

COUNCIL WORK MINUTES
JUNE 19, 2013

The City Council held a meeting on Wednesday, June 19, 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 Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Leisure Services Director Dan Rodgerson; Public Works Director Ryan Marshall; Project Engineer Chad Boshell; Patrol Officer Addison Adams; Animal Control Officer Zac Banz; Lt. Keith A. Millett; Patrol Officer Justin Ludlow; Events Coordinator Byron Linford.

EXCUSED: City Manager Rick Holman

OTHERS PRESENT: Jyl Shuler, Rusty Aiken, R. Scott Phillips, Fred C. Adams, Tyson Kyhl, Pat Keehley, Bev Burgess, Dana Adams, Erin Banz, Deborah K. Snider, Nathaniel Taggart, Holly Porter, Josh Huntsman, Jarrod Bray, Tribal Chairman Gari Lafferty, Ralph McAfee, Kristen Daniel, Dale S. Orton, Raymond Gardner, Dane O. Leavitt, Vala Parashonts, Douglas Hall.

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

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■ Black – special thanks to Dan and Ryan for their departments work on the fine job they have done at the City Park. To the Master Singers way to go, they hit a home run Sunday night. ■ Adams – I attended the Housing Authority open house and they are very appreciative of the City for their support, the facility is very nice. ■ Cozzens – West Desert Filing presentation. We had an opportunity to travel to Salt Lake as a member of the CICWCD and we met with the State Water Engineer. The map (see Exhibit “A”) we filed out of the two valleys. The District filed rights in the Wha Wha Valley. We filed and are waiting for a decision from the State Water Engineer. We are in the first position. It was a good decision on the Conservancy District’s part. There was a well drilled in the 70’s by a mining operation that never happened. We have these wells for testing which helps prove to the engineer that there is water available. During Kent Jones’ term the last 4 years, there is a lot of political pressure. We are faced as a District on doing expensive testing, we went out yesterday with an engineer from Salt Lake and well #29 has a 16” casing 1300 feet deep, the water is 680 feet deep. They ran a camera down the casing and the well is in good shape. The main test will cost up to

\$200,000, a company will do a pump test and pump 1000 gallons a minute for 7 days and then check the draw down on the other wells. We drove over to Pine Valley and tested another well, once we do the tests in the fall, the USDS is working with us and providing some funding and the State is providing some funding, once done the State Engineer will approve it as a whole if he decides to do it. The Lake Powell Pipeline was 20,000 acres of water of that we would have to purchase 13,000 acre feet of that. This is 27,000 acre feet and it is about 1/3 the cost of the Lake Powell Pipeline. This could be our water supply 30 to 50 years from now. Marchant – are the wells at different depths? Cozzens – I don't know, I think they are all about 1,000 feet. We have gone through the protest period, now the tests will be critical to the decision. There are potential mining operations that could go in and we could develop and lease the water and put money away for when we need to put the pipe in. The blue dots on the map is Wha Wha Valley, the red is Pine Valley(see Exhibit "A"). If we get approval they will pump water from the water fields over small mountains that will cost money, but we can generate electricity coming down the hills the rest is gravity flow. It is less expensive to develop and less cost in electricity. Mayor – Lake Powell water would have had to be purified also. Cozzens – Kelly Crane estimated \$150 million, Lake Powell was about \$450 million. We put pressure on the State Engineer, as much as we dared. But we don't know when it will happen. Mayor – this is the best alternative for the future. Barnes – it is exciting to see the change on the Conservancy District, I like the direction they are going.

■ Swear in Addison Adams as Patrol Officer: Chief Allinson – he is the newest officer, graduated last Thursday, won the fire arms award. Not new to the City, he was our Animal Control Officer. We looked at him long and hard and are excited to have him as a patrol officer. Addison introduced his wife Dana, and his children Shawn, Emily and Chris and his father Fred. He has started the FTO process. Renon Savage administered the oath of office to Addison Adams.

