

**COUNCIL WORK MINUTES**  
**JANUARY 4, 2017**

The City Council held a meeting on Wednesday, January 4, 2017, 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; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Darin Adams; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Leisure Services/Events Director Bryan Dangerfield.

**OTHERS PRESENT:** Heidi Miller, Cindy Cluett, Kevin Davis, Arlo Fawson, Holly Coombs, Tim Watson, Tom Jett, Tracie Sullivan.

**CALL TO ORDER:** Pastor Carroll of Calvary Chapel gave the invocation; the pledge was led by Councilmember Rowley.

**AGENDA ORDER APPROVAL:** Mayor – we need to table item #4. Councilmember Cozzens moved to approve the agenda order for both meetings with the said change; second by Councilmember Hartley; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF**

**COMMENTS:** ■Rowley – I went to Escalante Valley Elementary and I saw track hoes working on our water project. ■Hartley – Chamber banquet on January 19<sup>th</sup>, a City employee will be awarded there, Chief Phillips is the Man of the Year. ■Bryan Dangerfield, Leisure Services – next Tuesday the master plan survey results will be done. We will keep the survey up for another month. We had great comments and suggestions. Jan 10<sup>th</sup>, 6:30 – 8:00 in the Explorers Room at Heritage Center there will be a town hall meeting where people will be able to make comments, we will see what the consultant says to do over the next 5, 10 and 20 years. To have 1,000 comments on the survey is prenominal. ■Chief Adams - we had a burglary at the Airport. We thought there may have been some terrorism. Through social media we put footage out and identified a suspect and found the person in northern Iron County, it was not terrorism. The person has a history of going into the ladies' bathrooms and waiting for someone to come. He did that and waited too long and was unable to get out. We recovered all items and he was arrested. We discussed a security fence and we have been in discussion with the FAA. ■Kit Wareham – a month or so ago there was a comment about left turn phase at Providence Center Drive. UDOT did a traffic study and the phase is warranted. It is our signal light, we will be responsible to provide new equipment and changes in the control box, UDOT will install and program everything. We are probably 4-6 weeks away. We have also asked for a similar study on the North Interchange. Adams – is it all 4 directions? Kit – no just Cross Hollow Road. Adams – where you extended the no

parking red zone by Wal-Mart, there have been trucks parking there over the holidays. Chief Adams – they have been vigilant and we will keep an eye on it. Cozzens – I had a call from Eric Tait by North Elementary, there is a box truck parked to the line and people can't see to get out. Paul – I talked with Hunter Shaheen at the School District and he will talk with them. Rowley – does the area by the USA gas station not cause a problem like the western entrance at Wal-Mart? Chief Adams – we have not had any calls. There is a double yellow so it is not allowed although people do it anyway. ■ Mayor – thanks to the Parks and Public Works staff for all their work over the Holidays.

**PUBLIC COMMENTS:** there were no comments.

**PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT**

**(CDBG) 2017:** City Manager Paul Bittmenn – through Five County Association of Governments we can apply for CDBG money and community impact grants and loans. You have to hold a public hearing. The Housing Authority has some requests for funding. Some of the things the city has on its list are Heidi's list, animal shelter, funding to replace and repair water and sewer lines and fire department equipment and supplies, Wastewater to upgrade the camera trucks. Isom – this is preliminary? Paul – you have to have stuff on the list before you can ask for money. There will be things on the list we will not ask for.

