

**COUNCIL MINUTES**  
**SEPTEMBER 28, 2016**

The City Council held a meeting on Wednesday, September 28, 2016, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Maile Wilson; Councilmembers: Ron Adams; Paul Cozzens; Terri Hartley; Craig Isom; Fred Rowley.

**STAFF PRESENT:** City Manager Paul Bittmenn; City Engineer Kit Wareham; City Attorney Tyler Romeril; Executive Assistant Barbara Barrick; Finance Director Jason Norris; Police Chief Darin Adams, Project Engineer Trevor McDonald.

**OTHERS PRESENT:** Matthew Bryson, Tim Watson, Mike Phillips, Danny Stewart, Ken Young, Brad Green, West Harris, Tom Jett, Rachel Duncan, Callin Duncan, Mckayla Zufelt, Chandler Reid, Grady Marshall, Marjorie Jensen, Michael Jensen, Jessica Jensen, Marcus Jensen.

**CALL TO ORDER:** Danny Stewart gave the invocation; the pledge was led by Jason Norris.

**AGENDA ORDER APPROVAL:** Councilmember Adams moved to approve the agenda order; second by Councilmember Isom; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS:** Fred – There was an incident at the rodeo where cars were blocking the entrance, so no one could get out. I wonder if during special events, maybe an additional gate could be opened on the south side so there is an exit to allow egress. If you are going to turn right, you could head south there. It's hard to get out even on a regular night. Some citizens asked me to bring it up to the Mayor and Council. Mayor – That's unfortunate, but it's exciting the facility is being used. The high school rodeos the other night were very well-attended ■Paul C – When is the Coal Creek project finishing? There are businesses hurting down there. Kit – In October. Paul C – I learned Saturday that there are concerns with the new IT services. A person in Finance sent an email on August 3<sup>rd</sup> about off-site backups and Executech didn't respond until the 16<sup>th</sup>. My understanding is we are not getting outside backups currently. We have to have computer backup or if it goes down, we'll be scrambling. I want a report next week. I understood that we'd have a full time employee down here within 30 days of the contract and that hasn't happened. If the service doesn't improve we may want to issue a new RFP. Terri – I talked to someone at the League Conference and they said the person for Cedar was in training right now. Mayor – We'll add that to the list of concerns. ■Mayor – We had the best attendance ever at the SUU Homecoming game and we beat the other team too. It was very exciting.

■Swearing in two new police officers: Darin – We're here tonight to swear in our two newest officers. We are understaffed and our pool of candidates has diminished

somewhat, and we're lucky to get these remarkable men. Chance is from Summit County and attended SUU. He worked at the Pastry Pub here and was high shooter in his Academy class. Marcus is from Tooele and graduated from SUU. Both men earned the superior fitness award in the Academy and we're grateful they want to be part of the Cedar City Police Department. They graduated last Thursday after 15 ½ weeks in the Police Academy. ■. Chance – This is my wife Lydia. We met in Germany and we both speak fluent German. Her parents are Tracy and Keith Bradshaw from Cedar City. We enjoy outdoor stuff and she is a very good marksman. Marcus – I am from Tooele and these are my parents and sister. They came to support me, and it means a lot. I'm happy to be here in Cedar and I couldn't be more excited to be working here. Mayor – We are thrilled to have both of you. ■Fred – We owe a debt of gratitude to these young people who step up to be police officers, and to all of our officers for continuing to do their jobs. It's a tough job. ■. Mayor – At the Academy graduation, the keynote speaker was Chief Adams. He was chosen out of all the Police Chiefs in Utah. This was an honor and the graduates got the best life advice from the Chief. On the way back down to Cedar City we decided to use our time wisely and we stopped and toured a few animal shelters, since we need to build a new one. Chief Adams, Lt. Millett, and I were able to pick up some good ideas and will continue the process of getting plans that will benefit our community.

**PUBLIC COMMENTS:** Tom Jett – It warms my heart to see the men and women get involved. It's a whole new generation of leaders coming up and it's amazing. Secondly, I want to discuss how we were educated last week on ordinance changes and clarifications many of us had not known about regarding the requirement for citizenship in Cedar City to obtain a local consent for an alcohol license. That lead me on to see what other communities are doing. This issue affects many and needs to be addressed. In going through the state statutes I noticed they were antiquated. St. George requires you must have permanent residency and they don't require citizenship. Hurricane and Washington also require this. Salt Lake City also requires permanent residency, but not citizenship and the Department of Alcoholic Beverage Control also accepts permanent residency. I would like to see our City Council have a discussion regarding this and see if there needs to be some cleaning up of the ordinance. I believe anyone obtaining a liquor license should have to show citizenship or residency, and we shouldn't just take their word for it. I've given a copy of some of the language of DABC to our City Attorney. I hope this is something you take up in the future to discuss. ■Brad Green – I want to echo his remarks. It seems prejudiced to disallow because of citizen status. ■Tom – That's the first time he's agreed with me.

**CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED SEPTEMBER 7 & 21 2016; (2) APPROVE LOCAL CONSENT TO SELL ALCOHOL AT PISCO PERUVIAN CUISINE RESTAURANT LOCATED AT 1180 SAGE DRIVE #F. OCTAVIO MEJIA/CHIEF ADAMS(3) APPROVE VICINITY PLAN FOR THE CEDAR BEND PUD AT 175 EAST 3000 NORTH. BOB PLATT/KIT WAREHAM: (4) APPROVE MULTI-YEAR AGREEMENT WITH CALLTOWER AS CITY VOICE PROVIDER. TREVOR MCDONALD:** Darin – On item #2; Mr. Jett has brought in a copy of Mr. Mejia's driver license and permanent residency card. Paul B – Isn't he running LaFiesta now? Are you involved in these restaurants? Tom - It was just

La Fiesta that was removed last week for not meeting the ordinance. I think there might be some communication issues, so I picked up the paperwork. Craig – That one got pulled, but this one is good. Paul B – The Peruvian one showed us the information. Councilmember Rowley moved to approve the consent agenda items 1 through 4 as written above; second by Councilmember Cozzens; vote unanimous.

**CONSIDER VICINITY PLAN FOR CEDAR WOOD ESTATES PUD. KIT WAREHAM/WATSON ENGINEERING:**

Tim – We are requesting vicinity plan approval and there is updated vicinity plan here. This was modified after the Board of Adjustments meeting on September 12<sup>th</sup>. At Planning Commission on August 17<sup>th</sup>, this project was approved for three units, and now with the variance we have four units on each street. We have shown the phasing and potentially have four phases starting on 400 West. Fred – Is this Stratton addition a new thing? Tim – It just went under contract this last week. Paul B – The rezone originally ran through the Stratton property. Paul C – Will it have to be rezoned? Tim – Will have to meet the requirements and if falls through, that phase will be removed. It's supposed to close the second week in October. Paul B – The vicinity plat is supposed to be approved in appropriate zones. So when you make the motion, make it for phase 1, 2, and 4 and then if it closes and Tim can get it rezoned, you can amend it or bring in a separate vicinity plan.

Councilmember Rowley moved to approve the plan for Cedar Wood Estates phases 1,2, and 4; second by Councilmember Cozzens; vote unanimous.

Tom – I was speaking to Mr. Stratton a month ago and he told me his house was moved here from Panaca about 50 years ago, as was the other home next to him. Many homes were moved here to the lots they are on. The home next to Mr. Stratton has been moved again so it's the second time it's been moved. Dixie Leavitt's home was moved here 50 years ago, along with two others on the street. There's a lot of interesting history about the homes in this area.

**CONSIDER A RESOLUTION WAIVING VARIOUS WATER CONNECTION AND IMPACT FEES ASSOCIATED WITH THE BLM'S CONSTRUCTION AND OPERATION OF A RESTROOM FACILITY. DAVE JACOBSON, BLM/TYLER ROMERIL:**

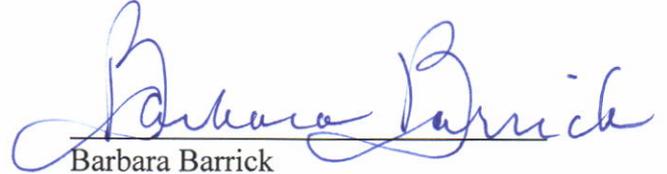
Tyler – We're fine with State law, but in the findings we just need to say why this would be in the City's best interest and that the City has a vested interest to work with government entities and promote recreation. We could also include esthetics. Those are a few of my suggestions. Paul C – I would like to approve with the understanding that RAP Tax reimburse the City. That would make it more even with Southwest Wildlife. Mayor – The entire 5,409-dollar amount? Councilmember Cozzens moved to approve waiving various water connection and impact fees associated with the BLM's construction and operation of a restroom facility with the proviso that the entire amount of \$5,409 is reimbursed to the City through the RAP Tax; second by Councilmember Adams. Vote as follows:

Paul Cozzens - AYE  
Terri Hartley - AYE

Craig Isom - AYE  
Fred Rowley - AYE

Paul C – Be sure and let the RAP Tax board know.

**ADJOURN:** Councilmember Rowley moved to adjourn at 6:12 p.m.; second by Councilmember Isom; vote unanimous.



Barbara Barrick  
Executive Assistant