

COUNCIL MINUTES
OCTOBER 14, 2015

The City Council held a meeting on Wednesday, October 14, 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 Marshal Mike Shurtz; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Wastewater Plant Superintendent Darrell Olmsted; Aquatic Center Manager Chris Hudson.

OTHERS PRESENT: Barbara Imlay, Robin Haight, Wade Grimm, Karlee Hirschi, Shannon Nowers, Charlie Cook, Jack Cook, Seth Brinkerhoff, Craig Isom, Derek Topham, Brigham Roundy, Tara Sorensen, Tom Jett, Pastor Curt Stackpole, Mitch Dettamanti.

CALL TO ORDER: Pastor Curt Stackpole of First Baptist Church gave the invocation; the pledge was led by Scout Troop 1864.

AGENDA ORDER APPROVAL: Mayor - Item #1 on RDA will be pulled and placed on next week's agenda. At the end of City Council, before the closed session we want to move into the RDA closed session first and then the City Council closed session.

Councilmember Black moved to approve the agenda order with the noted changes; second by Councilmember Adams; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Marchant – there is an activity taking place tomorrow involving the outdoor program at SUU, President Wyatt has extended an invitation to all get involved in outdoor activities with them. They are working towards getting a bunch of equipment for their outdoor programs, the more involved, the more they receive. We are ahead right now. I want to invite you to come to the President's back yard, SW of football field, if you have time and would like to participate. We want a rivalry between the Fire and Police Departments. Invite your friends and neighbors and come out and enjoy some time and get behind the University to help them equip their outdoor program. This will take place Thursday from 4:00 – 8:00 p.m. ■Mayor – Saturday is the IHC Health Fair from 9:00 a.m. – 1:00 p.m.; the Candidate Debate on the 22nd at the SUU Ballroom at 6:30 p.m. is the meet and greet, 7:00 – 8:00 is the debate; the Mayor and delegation from our sister city will be here Friday and Saturday, you should have received an email from Barbara with the schedule. They would like to meet and go to the Veteran's Memorial Park. It would be a nice opportunity to meet with them. ■Mayor – Monday we had one of our Volunteer Fire Fighters pass away, Mike Tong. Mike Shurtz – Monday we lost

Mike Tong. He was a 37 year veteran of our Fire Department. He fell ill Saturday and died unexpectedly and suddenly. He was an entrepreneur and businessman. He will be sorely missed in the community and the Department. Funeral Saturday at 1:00 p.m. at Greens Lake Chapel. The viewing will be from 6-8 pm Friday viewing and Saturday before the service. Mayor – he was a true asset, we would like to have a moment of silence for his service to our community. Mike would inspect fire extinguishers, everyone remembers him coming to their business. It has been fun to read the comments on social media on how much people enjoyed him coming into their businesses for inspection. Cozzens – he was very soft spoken, and a great guy.

PUBLIC COMMENTS: ■ There were no public comments.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED SEPTEMBER 9 & 23, 2015; (2) APPROVAL OF BILLS DATED OCTOBER 12, 2015; (3) APPROVE A LOCAL CONSENT FOR LUPITA’S – JOSEFINA PAREDES/JACK BURNS; (4) APPROVE THE AMENDED/RENEWAL LEASE WITH YETI – KERRY FAIN; (5) APPROVE THE BID FOR THE WWTP IN-CHANNEL ROTARY SCREEN WITH CORRIO IN THE AMOUNT OF \$159,911.00 – TREVOR MCDONALD; (6) APPROVE AN AMENDMENT TO THE AQUATIC CENTER USE, OPERATION & MAINTENANCE INTERLOCAL AGREEMENT BETWEEN CEDAR CITY AND IRON COUNTY SCHOOL DISTRICT – CHRIS HUDSON; (7) APPROVE COOPERATIVE AGREEMENT WITH UDOT ON FUND EXCHANGE, FEDERAL GRANT FUNDS FOR STATE TRANSPORTATION FUNDS ON COAL CREEK ROAD PHASE 1 PROJECT, MAIN STREET TO 1045 NORTH – KIT WAREHAM; (8) APPROVE POLL WORKERS FOR THE ELECTION (list attached as Exhibit “A”) – RENON SAVAGE; Paul – the YETI lease agreement we made a few minor changes, second page there was a modification, the word “there” was twice in succession, we removed one. The contact section, we had a email address that was out of date, we took that out and put Mr. Holman’s email address. On the agreement we are changing with the school district, allowing them \$2,000 in credit on their bill, we changed it so it could be either swim team, but the cap is \$2,000. Mayor – we also want to bring up one thing on the YETI agreement, depending on how we go forward, it will be separate agreement relating to concessions. Rick – I contacted Kerry Fain of YETI and Chris and I will meet with her next week and we will bring the options to council regarding the outside concessions.

