

COUNCIL WORK MINUTES
JUNE 5, 2013

The City Council held a meeting on Wednesday, June 5, 2013, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Joe Burgess; Councilmembers: Ron Adams; Nina Barnes; John Black; Paul Cozzens; Don Marchant.

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 Paul Irons; Leisure Services Director Dan Rodgerson; Street Superintendent Jeff Hunter; Public Works Director Ryan Marshall; K-9 Officer Clint Pollock; Economic Development Director Brennan Wood.

OTHERS PRESENT: Terry Irons, Tim Watson, Bev Burgess, Fred Rowley, Kerry Fain, Shari Rudd, Don Adams, Melissa Montiano, Roland Gow, Bruce Hughes, Josh Huntsman, Steve Ahlgreen, Kristen Daniel, Doug Hall, Gerald Van Iwaarden, Ralph McAfee, Tom Jett, Melodie Jett, Spencer Grant.

The Council wished Happy Birthday to Nina.

Mayor – it is good to have a former Mayor and those wanting to run for election here. I hope you enjoy this and realize it is a great process. Also, I have a conflict with items #3 & 4 and I will have to leave the meeting for those items.

CALL TO ORDER: Councilmember Barnes gave the opening prayer; the pledge of allegiance was led by Councilmember Adams.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Barnes – the crews are out in force, I saw a bunch of workers in blue shirts and I appreciate that and that they are identified as City workers. Also is there a timeline for the park as we have tourists coming into town. Rick – we are planning to asphalt the parking lot at Main Street Park next week. We will pull out the access after Groovefest and put in new concrete. Mayor – I talked with Dan about new benches, especially around the playground, they are ordered and will be up as soon as possible. Cozzens – what about the dirt around the playground? Dan – we will be putting down sod as soon as the lines are installed. It should be done before Groovefest. ■Black – thanks to the State on the crossing light and thanks to Ken Bettridge for promoting that as well as the CDAT committee. ■Chief Irons – we talked about our Maverick clean up and the cost recovery. The adjustment will be in the next round of meetings, if I have to wait I won't have time to get my stuff restocked in this budget. I am asking for \$19,661 to be able to purchase the foam. Maverick has paid that claim. Rick – he is asking to make the purchase, but it will show up in the budget revision. Council was ok. ■Paul – the applications for RAP tax funding went out today, they have until June 26th to turn

them in. We will do the hearings on July 10th. It is also on the web page. Barnes – any requests in-house need to go through the proper channels and go through the priorities of the departments. We have had things surface in the past that were not a priority. I want the department head to mark it off as a priority in their department.

PUBLIC COMMENTS: ■ Steve Ahlgreen of Utah Summer Games (USG). I am here to ask a favor. Last year and the year before has put up banners to let people know about USG and as a thank you to the sponsors. Two places we would like them up if possible is at City Park for 9 days and then it will be moved. We want people to recognize the sponsors of USG. We are having our soccer award ceremonies on Saturday the 15th, the playground is awesome. The other place for a banner is at the Aquatic Center, they will be there the entire month. It is a way to let us thank our sponsors. Mayor – we have a policy that we have a designated person to make the decision, but we feel the Council needs to be involved with that because of the situation with the autism banners a few weeks ago. Steve – we don't want to create waivers. Because of the awards we want the banners at the park. Adams & Cozzens were ok. Dan – the policy says that Wally Davis has the authority to authorize banners. There is so many activities that it looks like a garage sale. The idea the P&R Board would like us to drop back and find designated areas for the banners. We have not been able to meet so we suggested that they come to you. Barnes – do you have an idea of where you want? Dan – I would just say to allow Summer Games to do that this year and then we will make changes. Black – where? Steve – we will start at the north side and go around to 100 East, there are a lot of banners. They will be in the turf and on poles. We may use the fence for smaller banners. Black – the big rotter heads we want to make sure they don't hit the signs. Steve – Wally has been really good in the past to mark it for us. Cozzens – what size are they? Steve- There are different sizes, 4x8 to 4x6 to 4x4. Cozzens – you could zip tie some to the fence. Barnes –do it this year and work on the policy for next year. Did you put them by the soccer field fence at SUU in the past? Steve – yes. Mayor – we need direction for staff in the meantime. I have given some authorizations for the Mayor's Park. What about allowing some signs at Mayor's Park and none at Main Street Park until we get a policy in place. The council liked that idea. Steve – we are on track to have a good year, we are down on some sports and way up on others. Volleyball we went from 14 to 32 teams. Ultimate Frisbee we are up 3 or 4 teams. Our budget has been cut drastically so we will not be giving polo shirts and we will not have the Hall of Honor banquet. You are invited to Athlete's Social on the 15th at 5PM. The procession starts at 8:30 p.m.

