

COUNCIL WORK MINUTES
FEBRUARY 17, 2016

The City Council held a meeting on Wednesday, February 17, 2016, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

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

EXCUSED: Councilmember Terri Hartley; City Manager Rick Holman.

STAFF PRESENT: City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Parks Superintendent Austin Bingham; Wastewater Superintendent Darrell Olmsted.

OTHERS PRESENT: Carin Miller, Nicole Shafer, Susan Tyner, Gene Erickson, Debra Bunting, Corey Baumgartner, Cindy Laffoon, Melodie Jett, Thomas Jett, Trenton Bolster, Breanna Downs, Natalie Smith, Braden Deschine, Michael Kastanes.

CALL TO ORDER: Pastor Jim from Sunrise Church gave the invocation; the pledge was led by Councilmember Isom.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Rowley, in the past the Library has had a passport series, Mr. Decker talked about it in the budget hearings. They will make it more available and it will be passport 2.0 with a short video. The Cemeteries of Iron County is the first one and it is on YouTube. ■Mayor – in the Mayor’s newsletter we are rotating with a different department each month. That will be in their article.

PUBLIC COMMENTS: ■Gene Erickson – I am new to Cedar and saddened by the number of deer on the side of the road killed. I am wondering if there is anything you can do. I live in Fiddlers Canyon and there are a lot from Brad’s north to the freeway. I would like to change the speed limit from 45 to 35 after dark. At 35 mph it takes 106 feet to stop, 161 feet from 45 mph. I think it is a shame that many are killed. Kit – the speed limits are set by UDOT, we can make a request. Gene – I have had experience with deer jumping out in front of me. ■Debra Bunting, Iron County School District and Utah Summer Games. Each year for Summer Games we put up the signs, a lot at SUU, but the one’s at the City Park, we always run into a problem. They are at the park for 1 week and then they go to the North Elementary fence. This year North Elementary will be under constructions and it will be a dirty mess. To take the signs down and move them is a lot of work. In years to come there will not be a fence on 200 North. A lot of signs are big

money signs; the sponsors put a lot of money into them. I understand the City does a lot for Summer Games. We were wondering if the City would consider letting the signs be on the park for two weeks and we will get them down. Austin – I don't think there is a problem as long as it is approved by the City Council. Mayor – just for a two week period. Debra – we would put them up Thursday or Friday of the Summer Games and we will take them down the Monday after the games. Rowley – what has to happen for that to be done? Paul – there is an ordinance about signs in the City Park. You shouldn't waive your ordinance. If the City is going to continue to waive it then it should be repealed. Short of that take a vote for them to do it.

UPDATE FROM THE SOUTHWEST WILDLIFE FOUNDATION. FRED

ROWLEY: Rowley – they are getting closer to put in a restroom at the trailhead. I think it would benefit the city to partner in this. A restroom would be a very nice thing. I asked them to come and see what we can do to get the project on the way.

Nicole Schafer, Secretary of the Southwest Wildlife Foundation (SWF) Board of Directors. You have a packet of information with the 501c3, deed, our budget as well as a sheet of benefits and concerns previously waived. Also included is the original RAP Tax application and 5 letters of recommendation and a map of the area. See the map attached Exhibit "A". The information destination trail head we will be updating the trailhead to make it ADA approved, two ADA parking spots and the restroom, two ADA approved, and in the center is a utility room that will house educational kits that will be used by the volunteer teachers and the schools who use it as an outdoor classroom. There will be 8 panels with information about our partners and about the nature park. We have accumulated \$75,000 toward the project, working on additional \$63,000+ to complete the project. Some of the concerns previously brought up were the trash; a receptacle was overflowing and unsightly. We found that people traveling up HWY 14 were using it to clean out their cars. We put it across by the trail so that has remedied that problem. We have also put on new lids to keep snow, rain out and the trash in. When the trailhead is built we will have representatives there daily so the garbage would be monitored daily. Who will maintain the facility, because the trail is used year round we will leave the restrooms open, it will be locked at night and reopened in the morning and be cleaned. We will have educators there frequently in the spring, summer and fall. We have also discussed hiring part-time employees to help maintain the facility. There was a concern about qualifying for RAP Tax funding. To elevate that concern I have provided the 501c3 status as a public foundation. In past years the City Council has assisted us with funds from RAP Tax for the pedestrian bridge. Cozzens – who owns the bridge? Nicole – SWF owns the bridge. There is a group, a school in Nevada who brings their students to visit and have outdoor programs. In the past the Bird of Prey Program has traveled to them, they want to come here this year, three groups of 100. It is exciting to bring more people to the area. We would like to ask that the Council reconsider if there are any funds available, RAP Tax or another means for funding that you could consider to help get this project completed by this year.