Robin Haight - concerned citizen who has done checking on the Swimming Pool, we have had 7,000 inquiries on the pool, it was measured in yard not meters, it is a legal size pool at the University, they can’t qualify for State at the City pool. It is also too shallow to do water polo, that was not properly announced or acknowledged and the public is entitled to know the reasons why. This is research I have done in the past 10 days. I want an accurate accounting so things make sense to the public and why it was not designed for state champions and that is what we have in Cedar. Also Richard Costan was not even contacted about this. You had a company from Italy do the pool. Involve people that are knowledgeable and involve them.

Black – we sat down with the School Board and Swim Coach's and we knew Water Polo would not work. Neither school has a problem swimming at the pool; it was merely the practice times and not getting people home by 5:00 p.m.. We cannot fix what has already happened, it is what it is and we are making the best possible use. But the move to have one school practice at the University was for practice times only. Robin – the more you share the facts the more people would appreciate. I was told you cannot qualify for State Champions at the City pool. Adams – on the bids they were looking at two different materials, myrtha, and the company selected is the only one that makes it. The gunite pool was the other and the decision was made to go with myrtha because of the life of the pool, and that is why the decision was made. This pool is only made in Italy. Robin – part is only some information is received by the citizens. The Spectrum only gets their information online. Cozzens – we know everyone cannot be to the meetings, unless people engage, that is why we installed the cameras. Robin – the chain of communication is weak and the swimming pool, internet connection and swimming pool are incidents.

Rick – when we were talking about the style of pool, there were numerous City Council meetings that did occur prior to construction, and when being designed. Robin – as interested person that one missed me and there are other examples that have the same point. Please make sure the public is informed. Cozzens – we do have open and public meeting and if people want to come it is available what are you suggesting? Robin – you have a private closed meeting for litigation and RDA and that is frustration and tomorrow at 8:30 a.m. you will approve a project for State Bank in Windmill Plaza and I don't think it is out to the public. You give people advantage to make a lot of money. Marchant – you are assuming a lot of things. Who is to determine what you are interested in? We have public meetings and you come 10 years later and question the pool construction to question things that have gone over. Robin – acknowledge if you are involved with State Bank. Marchant – I have nothing what so ever to do with State Bank. Robin – your brother is a bank officer. Marchant - you are assuming that I have something to do with it because of my brother. Check, if you are interested and come. Robin – I suspect there is a conspiracy to conflict fraud, since Kit did not record on 6/3 because he didn't want to. Marchant – produce or quit, you come every week. Robin – I don't quit.

Black – if you have those kinds of feelings and facts get them to the Attorney's office and we will investigate. Robin – I don't trust this attorney, I will take it to the Attorney General's office. At 8:30 tomorrow morning the State Bank Building will be steam rolled through.

Tom Jett – I was here when we discussed the pool and none of the council members are here, and only two on the staff side were here at that time. It was a long heated year, there were accusations, public comments, newspaper, it was the most sensationalized project I have seen since the power plant. It was very long debated issue that involved elections and reelections and there was no cover up, there were mistakes. I sat on the Parks and Rec Board and it is volunteer board, we spent hours and comments were made, no one in the community were experts. In hind sight things could be fixed, but we had limited time. People that voted got what they voted for. I am proud of what we have.