■ Gerald Van Iwaarden, chair of the Friends of Festival County K-9's, I also have brought the board. We want to make a presentation to Chief Allinson. We have been formed for about a year and we recognize that our K-9's do an incredible service for the area. We have 4 dogs between CCPD, ICSO and UHP. We are in the process of raising funds to help with the care of the dogs. We will continue to work and appear at events, we have received a number of donations upon the news of Phako, we appreciate the Chief allowing the dog to have the surgery. We present Chief with a check for \$1,000 for the expenses on Pahko's surgery. Chief Allinson – the decision to have the dog go through surgery was not hard, but uncomfortable because we don't know the outcome. They become part of the department and we take great pride. We have extensive vet bills, Phako goes back to Vegas next week. We don't know if he will return to full service. Gerald Van Iwaarden introduced the board, they are: Bruce Hughes, Melissa Montiano,

Lt. Darin Adams, Jason Thomas, Steve Ahlgreen. Rowland Gow and Clint Pollock. Bruce Hughes– we did have a request for the Council to support the PD in the non-budgeted area of Phako’s medical bills, we understand it is not normally budgeted. We don’t have insurance for K-9’s. We solicit the Council for the balance of the costs for Phako’s medical expenses. Gerald Van Iwaarden – we want to thank you. ■Kerry Fain, representing Youth and Enthusiasts Together for Ice (YETI), we want to approach you to let you know who we are. We started to donate a permanent Ice Rink. We did extremely well from ages 2 to 87, over 1,000 people came to the rink. We did a hockey league and learn to skate. We did a lot of fund raising. We have raised just over \$40,000 worth of equipment. We want to let you know this is how we are and our goal is permanent year round rink. It is all volunteer and donations. The community can all use this it will also draw people from Southern Utah. We have people from Beaver, Centennial Park, St. George here. These people eat at our restaurants and some stay at hotels. There is a draw from US and Canada for a hockey tournament. It could be something good for the community. We look for your support. We have 200 pair of ice skates and equipment for the kids. I am a pushy mother of 5. You could draw on Huntsman Winter games. We want you to know of us. Cozzens – I talked with Chad about this. Kerry – we moved from Northern Utah where there was a lot to do. We played in the evening. Dallin Stehli did all the grooming for us. Cozzens – Dan, did I talk to you about this, it might be nice to have it in the arena, outside can we look at the possibility? Dan – I am a huge hockey fan, anything I can do to help I will. We will get it on the Cross Hollow and P&R agendas. Barnes – are you looking for another home? Kerry – yes, we are in the boonies, we keep it very clean. We went from the 2nd week of December to the first of March. We want a refrigeration system this year that can sustain us from October through the end of March. Our board is made up of people that truly want this, my children need it and I know it can benefit us. Seeing children that came out and picked it up was amazing. There are a lot of Canadians in Southern Utah, you would be surprised. We are one of the most central locations in Southern Utah. There is a lot of interest. Barnes – compliments to your group, I have heard a lot of good things.

