COUNCIL WORK MINUTES
APRIL 20, 2016

The City Council held a meeting on Wednesday, April 20, 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; 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; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Airport Manager Jeremy Valgardson; Economic Development Coordinator Cameron Christensen; Project Engineer Jonathan Stathis.

OTHERS PRESENT: Paola Leckie, Doug Hall, Becki Bronson, Tom Jett, Joshua Dickison, Jeremy Lee, Reed Sargent, Steven Thompson, Joshua Stavros, Jane Stavros, Kathy Kaminski, Brad Green, Eric Packer, Sandy PackerTerri Kane, Kaer Neumann, Nadia Neumann, Rick Bryant, Cathy Bryant, Josie Jones, Taylor Houston, Trevor Obering, Ben Brinkerhoff, Rachel McKinley, James Hale, Ryan Robinson, Jessica Robinson Jonah Prettyman, Cyndi Wallace, Jacob Hart, Brady Bauer, R. Scott Phillips, Linda Wilson.

CALL TO ORDER: Dr. Samha of Al-Hekma Center gave the invocation; the pledge was led by Zeek Narlock.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Mayor – Discovery Park was vandalized over the weekend. We had amazing support from volunteers and businesses donating time and products. The Parks Staff has been amazing to get things cleaned up. There is still work to do; we will have a celebration April 22nd at 10 a.m. to thank everyone for the support. I met with Iron County Prevention Coalition, same group that presented about e-cigarettes, the number one concern going on is underage drinking, they have a grant from Parents Empowered to do an underage drinking, educational and awareness campaign they will put things in restaurants, and put wraps on the garbage trucks to get awareness, the community family event will take place on May 14th from 10-2 at the Main Street Park. SUU Graduation is April 30th at 8:30 a.m. This is the life safety week at the Fire Department. This is an opportunity to go through the Life Safety House for 2nd graders. ■Mayor Wilson read a proclamation designating April 23rd as "Shakespeare Day". Shakespeare has been a prominent part of the community for 50 years. Scott Phillips, Ex Director – April 23rd is the 400th anniversary of Shakespeare's passing. There will be performances happening around the globe on April 23rd for 24 hours. There will be some live link and Shakespeare from NASA. ■Rowley – you have meet this young man, Ezekiel was the last person working at the park last night. He represents the 150 people

that worked and there were people from every walk of life, including the Austin Bingham family. ■Rowley – Workforce Services has not done their angle parking, any reason why? Rick – we will follow up. ■ Mayor – I think with all the work from the staff and community we have shown that we will not put up with this type of activity in our parks or in the city. Cozzens – the community has a vested interest in building the park. ■Chief Mike Phillips, several weeks ago Senator Vickers was here to talk about Senate Bill 142, I-15 is part of that. We have partnered with UDOT and State Parks and Rec to do mitigation along I-15, we will cut it and they will come through and chip it. ■Kit – remind you of the scoping meeting of the Greens Lake Dam reconstruction project, Greens Lake #2, #3, and #4. It probably won't be until next year, but they are in the design phase. They will reconstruct the spillways and partially the embankments. Also, next week will be an action meeting, but will be presenting the water report.

PUBLIC COMMENTS: ■ Intermountain Healthcare. Terri Kane, President of Southwest Region of IHC: Terri Kane - IHC is established in regions and is comprised with 3 hospitals, clinics, insta-care, our hospital are in St. George, Cedar City and Panguitch. We have 23 hospitals around the state. All three areas we have are community hospitals. We are grateful to be in Cedar City. We have a terrific hospital. Jason Wilson was promoted and is administrator in American Fork. I have been in search of the administrator for this hospital. Our board and trustees were very interested. We found an exceptional person. I knew it was important for someone to love the community. Eric Packer has hired and has been in Cedar this week. He is not new to hospitals or to this area. He went to Dixie to school and also went to SUU and met his wife there. He has been the administrator in Panguitch also. He has been in Tremonton for a number of years, he and his wife Sandy are happy to be back in Cedar City.