Mayor Wilson opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2017 grant year for Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The Five County Association of Governments, in which Cedar City is a member, is expecting to receive approximately \$780,000 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Mayor Wilson read several of the eligible activities listed including examples, such as Construction of public works and facilities, e.g., water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation or down payment assistance for low income homeowners. Mayor Wilson indicated that in the past Cedar City Corporation has received 12 CDBG grants that have assisted in providing nearly 100 Low income Housing units, Crisis Shelter, Local Food Pantry and Shelters. The City briefly reviewed its capital investment plan as part of the regional "Consolidated Plan". This list shows which projects the city has identified as being needed in the community. It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

Comments- Heidi Miller of the Cedar City Housing Authority indicated that they would like to purchase, acquire and rehab low income housing. Rowley – how many did we

rehab last year? Heidi – approximately 90 units. We have deadlines, CDBG, if we can't rank high enough with other funding, lack of certain population within our boundaries spills over into other grants. We ended up purchasing 2 units and provided rehab on units we already own. We try to keep rents as low as possible. Fences that were deteriorated, shingles on two buildings with 11 units each, put yards in on some units. We picked out our most needed repairs. It makes a huge difference. Small housing authorities have a hard time getting things going because we don't have a lot of money. All our units start with the CDBG. The money comes from the Department of Housing and Urban Development, it goes to the State and then is broken up by the AOG. It is competitive between Cedar City, Iron County, Beaver, etc. Hartley – who makes the decision? Heidi – they are rated and ranked and then the decision is made by Five County AOG Board made up by people within every county. The items are reviewed and scored. Rowley – the dog pound is on the list? Paul – we added it but we don't think it will rank high enough, it may rank higher for CIB money. Heidi – if we don't have a buy in that the City is supportive of low income housing, they want to know I am not doing things contrary to what the City wants. A lot of the list does not qualify for CDBG but does for other funding. Rowley – would presidential election make a difference in the money? Heidi – not the CDBG money, it would be more money handed to the State and they can make the decision for the local funding. Other things they look at are time limits, they also will target groups. It could be more of a restructure of the funds.

Mrs. Heidi Miller indicated that she had reviewed the policy manual and that she believes Low Income Housing is eligible and that she would like submit an application for the acquisition and possible rehabilitation of Low Income Housing.

Mayor Wilson then asked if there were any other suggestions? With no other comments, the hearing was closed.

**CONSIDER ACCEPTING OR REJECTING THE PETITION TO ANNEX  
APPROXIMATELY 37.04 ACRES OF LAND IN THE VICINITY OF 2000 WEST  
800 NORTH (NEW IFA WAREHOUSE). IFA/TYLER ROMERIL:**

Tyler – this is the new IFA Warehouse, I have looked at the paperwork, all the land owned in the area the owners have signed off in agreeance. The Council just needs to agree to move forward with the process. I have sent notice to the County and Planning Commission Chair. Isom – does the rest remain an island? Tyler – yes. Rowley – IFA is happy either way. Arlo Fawson – we are under construction with Iron County, but do have a road built to Cedar City standards. Paul – we entered a 3-way contract with the County and IFA a few months ago so they could start building during good weather, but knew annexation took some time. They agreed to build to City specs. Rowley – to this point they don't own the property? Paul – they own the majority of the property. Rowley – was there a water supply agreement? Paul – part of the agreement is they can use city water during the construction. Consent.

**PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM GENERAL  
COMMERCIAL (GC) TO MIXED USE (MU) ON PROPERTY LOCATED AT 414  
NORTH 400 WEST. WATSON ENGINEERING/KIT WAREHAM:**

Tim Watson –

They are asking for a rezone for final piece of a development. We rezoned a good chunk several months ago. The remaining parcel has been purchased and we want it all the same.

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

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CITY'S CURRENT ORDINANCE RELATED TO LOCATION OF COMMERCIAL COMMUNICATION FACILITIES. TYLER ROMERIL:** Tabled

**CONSIDER VICINITY PLAN FOR THE FAIRVIEW SUBDIVISION. KIT WAREHAM/TERRA LUCKY & DAVID CROWTHER:** Tim Watson – we are asking for vicinity plan for Fairview Subdivision, connecting street between Leigh Hill and the Cove. There are approved streets that dead end. Rowley – are they residential lots? Kit – R-1 lots, more than 10,000 square feet. Cozzens – why didn't this happen earlier? Tim – the landowner has passed away and his family is ready to get rid of the property. Connell Gower owns two lots and it will be part of this subdivision. They have talked about doing it in two phases. Rowley – is there an uptick in the building permits? Kit – we are putting together a quarterly report. Cozzens – it is a little misleading because the solar panels require a permit. Tim – we are ready to submit construction drawings this week so we can get moving on the project.

