu background with the Comfort Inn, I had no problem going on line and getting them to respond, they are in Germany and it was a false statement. The Federal Highway Access is difficult, it takes month, but they get it in 2 months. You have people in the southeast part of town on susceptible soil, I knew about it 50 years ago when we moved back here. Julie Dennett has nowhere to turn, no money, can't afford a lawyer. We have taken down the berm on the channel and they are in a worse problem now. There is a lot of misinformation, you need to back up and take a look. Robin is right, that 82 year old lady has more courage and she deserves more respect and deserves to have the questions answered right. I would like any of you to go with me one and one and won't be argumentative. If there are problems they can be solved, but not if one side is telling all the stories. John I have meant to tell you a long time and your apology meant a lot.

■Bob Whitelaw, I own a home in Cedar Knolls. My parents have a home on Cedar Knolls West, they have been there 30 years. I grew up down the street from the Mayor, across from Ron Adams and lived across from Renon. I have known Robin Haight for 30 years; I know he knows a lot. I also know Tim Watson. It seems decisions are made before we have public comment. I don't want to see more hotels or lots. The access would sometimes be good. I would support Robin Haight in his work and process. I don't know who is right or wrong. Do what is right for the neighborhood and maybe it is better to have commercial there. I love Cedar City and have been here my whole life. Robin is so through and passionate and I respect that.

■Ray McCrain - I met Mr. Holman, he is very kind. I have been in Provo since 1998, came from Las Vegas and originally from Alabama. I have confirmation that I am disabled, every city that I have resided in, as small as Grand Junction, you should be commended for the gorgeous clean city, you have enacted a strict law or people just don't litter. I am disabled and when I use city transit in any city and I have traveled extensively, the majority of the cities I have traveled in they have had in place a reduced fair, UTA has a reduced fair card for elderly or disabled. I asked a good

friend of mine if they had city buses, they have city shuttles, I have been on these buses before in Maryland. When I was aware of them not having a reduced fair I was shocked. It is my opinion that this bus system has not regard for the disabled; I don't hold the City transit in the highest regard. I am on a fixed income, about \$700 a month and it is difficult to live on after paying expenses, medical, doctor bills, etc. I would like the City Council to consider enacting something similar to what I have seen in various communities across the country. I could ride all day in Birmingham for \$1.50; I walk from 900 North to Smith's, and that is a pretty good track. It is a pleasure for me to be standing, I don't have cartilage in either knee, and there is a lot of pain. I would like the City Council to look at helping people in my situation or worse, if they could travel for a reduced fair. They have a Cool Cats for \$30, these are 30 ride passes, and it would be good to have a monthly pass. I appreciate you listening to me. If you could give it consideration I would be grateful. ■Tom Jett – I was put on the CATS board 6 or 8 months ago, we are working on plans now, we do offer some free rides to medical facilities and doctor offices for disabled people. We are working on plans to try and provide services at a more affordable rate. There are services; it is a matter of economics so it can continue to operate. This gentlemen's plight is understood. We would love to have him come to one of our meetings.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED AUGUST 5 & 12, 2015; (2) APPROVAL OF BILLS DATED AUGUST 24, 2015 ; (3) APPROVE ALLOCATION OF THE FY 2015-2016 ARTS PORTION OF THE RAP TAX AS FOLLOWS: PRESERVATION & RESTORATION FUND HERITAGE THEATRE \$1,500; GENERAL RAP FUND CEDAR CITY LIBRARY \$1,959; CEDAR CITY MUSIC ARTS \$8,000; CEDAR CITY ARTS COUNCIL \$7,000; CEDAR CITY JUNIOR BALLET \$8,500; CEDAR CITY MUSIC ARTS \$12,000; CEDAR CITY LIVESTOCK & HERITAGE FESTIVAL \$9,500; CEDAR VALLEY COMMUNITY THEATRE \$8,000; IN JUBILO \$2,000; MASTER SINGERS\$3,000; ORCHESTRA OF SOUTHERN UTAH \$11,000; SOUTHERN UTAH MUSEUM OF ART \$3,500; SUZUKI STRINGS, CEDAR CITY \$1,200; UTAH SHAKESPEARE FESTIVAL \$50,000; UTAH THEATRE FESTIVAL CORP. (DBA NEIL SIMON) \$20,000 – PAUL BITTMENN; (4) APPROVE ALLOCATION OF THE FY 2015-2016 PARKS & RECREATION PORTION OF THE RAP TAX AS FOLLOWS: CEDAR CITY AQUATIC CENTER \$24,000 (\$3,000 ELECTRICAL UPGRADES FOR CONCESSION AREA; \$2,000 MAIN ADA DOOR UPGRADES; \$6,000 INTERIOR ADA DOORS; \$5,000 COUCHES; \$8,000 PADDLE BOARDS) PARKS \$130,000 (ASPHALT MAINTENANCE \$32,368.60 FROM PRESERVATION FUND \$ 24,631.40 GENERAL RAP FUND) IRRIGATION SMART TIMERS \$15,000; FIELD AT THE HILLS RENOVATIONS \$46,000; BICENTENNIAL RENOVATIONS \$13,000.); CEDAR CITY SPORTS AND REC \$3,117 FOR PORTABLE ADJUSTABLE BASKETBALL HOOPS; CEDAR RIDGE GOLF COURSE \$81,289 FOR PORTABLE GOLF DEMO EQUIPMENT AND PATIO EXPANSION; CROSS HOLLOWS ARENA \$14,000 FOR ASPHALT AND ELECTRICAL HOOKUPS; FRONTIER HOMESTEAD STATE PARK \$20,000 FOR COSTS ASSOCIATED WITH STORAGE BUILDING; CEDAR CITY TRAILS COMMITTEE \$50,000 FOR RIGHT-OF-WAYS; YETI \$1,280 FOR PURCHASE OF AN INDIVIDUAL