PUBLIC HEARING FOR THE FISCAL YEAR 2013-2014 BUDGET – JASON

NORRIS: Jason – we did add, the Mayor met and asked the county for additional help for the Heritage Center, they agreed to send over \$1,000 a month, so we increased that budget by \$6,000. The County budget is on a calendar year. Mayor – we would like to paint the metal work between the Heritage Center and the parking structure with this money, it has been 10 years plus and it looks bad. We want to paint the water feature asphalt also.

Mayor Burgess opened the public hearing, the budget is on line so you can see this year and last year’s budgets. There were not any comments. The hearing closed.

CONSIDER A SUBCONTRACTOR’S AGREEMENT WITH THE CEDAR CITY HOUSING AUTHORITY - HEIDI MILLER/PAUL BITTMENN:

Paul- the housing Authority applies for grants that pass from the Feds, to the State to the local government. We would enter the agreement saying we will act as the pass through. The Housing Authority will hold the State and City harmless if they make an error in using those funds. It will last for 5 years. Consent.

CONSIDER AMENDING THE CITY'S GENERAL LAND USE PLAN FROM LOW DENSITY TO HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED IN THE VICINITY OF 377 EAST HOVI HILLS DRIVE – WATSON ENGINEERING: the Mayor left. Councilmember Cozzens moved to appoint Councilmember Barnes as Mayor Pro Tem for the next two items; second by Councilmember Adams; vote unanimous.

Paul – this is east of the Golf Course. When we did the General Land Use plan this was planned for low density residential. The proposal is to change it to high density residential. The next item is to rezone it as low density residential. Kit – the property below is zoned for high density residential. Black – what will the extension do to access? Paul – we vacated part of the road, but it will come through Hovi Hills Drive. The issue they have for putting high density is the size of the property. If you rezone R-3 single family it will be restricted for the single family. Tim – they will have to come back for a conditional use permit for an office. Barnes – what is the size of the lot? Tim – I think it is just over one acre. The hearing was opened to the public. There were not any comments. The will be moved to action.

PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM RESIDENTIAL AGRICULTURAL (RA) TO HIGH DENSITY RESIDENTIAL (R-3 RESIDENTIAL) IN THE VICINITY OF 377 EAST HOVI HILLS DRIVE – WATSON ENGINEERING: Mayor Pro Tem Barnes opened the public hearing. Paul – the presentation is the same. There were no comments. Action.

Mayor Burgess returned to the meeting.

CONSIDER A MEMORANDUM OF UNDERSTANDING WITH MSC AEROSPACE RELATED TO NOTICE AND THROUGH THE FENCE OPERATIONAL MATTERS – BRENNAN WOOD/SPENCER GRANT: Brennan – this was drafted following a city council meeting three weeks ago; this is related to giving them notice for Airport Board meetings. There has been a lot of discussion. I don't have additional information to add. This is on the special action meeting tonight.

CONSIDER A MEMORANDUM OF UNDERSTANDING WITH MSC AEROSPACE FOR TAXI-LANE AND AVIATION WAY IMPROVEMENTS – BRENNAN WOOD/SPENCER GRANT: Brennan – this is MOU between Cedar City and MSC to clarify our financial commitment and seeking additional funding for the taxi lane. Our commitment is \$133,000 and we will help seek EDA or other grants, the City will have to be the applicant. Black – but would not commit us to any money? Brennan – correct. Paul – there is a typo that needs to be corrected. This is on the special action meeting tonight.

CONSIDER DECLARING A VOLVO CLAMBSHELL LOADER BUCKET AS SURPLUS PROPERTY – JEFF HUNTER/RYAN MARSHALL: Jeff – I was approached by UDOT, we have a bucket that went with our old Volvo loader, we purchased it in the 90's the last time it was used when they took down the airport terminal. I am asking to put it as surplus property. The State has approached us with a

few scenarios. The value is \$4,200, we are looking at alternatives with the State for trades. Consent.