Eric Packer- I have a lot of roots here and am glad to be back. I am an outdoorsy person and this provides me with those opportunities. I also enjoy participating in Arts and other things so it will be great for us to participate. It is an honor for me to be administrator of this hospital; I have worked with Intermountain for a long time. Terri has a lot of respect in the system and I know she is committed to the communities she serves. You also have a great hospital, Exhibit "A" shows statistics, top 100 does not come easy. The quality award stems back to Medicare and Medicaid and you have to be in the 75% in this area to qualify. Level IV trauma certification, everyone assumes that you have a trauma designation if you are a hospital and that is not the case. The hospitals have to meet certain things and inside the hospital you have certain capabilities and equipment and an illustration of the community. We plan to continue to press forward and understand the needs of the community and try to exceed the community and patient expectations. Rowley – what is the turnover rate shown? Eric – it is the staff. Rowley – the hospital name got changed, but the sign has not. Eric - they started changing out the signs yesterday, we have requirements of when to make the change. Terri – Cedar City Hospital was recognized as top 25% of hospitals in the Nation. Eric is an SUU graduate which is nice. The hospital in Tremonton performed very well. You will enjoy working with Eric. ■Rick and Kathy Bryant with Funtime Inflatables, we were made aware of the insurance change with the City. We have been unable to locate that amount of insurance. We do have $2 million dollars. We understand that the City has a little latitude with that requirement. Over 20 years we have been in over 200 events, because of

inflatables people want to stop. We have supervisors and trained staff on the inflatables. We understand that there have been tragic accidents with inflatables, but have been unable to find the insurance you have required. We are asking for the City Council to allow us to operate under the insurance we have which is $2 million aggregate. We used to have $3 million but cannot find that. Rowley – so it is the nature of the venue to find that amount of insurance? Rick Bryant– correct, the last 3 carriers have quit carrying that. We had Leavitt and our private insurance carrier look. Cathy Bryant – we have also worked with SUU, we do all their events on campus and the Risk Management personnel gave us his insurance lady and she searched and could not find the $3 million. We can do the events on campus with the $2 million. Isom – the amount is set by whom? Paul – the Council passed a resolution with broad categories when we require insurance, some we don't like a 5K race on the trail, next is $1 million, $2 million and $3 million which the inflatables fall in. The way it escalates is based on perception of risk. There was at one time caps for government agencies which were a few hundred thousand dollars, the legislature said that we not sufficient and escalated the caps, they are now about $2.6 million that is how we got to the $3 million. It is our choice as a city as to what we require. Rowley – what others are at $3 million? Rodeo, circus, carnivals. Rick – we are contacting Moreton Insurance to find out if this is correct, not available or so expensive that it is prohibitive. Once we receive that we will bring it back. Cozzens – I would hope that we will work with these people. Rick – it does give some discretion, but some are spelled out and this is one of them. Cozzens – there have been some with wind carrying them off. Rick Bryant – when the wind gets excessive we bring the inflatables down. There are chances actions happen, I have had them come off the ground. We are very pro safety. We have our trained operators there and mitigate the risk as much as possible. We have a great track record. I understand how the insurance works; my heart goes out to those that have been affected. A few years ago we could get insurance relatively cheap, about $9,000 a year, we can't now. Rowley - how long does it take to come down when you take them down? Rick Bryant – quite quickly after you take the fan down. They are heavy. Rowley – any way to install a rip seam? Cathy – they all have zippers in them. Rick Bryant – we don't want them to come down too fast if kids are in them. Rowley – they are quite a draw. Rick Bryant – we donate to different entities, we have a cancer fundraiser we do each year, last year we did over $5,000 to help a family out. Rick – we want to work with the Bryant's, but a reminder that the reason the industry is cautious is because there have been claims. Mayor – we will have this on the agenda next week. ■Kathy Kaminskie – I read the City Council minutes that I last spoke at; I felt that some things may have been misinterpreted. I want to make a few comments. I spoke at 3/23 meeting because an article it drew me to visit the shelter to see if what was there and it was true. I did not know about Tina, had not met her, she said she had done the job for 2.5 years. I didn't ask if RAP tax could fund the shelter, but to urge the 2016 budget to adopt at a higher priority. Again the shelter I was aware the RAP Tax could not cover and I was hoping for a co-partnership. I met with the Mayor, City Manager and Police Department and am coming up with a proposal that will be short coming. I have been doing research on budgeting to see that non-profits can help and I have the community involved and we are working on it.