■ Byron Linford – the Tour of Utah as part of their assembly of event has a VIP tent adjacent to the race course, in front of the City Office. It is set up for corporate sponsors, and government officials. As part of the requirement to be a UCI event they have to provide beer and wine. I talked with the Chief, there is no signage, only for a select few, it is not sold, it is a reception. We just got the paper work back. If we wait another two weeks it may not be done in time. Barnes – it might be nice to have a briefing before this event with security, etc. Byron – we met yesterday with the Tour, the Police Department and Sheriff's Office, they say we are ahead of the curve compared to other cities. I have great support from the Police Department. Mayor – as we get closer we will do that.

PUBLIC COMMENTS: ■Rusty Akin, Cross Hollow Event Center. I would like to talk about the sign, we had a sign designed and came up with a logo, and it is plexi glass and has Diamond Z and Iron Ranger Arena on that. We feel our brand is the two arenas, if we lose that we lose our branding of the facility. It is an impression that people see and the current form does not look, say or feel rodeo, there is no rodeo theme to it. We would like to have it relooked. Marchant – I though this had been decided and was disappointed when I didn't see the sign. I thought we had approved it. I understand concern with both parties. What will it take to get us together? We need to not take all summer to get a sign. Rusty – I have talked with Rick, Nina and John and they have agreed to get together to look at it. Have you seen the sign? Marchant – yes, I thought we had ok'd it.

You need to set down with Danny and Brennan and get it done. Barnes – we had done that with Brennan and then Rick approached the Council and the answer was given. It is a branding thing and is growing pains. We have said no to Lion's and Rotary on some of it. I think we are willing to set down and go over this. Rusty – it is an event and a directional sign. Most advertising is done through the promoters at the facility. John had concerns about promoter's promoting the Cross Hollow Event Center at Diamond Z. Marhcnat – make arrangements with Rick to have a meeting. Rusty – there needs to be some Western feel. Barnes – we didn't design the sign. Rusty – no, but you approved it. We will take the sign down instead of having the sign we have been given, we don't want it. Cozzens – I have not seen it. Rusty – it is green and yellow and says Cross Hollows Event Center. We want a rope or something on it. Black – I think we can get together and work to get it done. Barnes – there is a procedure and you need to work with Dan. Rusty – no one is talking to us. The sign is for an impression and it doesn't fit.

PUBLIC HEARING RELATED TO A PROPOSAL TO VACATE THE PUBLIC RIGHT-OF-WAY ON 200 WEST BETWEEN COLLEGE AVENUE AND CENTER STREET – SUU:

Paul – this was a proposal about 12 years ago that SUU brought before the City Council to vacate a portion of 200 West. The minutes show they voted on an ordinance, but there was not a written ordinance in place and that creates problems. There were 3 conditions in the minutes that SUU acquire all the property on both sides of the street, the utilities routed through 200 West a plan be done to take care of those utilities. Cozzens – how do they take care of that? Kit – reroute down College Ave to 300 West, it is a fairly major undertaking. We have stubbed the storm drain as part of the 300 West project. Paul – the third is the traffic on College Ave, the next item will take care of that making it a 2 way street. The plan 12 years ago they had drawings and the plan today is different, the new Shakespeare Theatre will be right on 200 West. The ordinance say ok we vote to close 200 West and won't be affective until Shakespeare reroutes the utilities and our guys inspect and sign off. The property is all SUU. Our interest in the property goes to each property owner, all are SUU. Mayor –the road won't close until they begin construction. Marchant – College Ave is a narrow street. Barnes – there is value, is it a gift? Mayor – we do that on other occasions. Paul – we have done that before and I am not aware that we have never been compensated.

Mayor Burgess opened the public hearing. Tyson Keel SUU Facilities Management - Blalock & Partners are the Architect and have partnered with a firm in LA that has dealt with smaller colleges and universities. The campus consists of two blocks on both sides of 200 West. The most recent prior to the design had 3 different components. We have 200 West running through the site. As we started programming we identified the new Theatre and Southern Utah Museum for the Arts on the corner. We will develop from the side of the Theatre to Center Street. The sewer, water and gas are rerouted as well as the power. We have been working with Ron Larsen on the rerouting taking the utilities to 300 west. Storm drain initially thought it would surface flow, but we are now looking at piping the storm drain. Black – the State is talking about resurfacing 300 West; will this be back in for a cut? Kit – they are trying to get this stubbed out before the resurfacing. The restriping for 2 way traffic is also a part of this. The hearing closed. Action