REVIEW BIDS FOR ANNUAL BLANKET CONTRACTS FOR INSTALLED ASPHALT, SMALL CONCRETE PROJECTS, PAVEMENT MARKING, STREET MATERIALS SUPPLY, CHIP SEAL APPLICATOR, CHIP SEAL OIL SUPPLY, TOWING, TREE TRIMMING, AND ASPHALT STREET CRACK SEAL – JEFF HUNTER:

Jeff – the information is in your packet. In the past we have staggered the blanket contracts, I wanted to make it meet with the fiscal year so we did it this way. They were advertised as well as put on the web site. On the small concrete project we had two bidders, Gleave Concrete was the low bidder, and they have been our contractor in the past. MS Concrete has also been good; they seem to go every other year. On the tree trimming we have only had one bidder over the past 3 years. We have been very happy with them; Wally uses them in the parks and cemetery as well. We use them during chip seal. Towing – we only had 1 bidder, Bradshaw Chevrolet, they have done it the past 2 years. J&T Peterson has done this the past two years, we had two this year and the low is JT. They are the applicator. We purchase the oil and he sprays the oil. We have a tack truck that we do ourselves. Cozzens – are the cul-de-sacs difficult to do? Jeff – yes, it is so hard to maneuver and the rocks don't stick. We sprayed a product in cul-de-sacs with good oil, I have been happy, Kit has a different opinion. We are testing it. This year we were chipping to the lobe and if the oil is good we will fog with a gsb88 and we have been happy with that also. We are seeing settling around the manholes in the cul-de-sacs. If we skin patch the same year we chip the fresh oil sucks in and doesn't stick as well. Crack seal we had 3 bidders, Spencer Asphalt was low bidder. Asphalt supplies, Mountain States and Asphalt Systems and they bid on different products, both will be used. Pavement marking we only had one bidder, straight stripe. Black – can I talk with you later about the ball fields? Jeff – Wally usually does that their selves. Black – we need some things fixed before the July tournament. Barnes – a few years ago we tied our parking lots into this rotation. I assumed it was being done. Rick – the departments have that plan and they are to put it in their capital projects. Barnes – you would think we would have the parking lots on the same plan. We want to maintain all of our asphalt. Jeff – Asphalt Installation for jobs like at the park, Western Rock was low bidder. Street materials, there are a few ties, that happened last year so we split it up and they are ok to do that again this year. Consent.

CONSIDER PROVIDING A CORRECTIVE PROPERTY DEED TO THE STATE OF UTAH FOR PROPERTY IN THE VICINITY OF 600 NORTH MAIN STREET – PAUL BITTMENN:

Kit – this is the old waterworks facility. The city acquired this property in the 1960's and when the Feds deeded the property to us the property line went into Main Street, the deed had a sectional tie that said south along the section line. There was a 19 minute bearing break that shifted it out. When we sold the property to the State the title company picked up that mistake, so they want it corrected to match the property lines. They will deed us 5 feet of property on the south side of the property to widen the street on the south side to a full width street. They will still have to put in the improvements. Consent.