**PUBLIC HEARING TO CONSIDER COMMENTS RELATIVE TO THE REVISION OF THE 2016-2017 FISCAL YEAR BUDGET. JASON NORRIS:** Jason – we are doing the mid-year budget revision, our biggest revision. I have included the capital project list. There are over 100 items, but some are budgeted, and some are roll overs from last year. There are a few new requests that I will explain. Paul – do the prior year include RAP Tax? Jason – yes. When RAP tax assigns projects to the City it is not always reasonable to drop other projects to get the RAP tax projects done in 12 months. The projects on here are the projects already approved, but in various stages. The list includes all projects awarded in August as well. Paul – is it Parks and Rec projects that are extended? Jason – yes, we sometimes cannot negotiate property rights and rights of way so they sometimes fall through so they go to the next project on the list. Paul – some of the projects for RAP the Council can extend up to 3 years. We have talked with Bryan and will figure out where we need to go. Adams – did we talk if a capital project is abandoned; does the RAP have to decide how to reallocate? Yes. Jason – I can't think of a project we abandoned altogether, but if a project comes in under budget the money goes back to the RAP Committee for reallocation. Adams – I was thinking about a trails allocation. Paul – the reason we are asking to extend the life on trails, the last time they wanted to go south it didn't work out, so they can figure how much money they have and where to go with the future trails. Jason – I am hoping the master plan will show where we need to go in the future. Mayor – will you talk with the trails committee about identifying a priority of where they want to go next, possibly the top 3 to 5 trails.

Jason – new items for funding.

1. Carpet for Heritage Center/Festival Hall (\$35,000) the County has a portion to fund as well.
2. Golf Course had to connect the restroom to a sewer line, it has been down a long time, and the best option was to connect it was \$7,000 want it out of capital improvement fund.
3. Fund 40, we got a Federal Grant for the Coal Creek project, it is a \$2 million project
4. Fund 49 we are requesting up to \$100,000 from capital improvement fund to have an architect design an animal shelter. Mayor – we used the estimate that was used for the cemetery building. The Police Department has been working on this, we toured other facilities and asked what they would have done different when building. Rowley – have we talked with the University? Mayor – yes, it is not something they could do.

Jason - operational items, we have adjustments on revenue and expense. In administrative there are increases and decreased in Legal. We moved Human Resources and Recorder under the Administration and out of legal so the funding was moved, it leaves Attorney, Assistant Attorney and administrative assistant in Legal. We increased salary of Assistant City Attorney which is netted in those numbers. Police Department, we increased training by \$500 because of turnover. Fire Department we had a few grants the Chief Phillips was awarded and earned \$90,000 with fire crews fighting fires, that will be discussed later on the agenda. We are covering payroll and operating. Streets and Highways we had a street light damaged \$23,000, but it has been reimbursed. Kit – that was a signal light damaged. Engineering we increased professional services. The Aquatic Center we have had problems with roof HVAC cooler, it was \$27,000 to have that rebuilt, that was out of capital improvement fund. Rowley – do we have an aquatic fund to build up for future? Jason – yes, I have a goal to get \$400,000 - \$500,000, we are about \$200,000 now, that is for future maintenance. Golf Course we are requesting a new position for an Assistant Golf Superintendent, the position would be funded from the General fund.