CONSIDER A RESOLUTION TO MAKE COLLEGE AVE A TWO-WAY STREET FROM 100 WEST TO 300 WEST – PAUL BITTMENN:

Black – would this red curb no parking on both sides? Paul – not on this ordinance, you could come back with no parking. Kit – it would be tight, there is 35 feet of asphalt which is designated. The requirement now is 30 feet. It is no parking on the south side from 200 to 300 West; I don't think there is reason to have parking on the street. Marchant – being by the University it would be a can of worms to have parking. Scott Phillips, USF – for our business enterprises, we would like the street to remain one-way, there are a number of parking spaces on the north side of College Ave, but the potential for additional traffic with a 2 way street, if people want to park or travel, the noise for the outdoor facility would be a lot. You have to make a right or left turn either way you go. For 40 years it was a one-way street. Mayor – if we left it one way would you still have parking? Scott – I don't know, it would have to be discussed. Mayor – how long has it been a one-way street? Scott – for over 40 years. Adams – you didn't discuss parking on the new center. Scott – we have talked with the architect, we will lose a few parking spaces behind Windsor Court. The property on College Ave and 100 we are talking about making that into a parking lot that would hold about 20 cars, which will compensate what we lose at Windsor Court. We want the guests to stay and park in the motel spaces or walk or use the parking structure. We still have the 300 West parking. Adams – wouldn't you want to close that street during performances? Mayor – that is why you leave it one way is less traffic. Scott – there is a street in Oregon that is closed to local traffic at 8:00 p.m. to midnight. That is a next bridge; I would like it left one way. Action.

PUBLIC HEARING FOR THE REVISION OF THE 2012-2013 FISCAL YEAR

BUDGET – JASON NORRIS: Jason – last time we neglected to open this in an RDA meeting, that is why the prior adjustments are on the schedule. #38 we have a mixture of a few revenues we have received through the year. It is the police grant; we recommend the revenue be expenditure. #39 is misc. revenue, we are budgeting to cover costs. We talked about replacing the foam in the fire truck that is #40. #41 is an economic incentive in the fund balance in Capital Improvement Fund related to Charlotte Pipe. #42 Economic Development received a private grant for travel. #43 we don't budget the ½ marathon until we see the revenue, that represents the revenue collected. #44 with Federal Sequester they are reducing subsidy on build America bonds, \$90,000 of interest they reduced by \$8,200 so we have to use general funds to cover that amount. We will probably see that in the future. #45 when the Golf Course was enterprise fund there was a cash deficit; we need to clear out the deficit that is the transfer of \$255,000 to clear that up. #46 we discussed that we were uncertain with the golf pro transition so we are putting \$9,000 in Golf Course special revenue fund and will do a budget revision at that time when we know the issue. #47 – transfer up to \$100,000 to Aquatic Center operations. We have been working on this issue for several months. We anticipate the deficit will be lower, we will see how this month plays out. June is a better revenue and expenditure month. We have made positive changes in staffing and watching utilities. We will update in the next few months as we close out the year. #48 transfer up to \$950,000 to capital improvement fund for year end. It is a moving target, funds for C-Road and capital spending and surplus revenue and any funds where we are under budget we transfer to capital improvement fund. It could be a lot less, we will see at year end

close. Barnes – where is the Lin's revenue? Jason – it is in the RDA and we receive that in August or September and then they will disburse that. #49 the Aquatic Center is now doing their own concessions, this represents the revenue they will be collecting. #50 SID debt service. We have receivables for each district that have been assessed and we don't know how much we will collect. I have listed two of the SID funds; we have paid off with City funds because we have not collected from property owners. We take what we collect from those districts and the 02-1 is a current bond we have, take the revenues the total payment is \$208,000 the difference we cover with capital improvement fund. It is a discussion we need to have in the near future on how to treat those funds. Mayor – we have one more payment and they will all be paid off. Barnes – is it Main and Fiddler's? Mayor – I don't know. The discussion we need to have, we made some deals with people to make payments, some have done well others have not; we need to decide if we want to start foreclosure. Jason – we will meet as staff and figure something out. #51 is a formality to recognize the bond for storm drain. #52 we will have Robbie get a head start on changing water meters. Last we have construction projects related to the Airport, we are researching what the City's share is, this authorizes transfer of up to \$35,000 for those projects, and we may or may not make that transfer.