Wade Grimm – questions about all the stuff on Coal Creek Road, what is entailed on the first phase, what is the goal. Black – to make it a safer thoroughfare over the overpass. Jonathan – there are 4 phases. Black – it will take it over the overpass and widen the road. Rick – the design showed to the Council, at the south end would turn west and make a 90 degree at the bottom of the road. Wade – a dog leg around the County shed. Where can we get information? Jonathan – see Kit. Rick – we can get you a copy of what is proposed.

Councilmember Black moved to approve the consent agenda items 1 through 8 as written above; second by Councilmember Cozzens; vote unanimous.

CONSIDER WAIVING A BACK SEWER BILL FOR CEDAR MEMORIALS –

MITCH DETTAMANTI: Mitch Dettamanti – I apologize for being late. I was unable to come up with a copy of the agreement; I visited with my father to confirm details. Carter Brothers was the contractor, they built the metal building on the site, he was sure we paid and was to be reimbursed. We paid for the improvement and were not compensated and have not paid a sewer bill and are willing to now start paying a bill, but would like to not pay the back bill for 2 years. I feel we made an improvement that has profited the City for a long time.

Rick – we went back through the Council minutes to see what sewer rates from 1976 to current. We also did an estimated sewer charge during those times. We also determined approximately how many feet of line were installed and using today's cost we determined what it would cost by the cpi in 2015 and 1972 to see what it could have cost in 1972. It is information for council on what could have been reimbursed; a copy of the information is attached as Exhibit "B". Mitch – that seems like a lot of work. I am sure the others that hooked on have paid a similar bill. I am asking you to waive the \$720. Rowley – this \$720 does it have to be paid all now? Paul – you can pay it all now or divide over 24 equal payments without interest unless you miss payments. Rowley – how accurate is the 230 feet. Rick – I took the center of 600 to the middle of Cedar Memorials. Given that it could have been 250 feet. Mitch – I thought we came off Main Street, but I don't have the documentation. Adams – normally in development when an owner develops a sewer line the other owners have to pay back to that individual a portion. This may be a different situation. Mitch – that has been the case since the 80's. It was an agreement between the City and us and the City acted as the collection agent. Paul – we still do them, but they are capped at 10 years. I don't know the practice in the 70's. Now we cap at 10 years and the developers run the risk of getting reimbursed or not. Mitch – all the properties were developed within 10 years, I don't know why we didn't pursue the reimbursement. Black – between 1972 and today there would have been about \$8,000 in sewer bills. If it only cost \$1,400 to build, that is still a lot of money to your advantage. Mitch – you were able to bill the others for that time so you did pretty well also. Black – they should have paid you back for the amount of the installation, but \$8,000 of sewer bills were not billed and the cost was only \$1,400 to \$2,000 and that is not sixes to me. Mitch – I ask you to vote and I will go with what you say.

Councilmember Black moved to forgive half of the \$720; second by Councilmember Rowley;

Cozzens – are you basing that on the fact that we did not bill? Mitch – you have known and this is the first billing. Black – it is still not sixes, but because of the confusion I will forgive half.

The vote on the motion was unanimous.