ELECTRICAL METER – PAUL BITTMENN; (5) APPROVE VICINITY PLAN FOR ASHDOWN FOREST PHASE 8 PUD – KIT WAREHAM/FIDDLERS CANYON DEVELOPMENT; (6) APPROVE GRANTING AN EASEMENT TO GARTH O. GREEN ENTERPRISES TO CROSS 200 WEST AT 500 NORTH WITH A COMMUNICATIONS CONDUIT – KIT WAREHAM/MIKE GREEN; (7) APPROVE FINAL PLAT FOR THE WINDMILL SUBDIVISION – PAUL BITTMENN/WATSON ENGINEERING:

Black – on item #7, Mr. Bittmenn I feel comfortable with all the information. Is there anything of the legal nature to permit us to delay the project? Paul – the Council can table an item if you are not ready to vote. Black – anything of a legal nature, not comply with ordinances? Paul – they have complied with all ordinances, went through engineering and bonding, I don't see anything to stop it. Mayor – one item brought up was comments from the Provo Fire Chief last week, our Fire Chief and Fire Marshal followed up on that. Mike Shurtz, Fire Department. We followed up on the claim that Provo's fire chief has provided an opinion and received a professional opinion from Lynn Schofield, Provo's Fire Marshal. A copy is attached as Exhibit "A".

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

CONSIDER A RESOLUTION AMENDING THE FEE SCHEDULE MODIFYING THE SEWER RATE FOR CAR WASHES – TRAVIS RIGBY:

Paul – the way we wrote it up in the proposed ordinance, there was a rate for car washes, \$3.50. We have said if it is a car wash with separate metering the rate would be \$2.90, without separate metering would be the higher rate. The resolution would be effective March 2015; we would have to determine which car washes qualify. If you want something different, motion and second and we will change it. Black – what was the time frame from initial concerns, information gathered. Travis Rigby, Sparkles Car Wash – our first contact was June 2013, met with Rick, Kit, 4 carwash members. Feb. 2014 independent meters were installed at our wash and it was a lot of data collection. Three meters installed on carwash operations it was February, irrigation meter was later. We are talking addressing the fact the carwashes with independent meters, it was for weep control. Paul – there are different type of car washes, other car washes attached to convenience stores, we looked at that also. Travis – to prevent any confusion, the other car washes were not going to install independent meters. Paul – if you had a convenience store with a car wash it would need a separate meter. Travis – it is difficult for a car wash with a laundromat to meet the same standards. Rowley – you were the test case so we can compare that to a laundromat with car wash and you don't need separate meters. Paul – they would have to meter the car wash separate from the laundromat. Rick – we are proposing because of Travis' efforts, most self-serve car washes have to have weep systems, if they are in conjunction with another business the water for the sewer quantity is applied. If the C-store wanted to put a separate meter for the car wash then that bill would have the reduced rate. Rowley – you are asking us to retro the charge back how far; the ordinance is to March 2015, you would like it to go back further? Travis – the request is to when we first contacted you. Rick – I suggested the March because that is when we got the data Travis had accumulated. Travis – my personal approach is the data was already there, but Kit needed the data. We had a \$900 water bill in January and \$150 in June, the

higher bill in the winter. Marchant – I was thinking we would go back to 2014. Cozzens – I could support splitting the decision.