Mayor opened the public hearing. There were no comments. The hearing closed.
Action

CONSIDER A REQUEST FROM THE CEDAR CITY ARTS COUNCIL TO BE DESIGNATED AN OFFICIAL ARTS AGENCY FOR CEDAR CITY – DEBORAH

K. SNIDER: Deborah Snider, with Department of Art and Design at SUU and President of Cedar City Arts Council, we have a new team, have VP, Jerry Gray and Sec Nathaniel Taggart, we have completed 11th year as a 501C3. We have great plans and vision for where we are going. Local arts agency designation agreement is from the Utah Department of Arts and Museums, the reason for this form. I did learn there was a signature in 2010. This is so we can receive grant funds through the Utah Department of Arts and Museums for the local arts. Also we want to tell you we are making the full commitment for the development of all the arts in Cedar City. And we have great plans. Barnes – does this help support the group? Do we want to look at a liaison that is more official with the City? We would like to have better communication with the elected officials. Deborah- we want better relationship with SUU, Downtown Alliance, etc. Barnes – because economic wellbeing is tourism, this is a big part of that. Mayor – maybe we could have a council member put on that committee instead of another City committee. Barnes – when this group was established is was organized by a City employee, Margaret to spearhead the organization. Consent.

CONSIDER AN AGREEMENT WITH THE PAIUTE TRIBE OF UTAH FOR THE CONSTRUCTION OF A MONUMENT ON CITY PROPERTY IN THE VICINITY OF THE LIBRARY IN THE PARK – PAIUTE TRIBE:

Dane Leavitt – member of the Paiute History Culture and Language Preservation Committee. We have been working with the City on a monument before settlement the Paiute have lived here. European settlers were accepted, it is important that their history be preserved. We have met with the Tribal Council, they feel in front of the Library is a great place; we have

been working with Ray Gardner. There are large lava rocks that the BLM has said they will give back to the Tribe; they will have petroglyphs on them. Ray Gardner has done a marvelous job. We will work on the development of an agreement and the monument paid by the Tribe and maintained by the City. We hope to have this begin early 2015 and completed in 90 days. We ask that the agreement we have negotiated be approved so we can begin fund raising. Cozzens – what is the estimated cost? Dane - \$25,000, we will ask for RAP tax money and will fund raise. There is a lot of enthusiasm with the group. Marchant – this has been a long time coming. Vala Parashonts – the tribe would appreciate it, it has been a long time coming. The Paiutes have been here many years and there is nothing in the city to say there are Paiutes here. This involves the five bands in the Southern Utah area. Tourists will see it and will know about my people. It will be worthwhile. Everyone thought it was a very nice design. We are looking forward to it and hope it is in place by 2015. Dane – as we took the design to the Tribal Council, Ray was there, we held up 4 designs, Vala was holding the winning entry. There is appreciation for the City, Mayor and Paul for their work. Gari Laferty – I caught the shuttle back from Vegas and there was a guy talking about the history of Cedar, he told a person they stayed until the wind stopped so we are thinking of putting up something to block the wind, kidding. It is a tribute to the Paiute members. We did a quilt for the Centennial in Millard County and it was a tribute. This monument will be something special. I want to tell the Mayor and Council how much we appreciate your contribution to the Pow Wow. Consent.

CONSIDER AN AGREEMENT WITH RANDALL ALLEN TO PROVIDE PUBLIC DEFENDER SERVICES – PAUL BITTMENN:

Paul – when we started the justice court we had to pick up the public defender, he has done it for 7 years. His contract expires at the end of the month, we put it out for bid, and he was the low bidder. Black – is 10 years a magic number? Paul – no. Barnes – what have we been paying? Paul – around \$13,500. Barnes – my only concern is locking in for 10 years that is significant; we don't know how the legal community will change. Paul – there is a provision that either party can get out in 90 days. Mayor – the 10 years we felt good about because he has been very competitive. Paul – we only had one other bid. Barnes – we may get competitor bids. Paul – my rationale for proposing 10 years, we set our costs and control, and it is low. The next low was \$30,000 a year. By setting it for 10 years we can control the cost and he is providing a good service. Cozzens – I am ok with the 10 years if we can get out of it. Mayor – we felt it was fair since we could get out of it if wanted. Marchant – that is ½ of what the other bid was. Barnes – I was surprised only 2 bids. Paul – we sent it to all firms in town and some in Hurricane and St. George, we sent out over 12 copies and we got 2 back. Consent.