CONSIDER BIDS FOR THE INTERSTATE 15 BILLBOARD SIGNS – DANNY STEWART: Danny – We had some additional questions provided in the packet. The direction we took, since the two low bids are from YESCO that is all I provided. The questions concerned replacement of lighting, estimated usable life of led lighting is 55,000 hours over 10 years, \$4,188 for replacement of lighting. Black – what is the price of the banners? Danny – those are included in the bid, but \$875 for the front and the back \$1,750; it shows the life as well. We want to keep the back and make it available to the community. The entities have paid for the banners and the replacement. Marchant – how frequently would we change the front banners? Danny – it depends, 1 to 3 times a year. Frontier Homestead State Park, Utah Shakespeare Festival and Utah Summer Games have used it in the past. Rowley – they can put it up for a few months and they only pay to have it put up. Danny – yes. Rowley – can anyone in the City replace the banners, or do we have to have the sign company do it? Derek with YESCO – yes you could install them yourself, but they take technique to get taught, if you have the truck. Black – is the \$420 a truck with the lift? Yes. Marchant – the versatility is quite good. Mayor – and it provides a way for us to advertise our events. Danny – I would keep the cost for those with the banners and have it installed correctly. In the past various sign companies have done the banners, but these figures are from YESCO and we would build our policy around that service. Black – I think we should. Derek – we will do this the first time, there after we don't have a contract to maintain the service. If you want to choose any banner company you could do that. Rowley – if you change the signs quarterly that is approximately \$5,000. Derek – yes, but you could use any sign company. Adams – is that feasible to build that in the banner policy? Danny – it is reasonable. We can look at the companies and base the policy on the prices. We will maintain it the way it is best for us. Mayor – as long as they meet the style guide. Marchant – let's set a standard and go by it. Mayor – the entities are used to paying the fees. Danny – it is possible that an entity would want both sides. Black – we are getting the new sign formation with top wash lighting and installation of 3 banners and the rock work on the side. Danny – yes. The sign is \$46,269, the columns, \$15,059, for a total of \$61,328. Derek – it is natural stone to my knowledge, but a thinner template style. Cozzens – what type of warranty? 1 year. Cozzens – what do you mount that to, we need to know with the freeze thaw. Rick – Trevor from our engineers did the specs and hopefully he considered that. Danny – I can get you the specs, he worked with a mason. Cozzens – is the stone grouted? Danny – I don't know. I can get the information you. Mayor – during the process we discussed that to have it esthetically pleasing and Trevor was in on the discussions and did the engineering. Marchant – what is the construction time? 8 weeks. Derek – let me see our schedule and see how fast and what the turn-around time would be. Rowley – we

want the stone done before it freezes. Paul – if it gets into the winter before you start the columns rock will the price be good to the spring? Derek – we can hold it for 6 months.

Councilmember Marchant moved to approve the bid from YESCO in the amount of \$61,328.50 for the I-15 billboard sign; second by Councilmember Black; vote unanimous.

CONSIDER AN ORDINANCE AMENDING CEDAR CITY'S SUBDIVISION ORDINANCE ELIMINATING VICINITY PLAN STEP FOR SIMPLE MINOR LOT SUBDIVISIONS – PAUL BITTMENN:

Paul – we are going to take the simple minor lot subdivision out of step 3 vicinity plan, step 4 city engineer approval and step 5 vicinity plan planning commission approval. We would maintain step 11 final plan D and that is about it. The idea, there is a difference between simple minor lots and what it is referring to as detailed minor lot subdivisions, both are 10 lots or less, detailed is required to put in public improvements, curb, gutter, sidewalk, roads, sewer and water. In the simple lot it is to subdivide the land and not put in improvements until it is developed. There is size limitations, larger lots with 200 feet. The vicinity plan is where we get all the information on the improvements, but we are not requiring those items on a simple lot. Wade – what is the size of a lot for simple lot? If you had a 9 acre parcel and they made 5 lots they could do that? Paul – simple minor lot definition states: "Simple minor lot subdivision shall consist of the minor lot subdivision where the minor lot subdivision meets one or more of the following criteria: a. the subdivision is in a residential zone and all lots front a dedicated public street that is completely improved with curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, but may not have sewer and water service laterals, and there are less than (10) lots including the remainder parcel; b. the subdivision is in an industrial or commercial zone and all lots that front a dedicated public street, the street is completely improved with curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, but may not have sewer and water service laterals, and there are less than (10) lots including the remainder parcel; and c. the subdivision is in an industrial or commercial zone and all lot frontages along unimproved dedicated public streets are more than two hundred (200) feet and there are less than (10) lots including the remainder parcel." Wade – so you have to deal with all the improvements later and it will be a chopped up mess. Rick – I will give an example. We have an improved residential subdivision and we find out that Ron built his wall 2 feet onto Paul's property. We could do a simple minor lot and move the property line to meet the fence and the improvements are already done. In commercial zone, example Providence Center, all improvements are in, but they kept the property open so when Fred came in and said I want to put in a business and I need this much property, we are making a smaller lot to accommodate the needs, he pays the fees, makes sure all improvement changes are made. Rowley – you change sewer and water laterals where you need them. Paul – an example of the 200 feet of frontage, the GAF building, when they came in to change the building for their use, they have property all the way to U-56, by contract the City allowed them to subdivide and the back parcel for GAF, the front is undeveloped, you put in the improvements when a building permit is pulled. No improvements, a dedicated street. Also on Coal Creek Road. Wade – the road has to be in place you are lacking laterals on a lot. Paul – the only change in the ordinance makes