CONSIDER FEE SCHEDULE FOR RENTAL OF NEW MOBILE STAGE – DAN

RODGERSON: Dan – we realized we need competent people to put up the stage. I went out to other municipalities to see what they rent their stages for, it was \$500 - \$800 but their stages were larger. I took two staff, factored in an overtime wage for 2 hours to set up and 2 hours to tear down which is about \$200. There are some extensions for banners, also across the top. I did different prices for a basic stage and if it has lights and banners. We have 5 extensions 150 lbs each, each extension has to be balanced and leveled. Also the pricing between non-profit and profit and local and non-local groups, I would like that differential pricing between those groups. I have had interest for groups outside the city limits; if we did we would charge \$2 per mile and out of city rental fee. The piece missing is monitoring the stage while it is up, such as a heavy wind, we would need someone there to monitor. P&R meets next Wednesday, but we need to set fees for some of the groups that need it. Paul – the \$2 fee is that just outside the City limits? Dan – yes, Brian Head and Springdale have requested uses. Adams – does that cover the wages? Dan – we would have someone to set it up and take it down. Marchant – do you see a lot of activity for rental? Dan – every weekend in the summer, we anticipate at least a dozen times. Mayor – if the Council decides to rent outside the City, what about not going outside the County? Dan – this was paid by RAP Tax so I am just trying to cover the costs. If it goes out of the County it should be compensated well. Cozzens – I think we should not leave the County and even to Parowan it should be double the price. Do we require insurance, if they damage will they pay? Dan – I don't want to just let it go, we will have staff there. Black – then we need to add monitoring time for staff, we should have a monitoring fee. Dan – we have had another issue, which are City sponsored. The two banners come down and we could have banners so if we are a sponsor it will be there. It would have to be a true sponsorship. Mayor – one challenge taking it outside the City, residents pay it through RAP Tax, so what if it is scheduled outside the City and then residents cannot use it. It is 14x20 but can be extended to 18 x 20. What are they paying for Groovefest or USG for a stage? Dan – I tried to rent one, but it was \$600 - \$700 but it was from Vegas or Salt Lake. Barnes – if it goes outside of the County it has to be lucrative. The council agreed. Barnes – Cedar City should be recognized regardless of who is renting the stage. Cozzens – what is total set up time? Dan – it depends if they are trained or not, if the ground is level, it really depends. It has a wind load of 60 mph. Action.

CONSIDER AN ORDINANCE AMENDING CHAPTER 10 OF THE CEDAR CITY ORDINANCE RELATED TO THE ORGANIZATION AND DUTIES OF THE AIRPORT BOARD – PAUL BITTMENN:

Paul – the next 11 items are changes to various ordinances the City has, he went through each board. Last February we decide to get standard language, 4 year terms, have the terms expire in June, eliminate term limits, insert provisions to comply with municipal employee ethics act, open meetings and provisions for Roberts Rules of Order, those were concepts we tried to put in all boards. The Library Board is different because it is set up in Code, they are still different. Black – any consideration to one board being a sub-board of another? Paul – yes, it is built in the Trails Committee for them to respond to the Park Advisory Board, but it is rough because the Mayor is still appointing the boards. Black – is there a Trails committee member on the P&R Board. Paul – that could be done. Barnes – that was done with Ben Davidson being the chair of P&R and as a member of the trails. I can

incorporate if you want. Barnes – have someone from P&R to be on the trails committee. Paul - the membership is more spelled out on Cross Hollows, it has a particular set of users. Barnes – we needed a master plan for trails and I don't know now; Dan and I met with the St. George group, but other than that what is their mission. I feel we have a well-researched master plan, I don't know that we still need a trails committee unless they were writing grants. Dan – the only benefit is we have the County, Forest Service and BLM so it gets them together for linkage; they need more direction and purpose. Mayor – last time I went to their meeting their concern is they don't want it forgotten. Paul – I think you could get rid of 9 of the 11 committee's on the list. You have to have a Planning Commission and Library Board, you can get rid of Board of Adjustment and create a hearing board. The purpose of creating the boards is to get input from non-elected folks. Black – would it make sense to continue with what you have done and change it later if needed? Paul – the changes are more structural changes than anything, we are not changing purposes. Marchant – I reviewed the Airport one carefully and it makes sense to me if they are all like that. Barnes – I would like a liaison for trails and P&R. On the RAP Tax Committee, there is discussion on what we will do in the future; it was hard for us to swallow last year. If we reappoint, we need to let them know there is one more year left and then it will be reassessed. Paul – they are aware there is only one year left. Barnes – the Arts people are so immersed and some of the recreation members are not as immersed and they have been run different. I think it could be run in a different manner. Cozzens – do their terms run out with the tax? Yes. Mayor – there are two terms on the Arts it could be one of you. Paul – last year was the first time there were disagreements with the Arts group, but there have been several with the Recreation during the building of the Aquatic Center. There have been disagreements. It happens with all of our committees if you don't do what they recommend. Cozzens – I had a nice visit with Mayor Shirley, one contention was the microphones at the Heritage Center and it has benefitted many. Barnes – the disbursement rests with the elected officials as it was passed. Mayor – we will add one elected official to each of the committees. Barnes – we want to all be invited to those meetings even though we may not set on the committee. Action for all the ordinance amendments.

