

COUNCIL WORK MINUTES
APRIL 6, 2016

The City Council held a meeting on Wednesday, April 6, 2016, at 5:42 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 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 Mike Phillips; Public Works Director Ryan Marshall; Parks Superintendent Austin Bingham; Aquatic Facility Manager Chris Hudson.

OTHERS PRESENT: Jeremiah Davis, Kevin Davis, Uwe Ewen, Ilona Ewen, Bree Burkitt, Dave Jacobson, Dianna Villicana, Tim Watson, Corey Baumgartner, Tom Jett, Donna Law, Blake DeMille, Brock DeMille, Symbria Patterson, Sara Patterson, Bob Platt, Brian Kunk, Breanna Downs, Natalie Smith, Naomi Ewen, Justin Davis

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Rowley – I had comment about an intersection being too dark, Center and 1150 West, south side of Center is the crosswalk that leads from the Stadium to the overpass, and the light shines on the north side. Is there a street light that can be built that would shine more on that side. Can someone look to see about a brighter light? Kit will look at that. ■Isom – a couple citizens have concerns about how dark it is around the Library in the parking area. ■Mayor – tomorrow is ULCT. Earlier today the County Commissioners held a work meeting here to talk about the Library Tax; there is a surplus and discussion on distributing it and going forward we will enter into an Interlocal Agreement. Eventually that will come before you. Cozzens – will the Interlocal Agreement work? Paul – the County will vote on it Monday. ■Austin Bingham, Parks Superintendent – Arbor Day Celebration will be April 26th from 8:00 – Noon at Main Street Park, we will plant trees on the interior of the fence, the old ones won't last forever. They will be 2" 10-12 feet, we will plant a few species that there are not many of in Cedar. Cozzens – what do you do to protect them? Austin – we stake them, I don't want to fence them off, but will if we need to. The Larry Miller Megaplex will be helping this year as well as the children. Also, yesterday I attended Utah Community Forest meeting, we were awarded Tree City USA for the 17th year. One criteria is to spend \$2 per capita through in-kind and services, we were able to come up with \$75,000 through Eagle Scout projects, etc. Interesting facts, the Emerald Ash is in Colorado now and is 100% fatal, in Cedar it is about 40% of the forest and there will be a day those days will come down. We are looking for diversity in planting. In the Cities totally destroyed, there was a 10% increase in deaths due to repertory and cardiovascular

disease, they don't know if it is tied or not. We are 25% ash right now. Also, SUU was awarded an award for Tree Campus US, we were behind St. George only for the Southern area. ■Legislative Update. Senator Evan Vickers: Senator Vickers, District 28, Beaver, Iron and eastern Washington County. The best thing about the session is it is over. It was good in a lot of ways for our area. The number 1 goal is to fund the SUU business building that was accomplished with effort. We appreciate those that participated in that. The City, SUU, County and citizens were involved. We appreciate the Leavitt Family, there donation made a big impact. Buildings from Utah Valley and Utah State came into picture it got tricky. The Legislature funded these buildings over two years; the ongoing money will then be pulled back. We did not have to do any bonding. Those are all education buildings and the education funds come through income tax. On the general side was not as good, sales tax is down. Cedar City's sales tax is up, but state wide it was not. There were a lot of high profile bills that did not pass, one to repeal the death penalty did not pass, a bill to push forward hate crimes did not pass, there were two medical marijuana bills that did not pass. There was preemptive location that would have been a problem. We have started a discussion to that approach next year. Those are quick highlights. Water funding, SB 80 got a lot of attention. The Legislature set aside money for Transportation Infrastructure Fund; we created a WIF Water Infrastructure Fund to help with large water projects in the future. People went to the conclusion that is for the Lake Powell and Bear River projects. There is significant infrastructure that are aging and will have to be repaired, we are trying to set aside funds. The Education WPU was increased 3%; increase in salaries to public employees and higher education employees as well as money for insurance and benefits. If you have questions or suggestions to help you, please let me know. Representative Westwood works closely with me and I appreciate his efforts that he has made. Isom - 430 bills got passed. Vickers – I sponsored two bills to take things off the books. Mayor – a brief summary of wildland fire. 122 and 212 were a three year project, these are the bills that change how we address wildland fires, and all communities will do mitigation work and projects on risk and address them in conjunction with forestry and state lands. I appreciate Chief Phillips in his efforts, it is very positive. We set up a separate wildland fund we will have to continue to find funds to maintain at \$10-\$12 million dollars. The State funds the fires, in return the cities and counties will have a dollar amount required. It is not if a fire comes, but when, so if you can reduce load and damage of the fire is our goal. Montana has done something similar, but not to the extent we did; other western states are looking at what we have done.