CONSIDER A RESOLUTION AMENDING THE CITY WIDE CONSOLIDATED FEE SCHEDULE – PAUL BITTMENN:

Paul – a few years back we put in a Consolidated Fee Schedule so people could look at one place. Department Heads would request amendments and 3 years ago administration said come in at budget time to make it orderly. People started submitting the fee requests for the budget. Administration added a \$5 for documents in an electronic format, when we looked as similar fees \$5 was the lower end. The next set of fees are related to the Airport some removal of conference

room rental, terminal rental per square feet up, storage fee, tie down fees, change in Fed Ex rental fee, it was approved last year. The Airport Board has reviewed and approved all of these fees. The P&R fee changes, stage fee is in there, changes to baseball and softball complex. Water there are changes to water acquisition fee based on our appraisal the ordinance requires us to do every few years. Master water meter fees, these were previously approved an updates the form. You will see more changes next week. When we got the resolution drafted and emailed it to all Department Heads, engineering let us know we missed a lot of fees associated with water, sewer, storm water user fees that took effect in January, they will be included next week. That captures things that have already been passed. Action.

CONSIDER THE CERTIFIED TAX RATE – JASON NORRIS: Jason - I don't have the new tax rate yet, but hope to have it next week. To explain how it works, the numbers I provide to the County are general obligation and debt service and the budget. We have done that, the Assessor has to put in property values and different things like that. We are at their mercy, they are partially done. This will move forward until we get the final from them. Cozzens – if the property values go down the tax rate goes up and if the property values go up then the rate goes down. Jason – there are a few components. We are responsible for Cedar City's percentages. In 1987 about the Certified Tax rate was set. We take the value of all the property in the City limits and divide it into a million dollars and that would give a rate that is if we raise a million dollars. As property taxes go up or down the rate fluctuates accordingly. If everyone's tax rate goes up the certified tax rate goes down. We now apply the rate to the new property and that increases the million so then we have to collect a \$1,010,000, we are not actually asking to collect more revenue. Because it is not tied to inflation, we are actually collecting a lot less money than we were in 1987. They had more revenue and buying power in 1987 than we do now. We are not increasing taxes or asking for more revenue, the rate just fluctuates. It is very complicated to explain. Black – if we want to collect more we have to do a Truth in Taxation? Jason – yes, we would increase the rate and do a truth in taxation. The last time increased was for the Aquatic Service bonds. We hope to have the actual from the County by next week. Our share is very small, the Water District and School District both get a larger share. Mayor – the County lets us know what we can charge, we need to do it next week if we can, if not we will have to go into July. Paul – there is a statutory obligation to have it in place, but in the past 10 years we have not had it in that time frame. Jason – it is a slight decrease for general operation, but I don't know about the bond portion. That is the number I don't have. Mayor – we have the Library and Aquatic Center. Action.

CONSIDER THE FOLLOWING BOARD APPOINTMENTS: (A) KEN BEAZER TO THE AIRPORT ADVISORY BOARD; (B) ADRIANNE TAWA AND HOLLY BARRICK TO THE ARTS RAP TAX BOARD; (C) LEAH BROWN TO THE LIBRARY BOARD: Mayor – Ken Beazer to Airport Advisory Board. Ken is a native of Utah and earned an AA Degree from Snow College, BA Weber State and Master's Degree from Washington State University. He is currently the Director of Intercollegiate Athletics at SUU. Since Ken's arrival in Cedar City he has worked closely with the

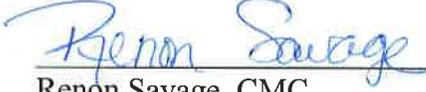
airport when scheduling flights for SUU's football team, and has become familiar with the Cedar City Airport and its operations. He and his wife Cydnee have 4 children.