CONSIDER AN ORDINANCE AMENDING CHAPTER 26 OF THE CEDAR CITY ORDINANCE RELATED TO THE ORGANIZATION AND DUTIES OF THE BOARD OF ADJUSTMENTS – PAUL BITTMENN: This item was discussed with item #11.

CONSIDER AN ORDINANCE AMENDING CHAPTER 26 OF THE CEDAR CITY ORDINANCE RELATED TO THE ORGANIZATION AND DUTIES OF THE PLANNING COMMISSION – PAUL BITTMENN: This item was discussed with item #11.

CONSIDER AN ORDINANCE AMENDING CHAPTER 15A OF THE CEDAR CITY ORDINANCE RELATED TO THE ORGANIZATION AND DUTIES OF THE ECONOMIC DEVELOPMENT BOARD – PAUL BITTMENN: This item was discussed with item #11.

CONSIDER AN ORDINANCE AMENDING CHAPTER 22 OF THE CEDAR CITY ORDINANCES RELATED TO THE ORGANIZATION AND DUTIES OF

THE LIBRARY BOARD – PAUL BITTMENN: This item was discussed with item #11.

CONSIDER AN ORDINANCE AMENDING CHAPTER 27A OF THE CEDAR CITY ORDINANCES RELATED TO THE ORGANIZATION AND DUTIES OF THE PARKS AND RECREATION ADVISORY BOARD – PAUL BITTMENN: This item was discussed with item #11.

CONSIDER AN ORDINANCE AMENDING CHAPTER 39 OF THE CEDAR CITY ORDINANCES RELATED TO THE ORGANIZATION AND DUTIES OF THE RAP TAX COMMITTEES – PAUL BITTMENN: This item was discussed with item #11.

CONSIDER AN ORDINANCE ADOPTING BYLAWS FOR THE CATS ADVISORY BOARD – PAUL BITTMENN: This item was discussed with item #11.

CONSIDER AN ORDINANCE REVOKING AND REPLACING BYLAWS FOR THE CROSS HOLLOW ADVISORY COMMITTEE – PAUL BITTMENN: This item was discussed with item #11.

CONSIDER AN ORDINANCE REVOKING AND REPLACING BYLAWS FOR THE DOWNTOWN PARKING AUTHORITY – PAUL BITTMENN: This item was discussed with item #11.

CONSIDER AN ORDINANCE REVOKING AND REPLACING BYLAWS FOR THE TRAILS COMMITTEE – PAUL BITTMENN: This item was discussed with item #11.

CONSIDER REAPPOINTMENT OF VICKI CHRISTIAN AND RICKY MENDINI TO THE RAP TAX PARKS & RECREATION ADVISORY COMMITTEE – MAYOR BURGESS: Mayor Burgess – this appointment will be for one year only. We have two positions open on the Arts, we will fill only one or do you want two plus the council? One is ok. Consent.

EXECUTIVE SESSION – REASONABLY IMMINENT LITIGATION:

ADJOURN: Councilmember Barnes moved to adjourn and move into the special action meeting at 7:12 p.m.; second by Councilmember Cozzens; vote unanimous.


Renon Savage, CMC
City Recorder

CITY COUNCIL EXECUTIVE SESSION
JUNE 5, 2013

The City Council held an executive session on Wednesday, June 5, 2013, at 7:25 p.m. in the Council Chambers at the City Office at 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Joe Burgess; Council Members: Ron Adams; John Black; Paul Cozzens; Don Marchant.

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

REASONABLY IMMINENT LITIGATION:

ADJOURN: Councilmember Barnes moved to adjourn at 8:48 p.m.; second by Councilmember Marchant; vote unanimous.


Renon Savage, CMC
City Recorder