Rowley – this is synonymous with Tour of Utah and Summer Games, it would create an anchor and could bring tourists off the freeway to look at the nature park. I would like us

to find some method to help them. Cozzens – when we talked before there was interest with local contractors to help donate to a leach field, I could help with that more. That will help some. Rowley – a big hurdle is the fact that they need permission from the State Health Department to see if a leach field will be permitted. Nicole – the company helping us said we should have that aback by the end of the month. Mayor –as far as the maintenance of the restroom facilities, would you be providing all of the supplies? Nichole – yes, it will have all the tools to maintain, it will have an ATV for snow removal and supplies. Cozzens – what is your experience with a leach field that close to the creek? Kit – I don't have any experience with one that close. Mayor – there is no RAP Tax money left for this year, you could apply this year. We don't just have money in an account somewhere. The best thing now that the questions are answered would be to go through the RAP process for the upcoming year? Nichole – when would funding be available? Paul – it is available in August and then you have one year to spend the money. You will need the Division of Water Quality permit. As far as eligibility, the letter does not cover my concerns; it is for publically owned recreational facility. There are opportunities to enter a contract with the City if the City and SWL wants to do that. The IRS ruling has tax purposes, but does not change the company that owns SWF. Rowley – how do we fund USG? Paul – that is TRT money, not RAP. Rowley – there was a year that RAP Tax board gave money. Paul – I advise the boards, you can make the decision from there. I think we gave money for the bridge because they kept it open for people to cross to the trail, but I am not sure. If you want to look at TRT funding, it can be spent on anything you spend general fund money on. Rowley – when is TRT money available? Mayor – that money is approved with the budget. Paul – that funding doesn't have the one year spending deadline. Isom – where are you with Iron County? Nicole – I am meeting with them on Monday. Paul – with TRT funds they are budgeted in late June, but can't spend them until the money is in the City coffers. Don't operate under the notion that the money is available in July.

REVIEW THE MUNICIPAL WASTEWATER PLANNING PROGRAM (MWPP).

DARRELL OLMSTED: Darrell – every year the State sends out a Municipal Wastewater Planning Program to fill out and return to the State, as part of that we have to have a resolution, based on the answers to the questionnaire you get a point value and the State lets you know how you are doing. A low point value is good. Rowley – it is a nice report, you run a tight ship out there. Darrell – we enjoy our job. Rowley – the handbook update. Darrell – the equipment and manuals are old, but with the construction and modification we have new operation and modification books giving us a 0. We got through the year without any problems, last year we ran over capacity. Cozzens – is the nitrate leveled out? Darrell – yes, we were between 17-20 mg, with the update we are between 2-4 mg per liter when warm, 6-8 in cool weather. The State will instate a 10. In the winter we increase the micro population. Rowley – do they nick us for giving away the bio solids? Darrell – no, you can get 0 if you take it to the landfill, but they encourage you do make it useful. Adams – is the E.coli typical? Darrell – usually 0 to 2, the numbers are when we were starting the new facility, we had to shut the old facility down and switch everything over in 4 hours, we had to bring up microorganisms from St. George and put in 12,000 gallons and let it grow. Rowley – congratulations on a great year.

CONSIDER A HOLD HARMLESS AGREEMENT WITH NORTH FIELD IRRIGATION COMPANY THAT WOULD ALLOW DEVELOPERS AND CEDAR CITY TO RUN DRAINAGE WATER INTO THEIR DITCH SYSTEM.