it quicker because there is nothing to bond for. Wade – who does the storm drain? Paul – A&B that is already in, C it is put in at building permit. Wade – I think it should be left alone.

Robin Haight – concerned citizen, lived in Cedar a number of years, I bought cemetery lots. My question is where is Kit Wareham? Mayor – we have someone here representing the engineering office and Paul is on the agenda. Every day I drive down Main Street I see the new building across from Homestead and how excited we are about it. I lost my deer tag and needed a new one so they told me to go to the office on Airport Road. I asked why they are not in the building on Main Street, they wouldn't say, they gave me a number to Darin Bird in SLC and he told me what I wanted to know. We built in a flood zone and not FEMA approved, we built a \$2 million building we have for a parking lot. To change the City ordinance is a power grab. It gives City Engineer to make changes in the ordinance and doesn't allow people like me to speak. How do you cancel a city ordinance, why is it a priority. I know you are in litigation with Julie Dennett on subsidence. The State built a building on north Main for the County Commissioners, they own it and it is less than adequate use of taxpayer money and the people responsible are not here. You are changing the vicinity ordinances and you are cutting out information to the Council. You are eliminating the FEMA requirements. Someone mishandled the Julie Dennett and North Main public building below flood level. You are changing ordinances that you don't enforce and giving people power they cannot handle, you are stealing power from citizens and not allow us to come in on a vicinity plan and Kit can handle it. Like the bank project on Windmill Plaza. Sunday's paper had notification to build a new State Bank Building on Windmill Plaza, they invited people to go to Stan Ivy in San Francisco, I would invite you to write concerns, it is hidden behind the scene, and it is in the notice in the newspaper. Stan Ivy rates banks on FDIC on how they are performing. The ethical should be the City Council and the Banks. This lady's rights are being trampled on, she loses and they win. Don't pass this on the vicinity plan; I don't think you know all about it. Rowley – this is helping the citizens, not hurting them, it is taking one red tape away from them. Robin – it is a power grab. Paul – in step 16, both detailed and simple minor lots have to go to Planning Commission, it is an open public meeting. Black – it can always be changed again if it doesn't work.

Councilmember Rowley moved to approve the ordinance amending the subdivision ordinance eliminating vicinity plan step for simple minor lot subdivisions; second by Councilmember Cozzens; roll call vote as follows:

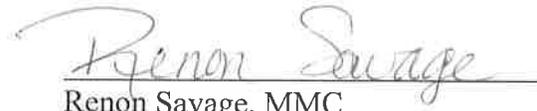
Ron Adams	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE
Fred Rowley	-	AYE

CLOSED SESSION – REASONABLY IMMINENT LITIGATION

ADJOURN: Councilmember Black moved to adjourn and move into the RDA meeting at 6:55 p.m.; second by Councilmember Marchant; vote unanimous.

The Council reopened the meeting at 7:34.

Councilmember Black moved to adjourn and go into Closed Session at 7:34 p.m.; second by Councilmember Cozzens; vote unanimous.