PUBLIC COMMENTS: ■Jeremiah Davis with D & D Smokes, 2150 West coming off HWY 56, wondering if we can get a sign that says dead end. We have semis that come in and there is nowhere for them to go and they have to back up. Kevin Davis – at the end of that is the indoor basketball arena and there is a lot of traffic.

CONSIDER A BEER LICENSE FOR D & D SMOKES & MORE LOCATED AT 396 NORTH 2150 WEST, STE 5. KEVIN DAVIS, JEREMIAH DAVIS/CHIEF

ALLINSON: Chief Allinson – Kevin and Jeremiah Davis own D&D Smoke Shop, they are requesting to sell alcohol. Two types of licenses class A and class B, on-premise and off-premise, they are asking for Class A which is off-premise. They have to submit an

application with references to make sure they are good moral character, over 21 and cannot be convicted of any crime, felony, violation of warehousing, distribution of alcohol illegally, DUI and crime of moral turpitude. Some of the crimes are extortion, perjury, etc. Jeremiah did have a misdemeanor in 2007 that I don't think would prohibit them for having a beer license. They have a good reputation.

Rowley – one concern is you are next to a dance studio, you have a bench were two girls 5 & 6 were waiting there. We have a lot of stores where kids walk in with parents such as a convenience store, but kids unattended gives me a pause, so maybe get rid of the bench. Jeremiah Davis – one of the kids was probably my great niece, she comes with here grandma. The beer would not be accessible for the general public; we have to grab it for them. Rowley – make it less enticing. Jeremiah – no one is allowed in our store under the age of 19, unless they are under the age of 6 and with a parent so they are not unattended in a car. Kevin Davis – we have an entry room and then a sign that says you have to be 19 to enter. Chief – on a class B there are distance requirements, community locations, that is only for on premise. Paul – these people pre-existed the dance shop. Under our tobacco ordinance we don't make them close down if something moves next to them. Kevin – the guidelines only work one way, and we were out there before the law came into effect. Jeremiah – we are in the process of looking for property to build that we can control the businesses that are adjacent. Jeremiah – we went to the Health Department for signs for distance on smoking. Consent.

DISCUSSION ON SOUTHVIEW TRAILHEAD. DAVE JACOBSEN OF THE

BLM: Dave Jacobsen, outdoor recreation and Brian Kunk, our engineer. We have a new design for our trailhead. Initially we asked to park on the road, we have went back to get one with a road easement. We are trying to stay away from the drain easements to meet the criteria; there is room for 31 vehicles. We have left the restroom in the same location on BLM property when you enter the trailhead. This is a temporary trailhead; we would pull up the fencing when the road goes through, but leave the restroom. It would require fixing a hole, it is possible, but would require a lot of work. It would allow for curb and gutter and the current road width. We want to partner on the trailhead and partner with a restroom which would be a flushing toilet.

Rick – when you met with us a few weeks ago, you had not contacted the property owner, have you? Dave – I have not, I have been unable to reach them, I have left a map with a note for them to call us, but they have not.

