

COUNCIL MINUTES
FEBRUARY 19, 2014

The City Council held a meeting on Wednesday, February 19, 2014, 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; Fred Rowley; 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; Public Works Director Ryan Marshall; HR Specialist Natasha Hirschi; Airport Manager Russ Volk.

OTHERS PRESENT: Betsy Carlile, Karlee Hirschi, Tom Jett, Colleen Fitzgerald, Linda Wilson, Terry Irons, Jerry Roe, William Heaton, Gabe Amankwa, Shay Bauman, Chuck Taylor.

CALL TO ORDER: Pastor Akins of Cedar City Four Square Church gave the opening prayer; the pledge of allegiance was led by Councilmember Black.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■ Cozzens – I took a few pictures regarding Stone Castle Recycling, I sat at my desk watching plastic bags blow all over the City. I realize there are issues with permitting. I am worried about a fire. They have a large pile of cardboard and recycled material, trash was blowing everywhere. I hope they get it bailed and out of there soon. Rick – they hope to have power tomorrow to start bailing. Chief Irons – we went down a week ago and had the same concern. They told us because they could not get a permit for power. We were also concerned about the fire; they will put the cement wall back up. Rowley – why are they accepting it if they don't have power? Rick – bins are still there, and there is one issue to take through the change process, years ago we asked that all bins be enclosed. We will do a text amendment that some recycle bins don't need to be enclosed. Areas where they are storing need to be enclosed, they are in the process of getting a structure to enclose the items. Chief Irons – they had something in the building that caused the original fire, they say it is rotated in three days. Rick – they are bringing in additional bailers and should be able to get on this immediately, hopefully tomorrow. Black – how did they get this far without permitting? Rick – the bins were there when SURE was there and it was permitted. They are now storing some outside and we have to make them fit our ordinance, but they still kept the bins outside. They were confident that within 45-60 days everything would be bailed and hauled. Black & Rowley – they need to stop accepting until they are caught up. Black – 45-to 60 days seems astronomical. Rick – they will start bailing as soon as they have bailers, they said they

will have most of it bailed and gone within 30 days. ■Cozzens – I noticed Cal Kahler passed away; I want to publically acknowledge him and the work he did for our community with water. ■Cozzens – I got a text from Dave Nakken and he appreciated the amendment to the purchasing policy. He also noted that they bid three vans for the University and beat the state bid by \$50.

PUBLIC COMMENTS: ■Colleen Fitzgerald, I had a dangerous encounter with two Police Officers, Sgt. Barney and Cpl. Suttlemyre, they refused to diffuse a situation and instead escalated the situation. It is important and possible that the same officers violated laws, statutes regarding misquoting a citizen, constitutional rights, and yelling obscenities. It is a citizen's right to not be yelled at and not have their statements falsified and I have concerns about victim rights. I want help from the City Council. I would like an action on what you will decide, if you need anything more I would be happy to provide more information as needed. Rowley – are you only here temporarily? Colleen – I am considering settling here. Black – can you leave your name and address with the City Manager. Colleen – will you get back to me on what action will be taken? Rick – Ms. Fitzgerald did speak with Randall McUne and shared her experiences with him, I will meet with him and get back with Ms. Fitzgerald. Ms. Fitzgerald – I would like more action taken. Rowley – were there any others involved? Ms. Fitzgerald – there may have been others that witnessed the situation. Rick – there were witnesses that gave statements.

CONSIDER A RAW LAND LEASE AT THE AIRPORT – DAN & GLORIA

JONES/RUSS VOLK: Russ – I need to fix a date in the lease, it will be 1 Feb., 2034 in the document and we are still waiting for a legal description from the surveyor. In the north portion of the airport is two taxilanes put in with buildable lots, they are available for lease. We have an existing structure planned by Clayton Cheney. Dan and Gloria Jones 2107 West for a 60 X 60 hangar and would like to execute a lease to build a hangar for their private airplane. They reside in Aurora, Colorado. They came 3 years ago to attend Shakespeare Festival and loved it and want to move here in the summer. The Airport Board approved the lease. Gloria indicated that they have purchased a home and will move here in June. Rowley \$834 per year is the lease amount? Russ – correct. At the end of the lease, maximum of 45 years, the City has the right to take possession of the building. Paul – or we re-up the lease. Rowley – that is less than a storage unit. Marchant – but you are limited on what you can put in the unit, it has to be airport related. Russ – I would have loved to have a higher rate about a year ago. The Cedar City Airport rates have been extremely low for a long time and we are gradually working them up. At the present time this is the approved lease rate approved by the City Council. Action.