REQUEST ADDENDUM TO EXISTING DOG, ANIMAL ORDINANCE. WYNN ISOM: Wynn Isom, resident for quite a few years. I want to thank the Mayor, City Council and staff for giving me the opportunity to propose and addendum to the ordinance we already

have. We now have a 2 dog maximum per residents and I am proposing a sportsman's permit to allow people that have true breed AKC or UKC animals up to 5 as long as they have the registration papers in order and have current shots. Most communities have a higher limit than Cedar. Enoch Beaver, Parowan and Kanab, most have 3, some are 2 but allow extra dogs with permits. I have 3 all AKC registered when I found out I could only have 2 I wanted to see what could be done to allow me to keep my third dog. Registration papers for each dog, shots, tags, kennel sufficient for the dogs and must be cared for. Animals are like family and it would be difficult for me to get rid of one of my dogs. There are also other organizations that paper animals; they would also have to be considered. I don't think it is a situation where we have an overflow of requests, but beneficial to those of us that have more than 2 dogs.

Mayor – there are a number of different number of agencies that register, how would we know what is a legitimate organization. I know you want to include one from Germany and you didn't want to exclude those that have registered dog. How do we get one from other countries? Wynn – I don't know, the AKC, UKC and an organization that is a specific breed out of Germany. I don't think it will be a problem. The original intent of sportsman's was for hunting dogs. Rowley – I don't think there would be a place that you could be fake registered. Mayor – you would be surprised. Rowley – if we set it at 3 and you can provide a legitimate organization. Cozzens – this is similar to the chicken ordinance. Before we did the chicken ordinance people had chickens. Most people that have pure breed dogs take care of them. It all boils down to being a good neighbor. Rowley – that is a bigger concern is the size of the piece of property, ½ acre is different than having 3 with a small 10 x 10 yard. If we do this there has to be a lot size minimum. Paul – there are provisions on adequate kennel facilities, I don't know what those are. Brandon Nowland, Aniaml Control Officer – something that comes to mind. We have trailer parks and visit them quite often, if they were allowed to have five dogs that would be hard. I have seen people come up with paperwork. Rowley – if you have 5 dogs barking at once. Paul – how much space do you want in the ordinance? Hartley – your dog can still be a nuisance. The example it has some nuisance requirements. Mayor – don't we have that spelled out? Paul – there are a few ways, barking, running the neighborhood, killing chickens and chasing people. Mayor – our ordinance is 2 dogs, 2 cats, 2 bunnies, 6 chickens, at some point that is a baby farm in someone's back yard. Do we get to the point that there is an excessive amount of animals in a neighborhood? Rowley – yes. Mayor – that is another thing to consider. Isom – Nuisance is a concern, neighbors need to be consulted or talked to, neighbors determine it. Chief Allinson – you are talking 2 ordinances, chapter 11 animal control and chapter 26 zoning. In Animal Control Ordinance it is the number of animals, in zoning it addresses that it applies to R-1, R-2, R-3 and it puts you in CC and I&M for kennel permits and that number of animals. I appreciate what is being said, but AKC dogs bark as much as a mutt if the owner is not responsible. The reason we came across this is because Mr. Isom's dogs were loose and we got called. Look at what you are trying to accomplish, AKC registered does not mean they are good. Is it fair if I live in a trailer and have an AKC registered dog? We need to look at this. Cozzens – I think he is a responsible dog owner, but in talking to him his dogs are good escape artists. Wynn – the two got loose, I was looking for the dogs when animal control was. The ladies didn't call them in because they were a danger, they didn't want the dogs get ran over. I have a large kennel and have wire on the ground and up the sides and animals find a way out.