Dave – we are asking for assistance in connecting the toilet to the sewer system, about a \$12,000 investment. The toilet facility is paid for; we just need to connect it. Rowley – things that are legal issues we need to make a clear pathway, because this is for us a multiplier of City dollars, we get a trail head for few dollars. Currently we don't allow water outside the City limits, but I think we can make it happen. It will be a great destination. Dave – we can put it in the City easement. Mayor – one thing we brought up was the restroom proximity to the home. Dave – there is not a block wall in his back yard, so he will have a few items of infrastructure in his back yard. Rowley – if it is a

flushing toilet it is not different than his neighbors, just more noise from people using the toilet. It would be similar to our East Canyon Park.

Adams – you need to get a hold of the property owner, he has been out there a long time and probably thinks nothing will ever happen. Rowley – can you put the restroom across the street? Brian Kunk – we could maybe do that, but it is not a safe, stable slope. Hartley – is that homeowner one that was complaining about development in the area? Dave – I don't know, the home is a rental. Rowley – I would like to see us do what we can to make it work. Mayor – the money is not in our operating budget this year. Dave – the trailhead is getting a lot of usage. We can scratch in the trailhead, but the sooner we get a restroom people won't be using the property as a restroom. Cozzens – what if we provide the hook-ups and you put the pipe in. Rowley – can our people do the trench? Rick – it is a busy time of year for our crews. Mayor – we have to have an agreement. Let's explore scenarios and put together an agreement. Dave – can we split out the issues and put the trail head in and do the restroom in later. Brian – we would need to move some signs and build a ramp over the curb. Kit – we need detailed drawings of what you are doing, the sewer may have issues it is a downhill slope. Brian – I took a shot of the line, we think we can make it. If we fix the hole we can move the toilet over and do a septic system, we would still need water. Dave – they are allowed with a lot of regulations. Mayor – work with Kit on the trailhead and we will bring an agreement back through.

CONSIDER FINAL PLAT APPROVAL FOR TALON POINT PHASE 2 AT SOUTH MOUNTAIN SUBDIVISION (LOCATED IN THE VICINITY OF 2200 S. 2800 W.). WATSON ENGINEERING/PAUL BITTMENN: Tim Watson – this was approved through engineering last fall. Ron Larsen started this project; the developer has asked that I bring this forward. This comes from Home Depot. There are a few sections of road for this phase. Paul – some was rezoned to R-2 single family. Rowley - there are several houses under construction right now. It is a popular area. Tim – it has 18 lots in this phase, bonds are in place. Consent.

CONSIDER APPROVAL FOR THE B&B SWISS BED AND BREAKFAST/RV PARK, PHASE 1 (LOCATED IN THE VICINITY OF 300 SOUTH & CROSS HOLLOW ROAD). GO CIVIL ENGINEERING/PAUL BITTMENN: Heath Oveson – this is located south of the Diamond Z arena. This is the first of this project, eventually there will be an RV park with casita cabins. The front area has been cleared and the roadway cut in with a little red shed on the hill. It went to Planning Commission, there were concerns with residents across the street with a commercial area, we met with them and I think they are ok now. Rowley – the bed and breakfast won't be in until the owner's home is built. Has the canopy issue been resolved? Heath – yes in the agreement with the City. Consent.

CONSIDER FINAL PLAT APPROVAL FOR THE CEDAR SPECTRUM COMMERCIAL PUD (LOCATED IN THE VICINITY OF 1300 SOUTH MAIN STREET). PLATT & PLATT ENGINEERING/PAUL BITTMENN: Bob Platt - this is a the final step. Paul – I have a Mylar with signatures. Bob - It is a 3 lot

commercial PUD next to the La Quinta. Rowley – there were folks that came to Planning Commission with concerns of what will be going in, but the zoning was already in place. Bob – the motel just got an award for the best new La Quinta built. Isom – the manager said they are 90% capacity, it is going well. Consent.