CONSIDER AN AGREEMENT WITH WORKFORCE SERVICES TO ALLOW ADULT AND YOUTH PAID INTERNSHIPS, UNPAID INTERNSHIPS, AND ON THE JOB TRAINING PROGRAMS – NATASHA HIRSCHI:

Natasha - This is an agreement I bring to you each year. It is to allow individuals to work for us to pay for their welfare benefits, we don't pay them, they are paid by Workforce Services. We use them in a number of areas as janitorial staff. We have youth paid internship; we pay but

are reimbursed by Workforce Services plus a \$150 per month administration fee. These are 90 day programs, after 90 days they have to be moved to a different job. Nothing changed on the contract other than a few clarification words. Black – how many did we have on the program last year? Natasha – 5 or 6 on the paid; the unpaid ones vary. Consent.

CONSIDER A RESOLUTION MAKING CHANGES TO THE AIRPORT RATE AND FEE SCHEDULE – RUSS VOLK:

Russ – this topic has gone on for about 4 months with the Airport Board as well as with City Management. We are attempting to establish a rate structure for a type of commercial operator, in this case flight schools. The helicopter flight school brought this on. We use rates and fees to fund the Airport, and in many cases the commercial operator benefits from the Airport by running a for profit business, such as SkyWest, FedEx, UPS, Charter, etc. All users participate in the operation and maintenance. We have been through several discussions, never to a complete consensus on where to start. Part of the proposal was recommended by Upper Limit, some by City and Airport Board. Flight Schools should help contribute to the operation and maintenance. Because they wanted to go to a flat rate schedule because it is difficult to track the landings. In addition they were not sure what they would have based here, they started with 4 or 5 helicopters, and now have about 15. The Airport Board wants to readdress in April to see if I can calculate their cost of being here to see if we need to lower or higher the fee. The purpose is to establish a rate fee and make it retroactive to September 1, 2013. Rowley – why helicopter rate so much higher than fixed wing? Russ – they can track landings on a fixed plane where they find it too cumbersome to do so on the helicopters. They also have skids on the landing, sliding down the taxiway; they do it through a variety of means. Rowley – they take off by the hangar and it is \$7.50 each time they take off. Do skids damage more than a rubber wheel plane? Russ – yes. There has been discussion that all operators do a flat rate, you might see a different proposal in April after Airport Board discusses it. Marchant – this is to establish a base line, there was nothing to base it on in the past. Part of the agreement is that it be reviewed on a regular basis, it was agreed to do it quarterly, that doesn't mean things will be changed, only that it will be reviewed. There are also other things being explored to deal with the issues. This particular thing is in agreement with Upper Limit and they suggested the amount of \$1250. Rowley – did you have a unanimous Airport Board on this? Some think it is unfair to the Helicopter School. Marchant – this is their figure. Does it cause heartburn, absolutely. There are some still examining different options. Rowley – this is reviewed quarterly? Marchant – that is part of the agreement. Russ – we will at least review in April after seeing the impact to the Airport. There is not total agreement with the Airport Board on any rate structures. The Board did recommend moving forward with the \$1250 flat rate or \$7.50 per landing. There was also internal discussion with City Management on what is presented. Black – how much modification will you see when they move to the “Y”? Russ – they will still use the Airport, they will have to use the traffic patterns over a paved surface. Rowley – I can work to get the raw land increased in April. Russ – an increase is in my proposed budget. St. George is \$0.18, ours is \$0.09. St. George has built in increases. Under our model, some 20 year old leases it is unbelievable what we collect. Even if you take it to \$1 a square foot, until someone leases a new space you are not increasing any ones rent.

Some have a locked in rate for 45 years. A lot of people don't understand that if the rate increases it is not experienced until there is a new lease. The fuel storage fee is a set rate until the agreement is reviewed. Rowley – the other thing is that it is retroactive to 1 Sept, is that just Upper Limit? Russ – yes and they agreed to that. Action.