Adrienne Tawa and Holly Barrick to Arts RAP Tax. Holly has been performing since she was very young. She graduated magna cum laude with her bachelor's degree from Utah Valley University. She has been in, and directed over 30 musicals and plays. She has won several state awards for singing and theater. When she isn't teaching, she enjoys hanging out with her husband and three children.

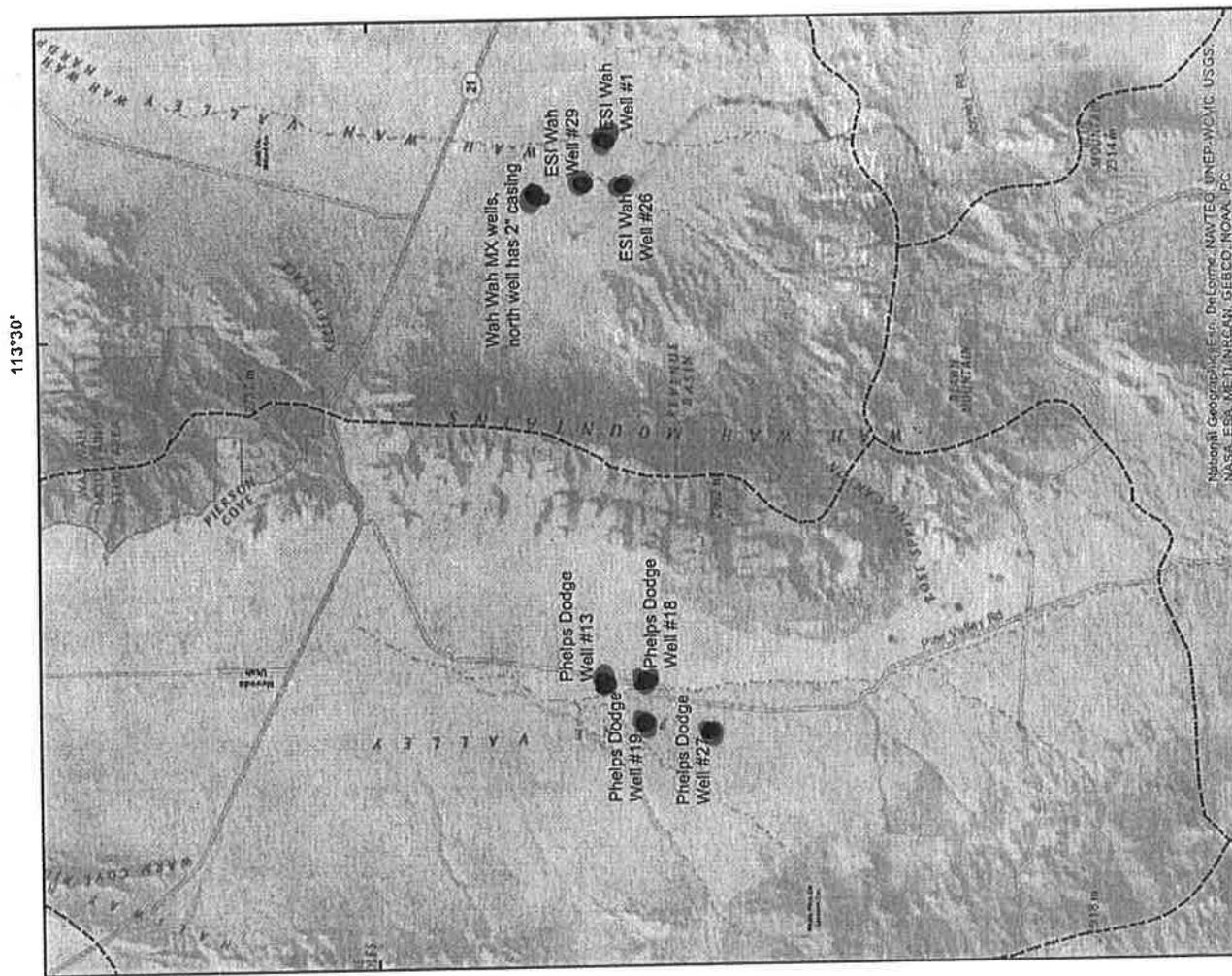
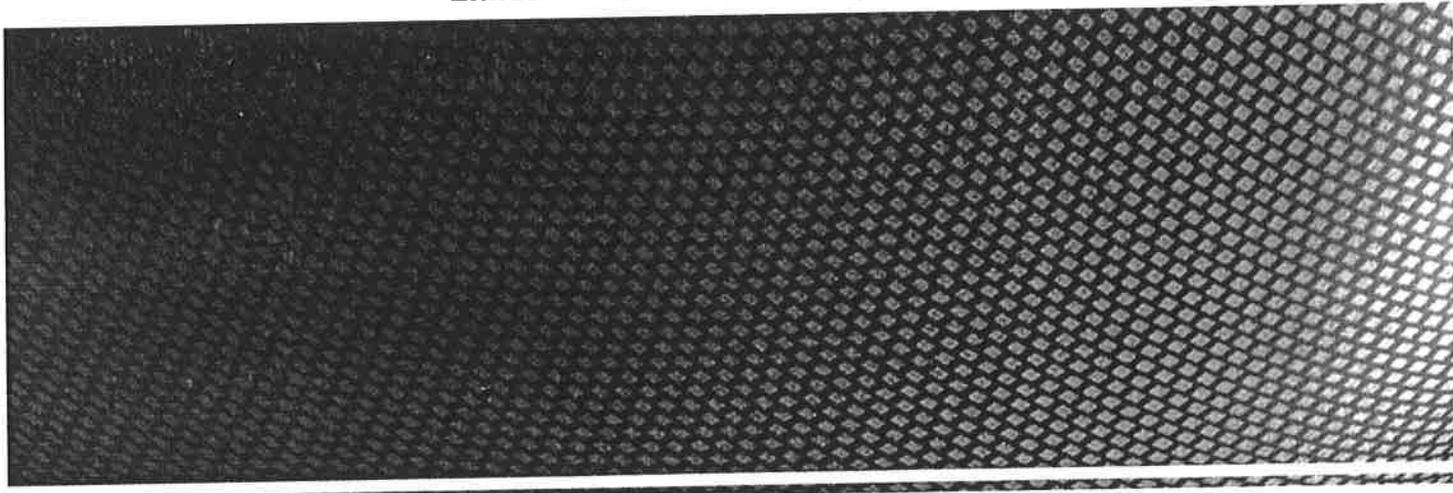
Adrienne graduated from SUU with degrees in music and education. She has been the choir director at CVHS for 13 years and has been heavily involved in many community musical programs. She has won several state awards for choir direction and musical education. Adrienne is married with one daughter who is currently attending SUU.