KIT WAREHAM: Kit – historically as the City has developed, we have issues and concerns with drainage water and how it will be handled. One of the solutions has been if it is next to an irrigation ditch we can dump the water in it, but the Irrigation Company has to have capacity and be willing to accept the water. Some companies are willing to do that. We have 8 irrigation companies, some will take it, some will not. I have the privilege of attending the company’s annual meetings since we own shares. Northfield Irrigation Company gets a lot of requests to do that since their ditch runs down Northfield road to 2400 North, there is a lot of property along the ditch that is still developable. They have been fairly agreeable to take some water from developments and the City. They are concerned that if there is enough water in a big storm and the street is full of water that if someone gets flooded and the City gets a claim, they are concerned the City will go back on them to help with the claim. They would like a hold harmless letter that we wouldn’t do that and they will give developers option to put the water there. You have the street, piped irrigation and then in storm drain, we had to put that in Northfield Road from the Hospital to Canyon View High School. We have always had a good relationship; we suggested inter-ties between our pipe and their ditch so we can flow into each other’s if available. Rowley – does it do them any good to have the water? Kit – most summer showers come when the irrigation system is running, so the water just goes past them before they put it to beneficial use. Paul has a concern with this if there is a valid reason to go after them on a claim. I have been around for a long time and can’t remember a time when we have went after an irrigation company to help with a claim. Cozzens – you feel that the benefit justifies the risk? Kit – it helps avoid a storm drain system. Eventually that will have to happen. Paul – please don’t give a 3rd party a letter to hold harmless without getting something in return. If you get a letter we get to engineer our projects and dump into the ditch. If it is a risk that is fine, but get a contract. Second, it is scary to me to tell a 3rd party we will hold you harmless from your infrastructure and we have no control over the maintenance of their ditch. You have a ditch that has been there 60 years and there is sediment and we can’t clean it out. Most of the companies do a good job, some are getting old. We have piped sections of the ditches. Kit – we required developers to do that. Most of the ditch companies are good if there is a dirty flood to close off their channels. Isom – we are already sharing? Kit – yes, it naturally happens. Cozzens – we have never had an agreement? Paul – not that I know of, and I don’t recall a claim we have wanted them to participate in a claim. If you look at regional news casts, there are infrastructure failures and the irrigation company blames the City and the City the irrigation company, some of those are major damage. Cozzens – they are starting to demand the hold harmless. Paul – they don’t want to pay for anything that is our fault. Kit – they will allow us or developers to put water in the ditch if we give them a hold harmless. Paul – we used to be able to use the governmental immunity, but the courts have chipped away from that and I think it is a cloth coat, not a metal suit of armor.

Ryan – a year or two ago we had a berm give way and we had to do maintenance work, but we did not have it on our plan to maintain. Kit – that was a storm even, a foot of water under the underpass. Ryan – maybe we get something in writing that they maintain the ditch to a certain point. Cozzens – my son has a rental and that berm did break and they got flooded. Paul – I think we need a contract, not just a letter. The flip side for the City, if we can't share the infrastructure our costs go up because we have to put more storm drain system in. We benefit by cooperating in the storm ditches. Cozzens – how much push back if we have a contract? Kit – it is more of an effect on the developers, not so much the City. Mayor – if you have something in writing in the beginning it saves a lot of heart ache. Rowley – can you envision something to meet the needs of the situation? Paul – not yet, I would work with Kit on something. I don't think they are asking us to assume their liabilities. Cozzens – can you put an arbitration clause in to see whose problem? Come back with an agreement.

CONSIDER A RESOLUTION AMENDING THE PERSONNEL POLICY (CELL PHONE USE). RICK HOLMAN:

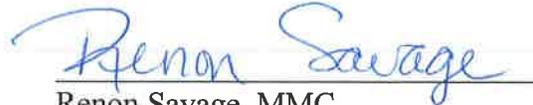
Paul – in January staff came to council to recommend changes to personnel policy, one was cell phone use and you asked to go back to URMMA on their requesting. Rick took it to their board and asked that they adopt what is in state statute. URMMA voted to keep what they had because they are trying to promote safe practices and driving in the work place. A lot of the claims incurred through the year are thing municipalities can control, so they want us to do things that are less risky, the cell phone is a reflection of that, they think it is a controllable risk. The policy is before you, it is the same, you can choose to adopt it or not, if we reject it it would cost us about \$3,000 a year. As far as hands free devices Rick has indicated we will look at is as budgets allow. Rowley – we are in a paving project, the dump truck needs to go another way and they have to drive all over town because they cannot communicate. To stop on the side of the road doesn't work. Cozzens – how much is a hands free device? Mayor – there are a number of different ones. If it is a personal call, it is the preventative what it is going towards. You can still talk in an emergency. Paul – I think most vehicles have radios. Ryan – most have radios, but there are different frequencies, so they can't all communicate. Jeff talks with a lot of different departments so that doesn't work. There is a lot of communication during snow storms and Jeff is constantly redirecting them. The Water uses phones a lot more than Street. Mayor – during a snow storm we do want both hands on the steering wheel. Ryan – we have about 20 employees with flip hones we don't know if they will work. Paul – some of our employees already have blue tooth devices. Mayor – they used to be big, the headsets are getting better all the time. Adams – we could purchase a minimal amount to take care of the problem. Mayor – even for the cell phones there are different categories, not every job would require. Cozzens – try it for a year and see if it works out, if not we take the \$3,000 hit next year.