CONSIDER FINAL APPROVAL FOR THE AMENDMENT OF LOTS 1 AND 3 OF THE BOULEVARD PLAZA PUD, PHASE 1 (LOCATED IN THE VICINITY OF 950 SOUTH MAIN STREET). PLATT & PLATT ENGINEERING/PAUL BITTMENN:

Bob Platt – there new sign was on the parcel in the front, it is to move the lot line to have the sign on the Boulevard parcel. Consent.

CONSIDER RFP FOR OFFICE 365. TREVOR MCDONALD: Trevor – we have budgeted for a voice over IP for the City, some parts of the City are begging to get moving. Sky for Business we like the best, it works best with Office 365. We looked at our current which is office 2010, this will help get to current office. It will have an improved email system and a lot of other features. We got the proposals back this week. We found it best to give you a heads up; we will submit our recommendation at the next City Council meeting. We don't currently have a recommendation, we are currently evaluating. The following have submitted proposals: SymTec, Cedar City; Comparex, TX' acumor, CA; Mountain West, Cedar City; LiftOff, MD. They have offered some incentives; the deadline is to purchase the licenses by the end of April. The initial take some did not include the incentive. The evaluation committee will have their recommendations and we will have them in your packet. Action.

CONSIDER AN ORDINANCE AMENDING THE CITY'S RAP TAX ORDINANCE RELATED TO DISTRIBUTION OF UNALLOCATED RAP TAX FUND BALANCE. PAUL BITTMENN:

Paul – we have had RAP Tax since 06 or so, we have done a lot of projects and supported a lot of Arts projects and accumulated fund balance from earned interest or come in under budget. The proposal is what to do with the fund balance. The Mayor could start the process and recommend what it spent, it would be applications and city owned stuff for restoration and maintenance projects that would otherwise qualify for RAP Tax. Rowley – could you put it in the pot for the 10%? Paul – we would submit two different funds. The two facilities we have for Arts are the Theatre and the Library. Rowley – sometimes we have organizations that this amount is not enough, but if they have 3 years funding they could pull it off. Is there a way that we award 1/3 and we will hold it for them? Paul – our ordinance does not allow that, it requires it be spent within 1 year. Mayor – we can't allocate into another budget year. Rowley – it would be a gamble for the entities. Paul – one reason they put the one year is to get it moving and spend the money. Hartley – would it be every year with the money or after it accumulates a certain amount? Mayor – wait until there is a certain amount. Hartley – how much in there now? Jason - \$130,000, 3% of what we have collected over 10 years. Mayor – this give a mechanism to spend the money. Action.

CONSIDER PROPOSAL FOR FINANCIAL SERVICES. JASON NORRIS : Jason – last month we sent out an RFP for financial services, an advisor to help us through the process and legal side of issuing debt for City, RDA and MBA. We had two firms that

put in. We had a committee of myself, Paul Bittmenn, Terri Hartley and Craig Isom. We had criteria to qualified. We had Lewis Young and Zions Public Finance. There is a difference in the commission paid based on the borrowed. Lewis and Young would be cheaper if under \$2 million, over the \$2 million Zions is better. We know the RDA will issue debt for under \$2 million, if we refinance the Aquatic Center and get out of the Build America it would be a \$6 million bond. The committee recommended Zions Public Finance.

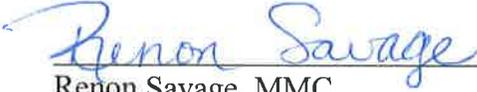
Adams – which firm did we use out of Richfield? Rick – we used a bond attorney, Chamberlain out of Richfield. Jason – we will still need legal services if debt is issued. Consent.

CLOSED SESSION – CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL:

ADJOURN: Councilmember Isom moved to adjourn and move into the closed meeting at 6:58 p.m.; second by Councilmember Cozzens; vote unanimous.

The meeting reconvened at 7:42 p.m.

Councilmember Isom moved to adjourn and move into the closed meeting at 7:43 p.m.; second by Councilmember Cozzens; vote unanimous.



Renon Savage, MMC
City Recorder