I have 3 latches and they still get out. You try and minimize that by building a better pen. You do your best to minimize, I think I have done that, but they still have got out. They are very important to me, I take care of them. I would hate to have to find a 9 ½ year old dog a home. Rick – I don't know how the AKC registered makes the efforts different for the animal control officer. Rowley – less negligence. Rick – the AKC makes it a smarter dog and better escape artist. If we change the number of animals I am not sure the registration is equal to animal controls efforts. Cozzens – what if we try it with a sunset clause? Mayor – if we did that, anyone that gets a dog in that window would not want to get rid of it if the ordinance goes back to two dogs. Cozzens – how do other cities with the Sportsman's permit do it? Wynn – I don't know of many if any have applied for it. Kanab has a 2 dog maximum with additional two with a permit. St. George didn't know anyone that had the permit. Cozzens – it boils down to being a good neighbor. There was an uproar with the chickens and I have had zero complaints. Mayor – I had seen chickens that had got out and were in someone else's yard. Adams – I had Animal Control remove 26 chickens from one yard. Like the chicken's people don't look at the number, people will see the city approved 3 or 5 dogs, they won't see that they need to be registered. I think we have to look at nuisance, with that it doesn't matter if they are registered or not. Mayor – how would we enforce that? Paul – they are built in the Animal Control ordinance, people will talk owner and educate them on our ordinance and give them a chance to come into compliance. They issue citations all the time and we end up going to court. We have a number that brings people into get their dogs licensed. Adams – lot size would be difficult, in Cedar City lots are ¼ acre, ½ acre lots are in Enoch and the valley. Mayor – where do you want to go from here? Paul – it is not 5 AKC and 2 others. If you exceed the two dog minimum they all have to be papered. It will be a small group of folks that it will impact. Chief – I would be interested if the general public would like having five dogs in their residential area. Rowley – if you have dogs for hunting, it is sportsman's because people don't need six poodles. Mayor – any type of registered dog so I could have 5 poodles. The way we have been talking it allows for me to go and purchase 3 more toy Pomeranian dogs for my neighbors to enjoy. Rowley – would it be better for the Animal Control to go and look at the situation if someone applies. Paul – what kind of tools will you put in place to judge because if they approve one and not another it opens the city to issues as you know them and not me. Brandon – we have already had that happen. It has to be something that can't be changeable or subject to us or we will be questioned about it. Chief – we went through this with pit bulls, you cannot make it breed specific. Paul – the legislature said you cannot ban breeds. Mayor – we already don't have an abundant amount of staff, we don't want to make it so they have to go to calls with who know what factors and more feedback and headache of people saying you don't like us. If we do something they need criteria so they apply factors and it is not coming down on their shoulders on each situation.

Mayor – where do you want to go from here? Rowley – make them AKC registered. Wynn – it is not inexpensive. I want to maintain a pedigree line that is important to me. Isom - Do we say all have to be papered? My opinion is the additional dogs, above 2 needs to be papered. Hartley – it is designated as a commercial permit, it is a sportsman's permit and I think it would eliminate people thinking they can have 5 dogs. Mayor – but if they are registered. Wynn – can you change to sporting dogs. Mayor – what if you have someone with agriculture come in that are trained to be sheep dogs, they don't hunt with but are

registered pedigree to run agriculture, they can make the same argument. You can have those that do the poodles for AKC show dogs wanting to keep the blood line. You can run into this will a number of groups thinking they are as valuable as a hunting dog. Rowley – I think they should all be papered. Mayor – what about going up to 3 dogs. Right now we allow 2 dogs, 2 cats, 2 bunnies and 6 chickens. Do we limit some of the others if we have more? Rowley – let's start with 3 and incrementally give it a try. Mayor – this made me think I could go and get me another little dog. Rowley – what is the difference if it is a poodle or Saint Bernard? I would be willing to go for 3 registered dogs and see what happens. Mayor – do you want to limit the amount from various categories? Isom – are you saying not2 dogs, 2 cats, 2 bunnies, 6 chickens? Yes. Cozzens – I would go with 3 for now. Chief – I wouldn't go with more than 3; we get to many complaints with one dog. We do have a lot of people with 3 dogs, we go because people complain. If you want to try it, I would like the sunset clause to see how it works. Paul – why change zoning, Animal Control is subject in all zones? Chief – the zoning says anything over 2 dogs requires a kennel license which is in Chapter 26. Paul – change it so a kennel is not required for 3 dogs. Rowley – can a guy with 50 cattle have 5 dogs? Paul – he would be in the County. We have areas in the City where we allow livestock, but not 50 head. If you were in the City limits and maxed out your allotted livestock you could have 3 dogs. Mayor – action agenda. We will look at limiting the total number of animals and bring it back next week. Wynn – I am fine with 3 dogs.