Councilmember Rowley moved to approve the resolution amending the fee schedule modifying the sewer rate for car washes and retro it to August 2014; second by Councilmember Marchant; vote as follows:

AYES: 5
NAYS: 0
ABSTAINED: 0

CONSIDER A COOPERATIVE AGREEMENT WITH UDOT TO INSTALL A FIBER OPTIC LINE IN AIRPORT ROAD FOR TRAFFIC SIGNAL COMMUNICATIONS – KIT WAREHAM:

Trevor – UDOT would like to tie in their regional office on Airport Road. Their conduit ends at 200 North and College Way. This would be a right of way agreement that they have access in Airport Road for conduit in exchange we would have access to the fiber to link this office to Public Works building. What time frame to have Airport Road tour up? Trevor – the rough would be 2-3 weeks after we have a consensus to finish the agreement and start, they would have it complete by the end of the year. Black – it is open trench. Rick – there is previous fiber by drilling, we will find out and let you know.

Councilmember Cozzens moved to approve the cooperative agreement with UDOT to install fiber optic line in Airport Road for traffic signal communications; second by Councilmember Adams; vote unanimous.

CONSIDER A RESOLUTION ADOPTING THE CEDAR CITY STRATEGIC PLAN – MAYOR WILSON: Councilmember Black moved to approve the resolution adopting the Cedar City Strategic Plan; second by Councilmember Rowley; vote as follows:

AYES: 5
NAYS: 0
ABSTAINED: 0

ADJOURN: Councilmember Marchant moved to adjourn at 6:55 p.m.; second by Councilmember Rowley; vote unanimous.


Renon Savage, MMC
City Recorder



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CHIEF GARY K JOLLEY

24 August 2015

Chief Mike Phillips
Cedar City Fire Department
291 North 800 West
Cedar City, UT 84721

Dear Chief Phillips,

Thank you for sending me the files regarding the development in question. They clarified the issues substantially. I apologize for the inconvenience caused by my discussion with Mr. Maxfield. This letter will serve to clarify my opinion on the question at hand. There are several issues presented and I will clarify each as it pertains to this issue. They are:

1. What is the code requirement for fire access for a commercial development at the site on South Main Street? It is my understanding that Cedar City has adopted Appendix D of the International Fire Code (IFC). Per Section D104.1 and D104.2 two means of fire department access shall be provided. In reviewing the Google map and the Vicinity plan there are not presently 2 means of fire department access. The on-ramp to Interstate 15 cannot be counted as any access whatsoever without the express approval of the Department of Transportation.
 - a. In reviewing the vicinity plan, it is also noted that the proposal includes completion of a road from Interstate Drive to Main Street. This proposal would meet the requirements of Section D104.1. As I have discussed with you, and as was indicated by Mr. Maxfield, this street has been included in the Master Plan. Completion of the proposed access therefore complies with the adopted code, the master plan, and improves the ability to develop the other lots proposed.
 - b. If this proposal were on the table in my jurisdiction the developer would be required to provide a second means of fire department access per IFC Section 104.

2. Mr. Maxfield spoke with me, not Chief Gary Jolley. Chief Jolley was on vacation much of last week and was not available. In my experience working with Chief Jolley he would not give an opinion on a code question without consulting with me.
3. I am not the Authority Having Jurisdiction (AHJ) for Cedar City. My opinions given in casual conversation carry no weight whatsoever, except when given in written form, following the review of prepared plans, and at the request of the AHJ for that jurisdiction. That did not occur until now in this matter.

Chief, I apologize for the confusion that has been created. If you need further clarification please call me at 801-404-6373.

Sincerely,



A. Lynn Schofield
Fire Marshal