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

**CONSIDER SELLING PROPERTY LOCATED AT CROSS HOLLOW ROAD AND SR-56, SOUTHEAST CORNER. TYLER ROMERIL:**

Tyler – on October 26<sup>th</sup> this property came to council that Amerigas was interested. Kit put it out for appraisal it came back at about \$60,000. Does the Council want to sell it, if so we will put it to the bidding process? Cozzens – how large is the parcel? Kit – just under ½ acre. We bought the property in 2003, it has gone up about 1/3 in price since that time. The appraisal was done by McConkie in St. George. Adams – that doesn't change the sign does it? Paul – no, it is on the other side of the track. Hartley – were there any comps? Paul – yes, about 6 – 8. We will send out the appraisal to you. Isom – do you see any future uses for the property for the City? No. Rowley – if we trade would we have to go through the public process? Paul – yes you would have to go through the public process. That is the purpose of the RFP. We dispose of property publically. Rowley – if we said we want

this property and no one else could offer. Paul – you could use the money to buy the other piece.

Kevin Davis – how large is the parcel? Paul – around ½ acre. Action.

**CONSIDER LINE OF DUTY DEATH BENEFIT FOR POLICE OFFICERS AND FIRE FIGHTERS. CHIEF ADAMS & CHIEF PHILLIPS:** Chief Adams and Chief Phillips – HB 220. Mike – this was passed in July 2015, required public safety employees to have a death benefit if killed in the line of duty. This can be from exposure to hazmat or drugs. This is to cover health care for the spouse to age 64 and kids to age 26. The State has a trust fund that we can participate in, we are liable for the first 24 months. With 36 officers and 12 fire fighters is just shy of \$12,000. We should be able to cover this for the line item in fire budget, but not police. We are required to have a paper signed to the state by March 31<sup>st</sup> and the money due by June 30<sup>th</sup>. Adams – this lists fire and police, what if Kit is out inspecting something and rabid citizen guns him down, what is considered line of duty? Mayor – this law is just police and fire. Adams – this comes from years ago of an incident. What if a shooter came into the City Office and gets some of our employees? Mayor – under State law there is this one. Natasha Hirschi, HR – we do provide life insurance and accidental death and dismemberment. This would not cover to 65, but would help some. We also provide long term disability. Adams – it just seems more of an issue as time goes on. Hartley – how is it funded? Mike – it is backed by the State of Utah. Rowley – why on the hook for the first two years, they think it is to help build up the fund. Consent.

**CONSIDER A RESOLUTION AMENDING THE PERSONNEL POLICY. NATASHA HIRSCHI:** Natasha – we have a few changes, first 7.2.3, when we did compensation study we changed reclassification clarification. 7.11 on call compensation policy proposing. We have different departments doing different things. We want to make it consistent. I reached out to 20 – 30 cities and this is an in between policy, employee required be on call 1 hour on week day and 1.5 hours for each weekend day or holiday. If they are called out it falls under the call back policy. 2.4, pregnancy light duty policy, there is a pregnancy act, this is to accommodate during pregnancy, and still follow FMLA. We don't have employees in the police and fire working but could in the future. 8.11.7, language, we missed an area when we changed the policy previously. Mayor – with the on-call, all department heads and divisions and employees have been informed so all employees get fair treatment. Action.

**CONSIDER AN ORDINANCE AMENDING CEDAR CITY'S NUISANCE ORDINANCE TO BROADEN THE DEFINITION OF NOXIOUS WEEDS, AMEND HOW RESTITUTION PAYMENTS ARE RECEIVED, AND TO ALIGN THE ORDINANCE WITH THE UPDATED UTAH STATE CODE. TYLER ROMERIL:** Tyler – a few months ago I met with Sgt. Womack and Officer Carpenter to discuss issues with enforcing nuisance laws. The State code had been repealed and changed since the City ordinance, so that was updated. You really need a botany degree to know the noxious weeds. We put in a height requirement of 10 inches so law enforcement and public could have a clear definition. The last addition, in talking with