CONSIDER A COOPERATIVE AGREEMENT WITH THE CEDAR CITY/IRON COUNTY TOURISM BUREAU FOR A \$9,300 GRANT – DAN RODGERSON:

Dan – two years in a row we have applied for Restaurant grant for the Golf Course. The same funding source we applied for at Cross Hollows to get more stalls and new speakers, this has been a good source of income. Marchant – this is for the Golf Course? Dan – yes, we also had money in the past two budgets, the project is getting to be about a \$45,000 project. The good thing is they are doing a lot in trade and in house so they are getting a lot for their money. Consent.

Dan – just as an FYI, the U of U will rent the Ice Rink tomorrow from 6:30 – 7:30 p.m., they are on their way to a conference in Arizona. They did beat BYU 13-0.

Rowley – are they having a hard time keeping the ice frozen? Dan – we had a power outage for 1.5 hours today and were sweating bullets. Cozzens – they thought they had a thermostat on the chillers but they don't. If they did the power bill would be less, but they are still within their projected budget.

CONSIDER A MOU WITH THE UTAH ATTORNEY GENERAL'S INTERNET CRIMES AGAINST CHILDREN INVESTIGATIVE DIVISION – CHIEF

ALLINSON: Chief – one challenge is cybercrimes, one area we are having a problem with is the enticement of our children. The Attorney General's (AG) office is part of the Federally Funded task force. You can have a perpetrator here and victim somewhere else and vice versa. This gives us resources to the investigators and takes advantage of the federal money for equipment and training. We would like authorization for the Mayor to sign. There were a few changes after Paul reviewed. It is a great program and a benefit to the residents and our department. Rowley – our officers will only be involved if it is a Cedar City resident. Chief – they could help in Enoch or Washington County. We don't see it very often. We already do this, but we are not a part of the program. The other obligation is we have to provide a monthly report. Marchant – how surprised would we be if we knew how much was going on? Chief – not only that, but it is what we don't know about. It is a major problem. This is a model program throughout the nation and very well run. Rowley – officers will sometimes be on the internet? Chief – very limited because of our manpower, but the AG's office does. Rowley – you get involved once someone is identified? Chief – yes and do follow up. We get a significant number of child pornography. Consent.

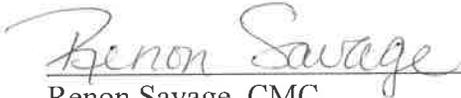
CONSIDER CHANGES TO THE ANIMAL CONTROL ORDINANCE TO ALLOW CAT FOSTER CARE PROGRAM – CHIEF ALLINSON:

Chief – we had a resident ask about a cat foster care program to take them out of the shelter to socialize with them to make them more adoptable. She has come to Project Review to do this. I have made changes. Our animal shelter is not conducive to bring your family in to adopt.

We can send people to her house to see the cats and make them adoptable. It is a good program. Rowley – this would not be to adopt a feral cat? Chief – we get some cats that are not adoptable. Some are abandoned, lost and not recovered and they are adoptable. The kittens are more adoptable. We do work with Pet Sense to adopt out cats. Black – are we talking up to two litters in addition to the number? Chief – yes, it falls in with our current ordinance. Adams – is this the same lady that came in and talked with us. Rowley – will this be well controlled, how many cats does she already have? Chief – she can only have two. We don't want everyone to have a program, we will do inspections. Black – is there a timeframe to keep them for adoption before they come back? Chief – we didn't specify because it may take some longer to get them to socialize. Marchant – I am assuming a feral cat is a wild cat? Chief – yes, one that is born in the wild, out in the fields. The Animal Control Officers (ACO) have training to do testing to see if they are adoptable. Rowley – when someone adopts to they need to be spayed or neutered and what is the adoption fee? Chief – there is an adoption fee, but I am not sure what it is. They spay or neuter and they put a deposit that is refundable when that is done. Black – the adoption process goes through your office? Chief – yes. Rowley – will this add a lot of burden or will it work better for ACO? Chief – it will be more work, but it will make a better Animal Control Division. We will start with one program and see how it goes. Rowley – who pays for the food? Chief – the person running the program, it is the responsibility of the person. Action.

Paul – the cat adoption fee is \$10.

ADJOURN: Councilmember Black moved to adjourn at 6:26 p.m.; second by Councilmember Cozzens; vote unanimous.


Renon Savage, CMC
City Recorder