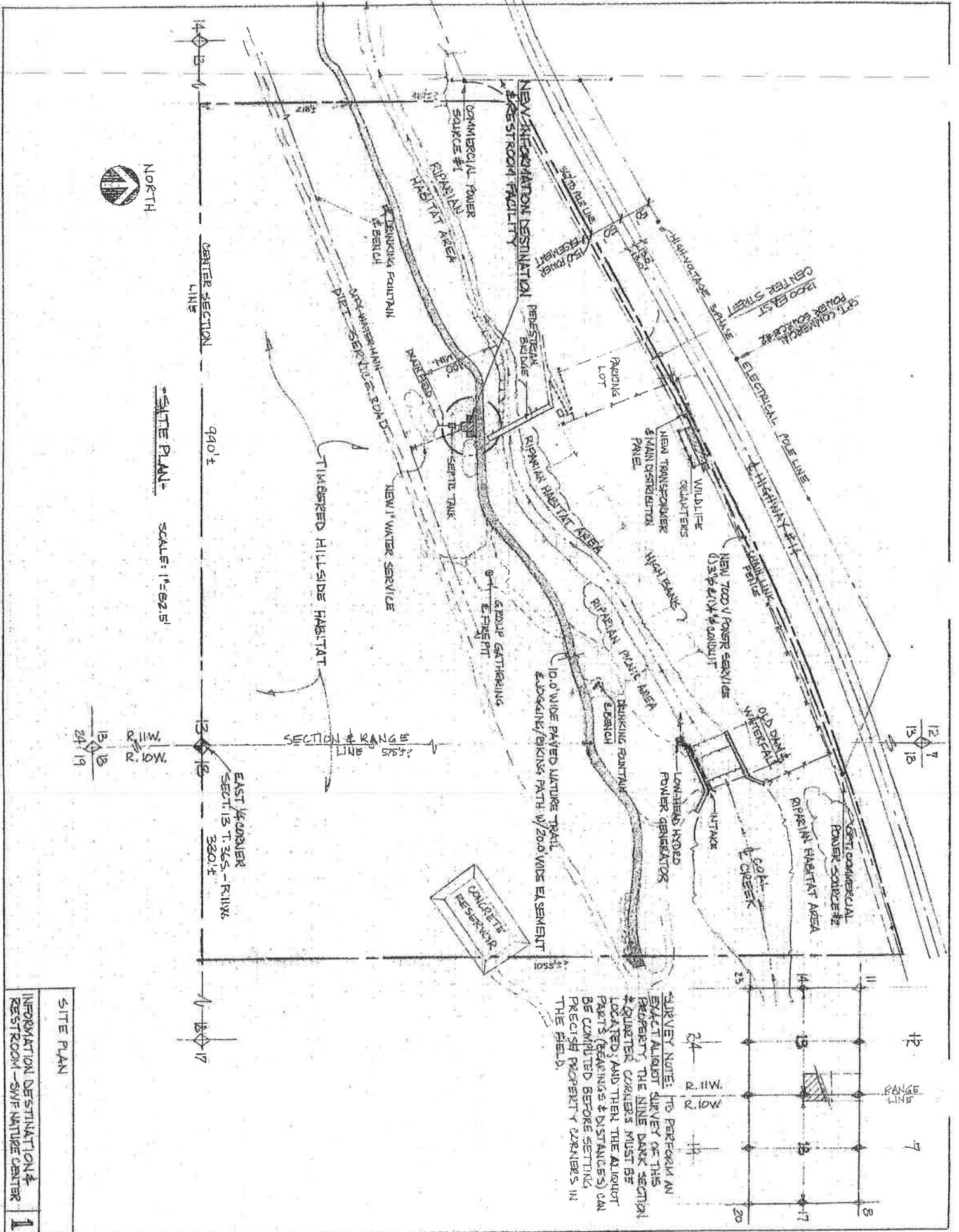
CONSIDER A RESOLUTION REGARDING FEE WAIVERS. PAUL

BITTMENN: Paul – the City publishes a fee schedule to charge for various things such as theatre rentals, pool rentals, etc. We get groups wanting fees waived, every group is good and positive and it puts more strain on the general fund. In December we had a

resolution to not allow fee waivers; they wanted to wait until the new council was on board. Mayor – it will make things a lot easier we will say this is a policy. Action

ADJOURN: Councilmember Rowley moved to adjourn at 6:37 p.m.; second by Councilmember Adams; vote unanimous.

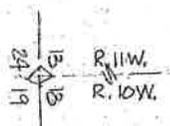

Renon Savage, MMC
City Recorder



NORTH

SITE PLAN

SCALE: 1"=52.5'



EAST 1/4 CORNER
SECT. 13 T. 36S. - R. 11W.
330.1'

SURVEY NOTE: TO PERFORM AN EXACT ALIQUOT SURVEY OF THIS PROPERTY THE NINE DARK SECTION & QUARTER CORNERS MUST BE LOCATED; AND THEN THE ALIQUOT PARTS (BEARINGS & DISTANCES) CAN BE COMPUTED BEFORE SETTING PRECISE PROPERTY CORNERS IN THE FIELD.

SITE PLAN
INFORMATION DESTINATION &
RESTROOM - SWIFT NATURE CENTER
1