CONSIDER AMENDMENTS TO THE BANNER POLICY. CAMERON CHRISTENSEN: Cameron – SUU and the City have been working to brand SUU and the City together. There is a proposal to add banner arms to the existing poles, 36 of them to cover University Blvd and Historic Downtown. I am asking that we give SUU right of first refusal for the 36 arms. The cost is $8,804, and SUU will pay $4,000 of that amount. According to SUU only the marketing department will have that allocation. Rowley – have there been times when parties have been bumped? Cameron – there are 82 banners, no not yet, but when we have several events such a Tour of Utah, Relay for Life, etc. they can have 45 banners. Rowley – if we have an event and SUU won't give up, is there a way to alternate. Cameron – this will only be for the 36 under this provision, the rest will not. Rowley – would it give more flexibility to give any 36? Cameron – we are trying to increase SUU awareness. Mayor – if the parks have to change out 36, it is easier to do ones that are all together. Action.

CONSIDER ENGINEERING CONTRACT FROM JVIATION ENGINEERS FOR AIRPORT IMPROVEMENT PROJECT AIP-31. RYAN MARSHALL & JEREMY VALGARDSON: Jeremy – you have the contract for Jviation for design and oversite of Airport Improvement Project 31. I came a few months ago. We are doing a 3" overlay on the carrier ramp and concrete hard stand and taxiway delta. We have the funding; the FAA and Airport Board recommend we issue the contract to Jviation for $168,462. The City is responsible for 5% of that match. Paul – I will review it before next week. Consent.

CONSIDER BIDS FOR THE SEWER MANHOLE REHABILITATION PROJECT. TREVOR MCDONALD: Trevor – a few years ago the sewer department was assessing products, and Sprayroq fits our requirements. Because we were asking a specific product of

spray wall, we sent bids to qualified companies in the region. Three are interested, one submitted a bid. The engineers estimate per vertical foot of manhole was $325 - $350, they came in that range. We have talked about changing our standard detail on specific lines; we need to make it standard. Rowley – how do they dry it out enough? Trevor – that is why it took so long to find the right product. An application like this depends on the technical skills and training of the team. They did a test for us a year ago and we like their method and product. Rowley – do they have a warranty? Trevor – 3 year bonded, they say the life span is 50 years. Mayor – have we been in contact with anyone that has used this product and company that has lasted more than a year or two. Products will last usually until the warrant is up. Trevor – concrete sewer manholes have only been around for 50 years, before that it was masonry brick and other materials. They are meeting their life. They estimate life span from test environments and project it out 50 years. Rowley – if there is a flaw can this stuff go over that? Yes. Kit – they do high pressure wash or blast before they put the coating on. Cozzens – how far down do they go? Trevor – they go down to the flow and get as much surface as they can. It is $350 a vertical foot. Trevor – Funding for this project is a little different, $70,293 from capital and $110,000+ on operation and maintenance budget. They are anticipating the same funds in operating be approved for next year to finish the project. Kit – if it doesn't get approved then it will have to be pulled from the project. Consent. Trevor – they supplied references on projects that we will look into. Rowley – what is the status of the excess water tank up the canyon? Kit – we haven't decided yet. We have talked about using it for secondary water tank out north.

CONSIDER APPROVAL OF A CONTRACT FOR PUBLIC DEFENDER SERVICES.
PAUL BITTMENN: Paul – the city prosecutes misdemeanor offenses through the Iron County Justice Court and we have to provide council for indigent. We have a contract with Randy Allen and he does not want to continue. We put it to bid, and had 3 apply, we are suggesting Candice Reid, 3 year contract with two options to renew. The cost is $18,000 per year; she would represent indigent defendants when appointed through the Justice Court and through appeal to the District Court. Consent.

ADJOURN: Councilmember Rowley moved to adjourn at 7:10 p.m.; second by Councilmember Adams; vote unanimous.

Renon Savage

Renon Savage, MMC
City Recorder