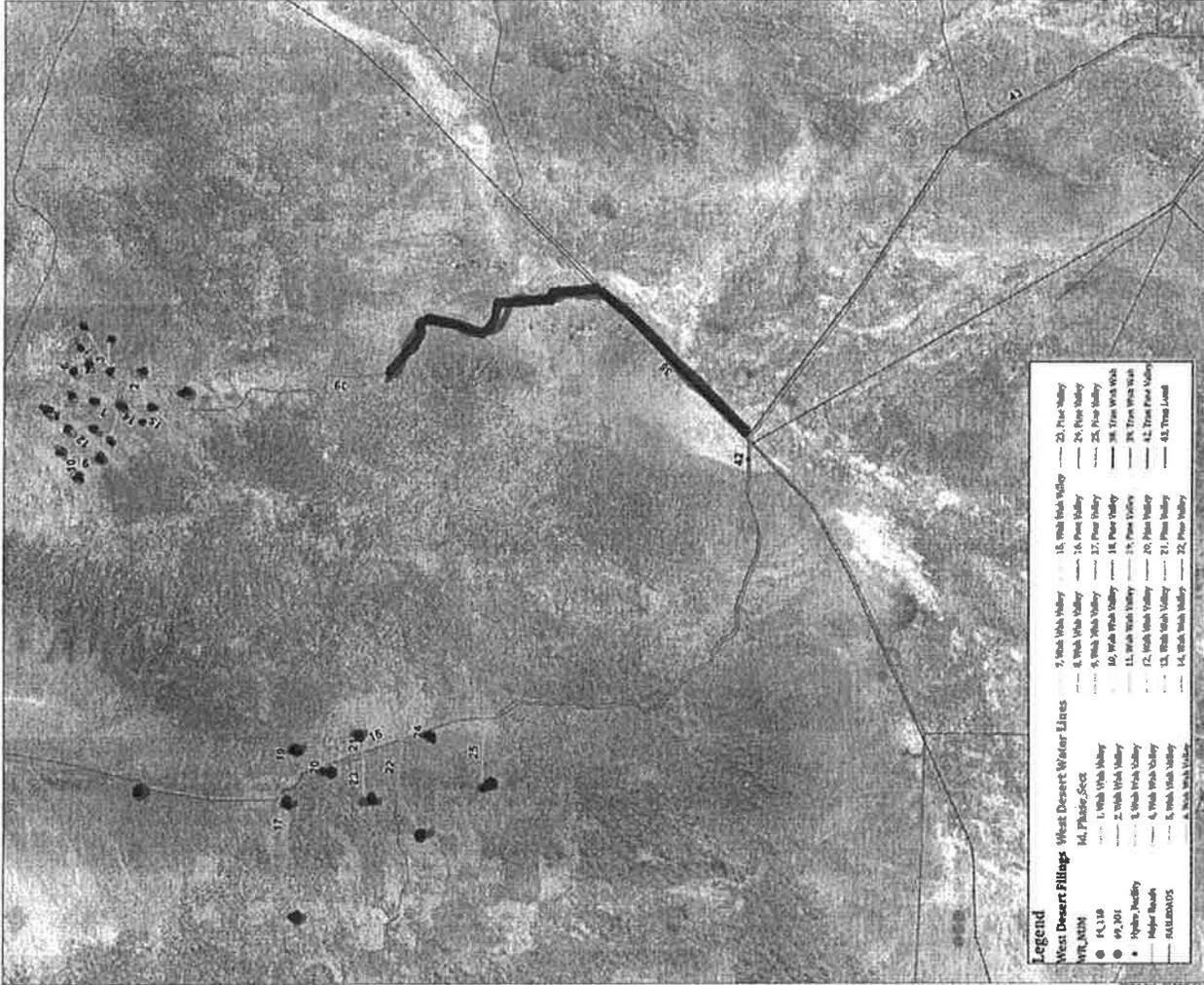
Library Board, Leah Brown. Leah was born in CC to York and Evelyn Jones. She graduated from Cedar High and Southern Utah University, majoring in math and dance. She is currently self employed as a cello teacher and enjoys playing with the Orchestra of Southern Utah, and the Quartet of Southern Utah. Leah is married to Scott H. Brown and is the mother of 6 children. Consent.