Renon Savage, MMC
City Recorder

EXHIBIT "A"
CITY COUNCIL – OCT. 14, 2015

The following is a list of poll workers for the 2015 election:

- Canyon View High School – Precincts 7:1, 6:1, and 22:1
Tamera Lewis Nesmith – Poll Manager
Lonnie Diane Gardiner – Ballot Clerk
Elaine Lawrence Croft – Ballot Clerk
Ellen B. Sorensen – Ballot Clerk
- Cedar High School – Precincts 14:1 and 15:1
Marlynn Smith – Poll Manager
Suzanne Morris – Poll Manager
Cynthia Davidson – Ballot Clerk
Kaye A. Nielson – Ballot Clerk
- Cedar Middle School – Precincts 5:1, 19:1, 20:1, and 24:1
Rhea Church – Poll Manager
Yvonne Lynne Strosnider – Ballot Clerk
Laurie Sullivan Vincent – Ballot Clerk
- Crystal Inn – Precincts 17:1 and 18:1
Jane Roberta Jensen – Poll Manager
Alice C. Heidenreich – Ballot Clerk
Melody Wright – Ballot Clerk
- East Elementary – Precincts 2:1, 4:1, and 3:1
Marva Marie Thurston – Poll Manager
Bernice Rember – Ballot Clerk
Dorothea Marie Stucker – Ballot Clerk
- Fiddler's Canyon Elementary – Precincts 22:1, 1:1
Catherine L. Bryant – Poll Manager
Ann Banks – Ballot Clerk
Mindy Templin – Ballot Clerk
Kenneth W. Orton – Ballot Clerk
- Iron Springs Elementary – Precincts 25:1 and 23:1
Mabel Ellen Creamer – Poll Manager
Jennifer Hepworth – Ballot Clerk
Virginia Shelley – Ballot Clerk
- North Elementary – Precincts 8:1, 9:1 and 16:1
Sharon Forsyth – Poll Manager
Carol Marie Hale – Ballot Clerk
Sharon Holder – Ballot Clerk
Donna R. Jolley – Ballot Clerk
- South Elementary – Precincts 10:1, 11:1, 12:1, and 13:1
LaRee U. Garfield – Poll Manager
Diane Elyse Shirley – Ballot Clerk
Colleen C. Engle – Ballot Clerk
Diane Cooley Ashdown – Ballot Clerk

Cedar Memorials
Sewer Rate History

Council Minutes History

July 15, 1976: Connection fee was \$120.00 for commercial businesses.
 The monthly rate at that time was \$4.00 Monthly
 July 5, 1986: Monthly rate was \$6.00 for commercial businesses.
 July 8, 1991: \$7.00 Monthly
 Feb. 1, 1993: \$14.00 Monthly
 Mar. 6, 1995: Either \$16.00, \$18.00, or \$24.00
 July 1, 1998: Either \$17.00, \$19.00, or \$25.00
 July 14, 1999: Either \$23.00, \$35.00, or \$40.00
 May 23, 2003: Either \$23.00, \$35.00, or \$30.00

Estimated Sewer Charges

1973 - June 1986	162 mos @ \$4	\$	648
July 1986 - June 1991	60 mos @ \$6	\$	360
July 1991 - Jan 1993	18 mos @ \$7	\$	126
Feb 1993 - Feb 1995	25 mos @ \$14	\$	350
Mar 1995 - June 1998	40 mos @ \$24	\$	960
July 1998 - June 1999	12 mos @ \$25	\$	300
July 1999 - April 2003	46 mos @ \$40	\$	1,840
May 2003 - Oct 2015	149 mos @ \$30	\$	4,470
Total		\$	9,054

Current estimate for installed sewer line - \$35/ft. x 230 ft = \$8,050

CPI 1972 - 42 CPI 2015 - 238.3

1972 estimated cost for installed sewer line - \$6.20/ft. x 230 ft = \$1,426

CITY COUNCIL EXECUTIVE SESSION
OCTOBER 14, 2015

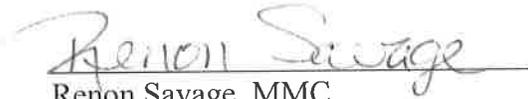
The City Council held an executive session on Wednesday, October 14, 2015, at 7:35 p.m. in the Council Chambers at the City Office, 10 North Main, Cedar City, Utah.

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

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Recorder Renon Savage.

REASONABLY IMMINENT LITIGATION:

ADJOURN: Councilmember Black moved to adjourn at 7:50 p.m.; second by Councilmember Rowley; vote unanimous.


Renon Savage, MMC
City Recorder