Sgt. Womack, there is an account to use to abate the weeds, if we deal with it criminally we can use the fines to replenish that fund. Rowley – are we going to address it more aggressively? Tyler – it will make it easier for them to go after it. Rowley – what do you do with a nice neighborhood and one with a lawn full of dandelions that blow onto other yards. Is that dealt with? No. Adams – what about sage brush? Tyler – if it is above the 10 inches it would be against the ordinance. Cozzens – I think we need to be careful. Paul – there was a provision if it is undeveloped land the nuisance ordinance does not comply. Adams – what about a single lot between homes? Paul – not developed. Rowley – for those that disc their property every year it allows more noxious weeds. Tyler – I said 10 inches, but we did say 8 inches. Paul – there are parameters the police department work within. Rowley – they know it when they see it. Tyler – they have their discretion. Action.

**CONSIDER A RESOLUTION RELATED TO DEPARTMENTAL USE OF EARNED REVENUE:**

Paul – this comes from Chief Phillips fighting wildfires outside of town. This allows the window for every other general fund and special revenue fund the City has, not knowing if anyone else could take advantage of it or not. We would pay the city back for its costs. Mike sent crews out and reimbursed his line items for personnel and equipment and then there is revenue above that. It walks the line between restricting it permanently and it doesn't say you cannot look at the money if time gets tough, it may not go toward what he was going to use it for. Isom – I would like to see what has been generated and keep track of that for the departments to utilize the assets. Paul – we can add a paragraph about tracking through the budget process. Isom – I encourage the Chief to use this asset. Rowley – the entire city helps the chief do what he does so I think some should go back to the general fund, if it is 20%. We have Kit saving us money by not using an outside engineer. Mayor – they have to use a business plan and have it reviewed by Council. Cozzens – is it earmarked in the general fund? Jason – we will transfer it to the capital improvement fund and I track it within that for fire and if they want to use the money it would come to the City Council. Paul – it would be like going through the budget process to use the money. Mike Phillips – in this year's budget we have had expensive repairs, based on our business plan we pushed \$6,800 back into the line items from the money we earned. We made about \$96,000 after expenses \$66,000, \$33,000 went into capital fund and the rest went into the business plan. Jason – one thing that could happen, there might be a piece of equipment that Cedar City does not need so shouldn't be purchased by our taxpayers, but could be purchased with these funds and they could use it to earn more money. Isom – you have a minimum requirement to be part of the supplemental fire suppression? Mike – yes, we have minimum standards for the equipment on our trucks as well as training. We made \$25,000 on the fire south of town. Paul – we will add something about the tracking and change one item to include the volunteers.

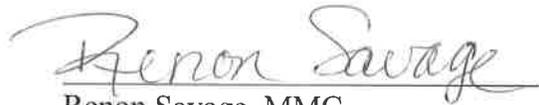
Tom Jett – in the government funds are they restricted funds or is it at the discretion of the City staff when it reaches a certain level. Paul – operations in the general fund or special revenue funds. We are trying to put it away for the fire department, but if we have a recession the money may have to be used for operation. Tom – I was talking like impact fees. Paul – these are unrestricted funds. Jason – we can do what we want with

them, but we are putting our own guidelines on them. Tom – I encourage these types of programs.

Hartley – when you are calculating the expenses, are you calculating wear and tear on the equipment? Jason – yes, we will restore any harm done to taxpayer equipment, personnel, etc. there is a formula to calculate depreciation on the equipment. We usually don't have wear and tear; it is more gaskets for non-use which is good. Action.

**CONSIDER COMMITTEE APPOINTMENTS. MAYOR WILSON:** Mayor Wilson – Allison Bulloch to the CATS board to replace Danny Cowan. Allison has replaced Danny when he retired from the School District bus garage. I am recommending Dane Leavitt to be appointed to the Historic Downtown Economic Development Committee to replace Dave Nakken for the time. They are both excited to be involved in the committees. Consent.

**ADJOURN:** Councilmember Rowley moved to adjourn and move into the RDA meeting at 7:10 p.m.; second by Councilmember Cozzens; vote unanimous.



Renon Savage, MMC  
City Recorder