ADJOURN: Councilmember Black moved to adjourn and move into the RDA meeting at 7:02 p.m.; second by Councilmember Marchant; vote unanimous.



Renon Savage, CMC
City Recorder





Legend

West Desert Filings	1. With Wash Valley	15. With Wash Valley	21. Pine Valley
WTR_NDM	2. With Wash Valley	16. Pine Valley	22. Pine Valley
● FC 119	3. With Wash Valley	17. Pine Valley	23. Pine Valley
● 49, 301	4. With Wash Valley	18. Pine Valley	24. Pine Valley
● Hydro Facility	5. With Wash Valley	19. Pine Valley	25. Pine Valley
Major Road	6. With Wash Valley	20. Pine Valley	26. Pine Valley
RAILROADS	7. With Wash Valley	21. Pine Valley	27. Pine Valley
	8. With Wash Valley	22. Pine Valley	28. Pine Valley
	9. With Wash Valley	23. Pine Valley	29. Pine Valley
	10. With Wash Valley	24. Pine Valley	30. Pine Valley
	11. With Wash Valley	25. Pine Valley	31. Pine Valley
	12. With Wash Valley	26. Pine Valley	32. Pine Valley
	13. With Wash Valley	27. Pine Valley	
	14. With Wash Valley	28. Pine Valley	



CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT

EXHIBIT B

SUBMITTAL DATE: JUNE 2010

