

COUNCIL MINUTES
OCTOBER 26, 2016

The City Council held a meeting on Wednesday, October 26, 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 Paul Bittmenn; City Engineer Kit Wareham; City Attorney Tyler Romeril; Executive Assistant Barbara Barrick; 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, Aquatic Facility Manager Chris Hudson, Heritage Center Manager Jason Clark,

EXCUSED: Council Member Terri Hartley.

OTHERS PRESENT: Keith Gilbert, Jeremiah Davis, Kevin Davis, Adam Urquidez, Megan Benner, Dani Smith, Nick Howell, Toni Cornforth, Alicia Zufelt, Angela Warby, Nancy Pearson, Cassidy Clements, Damon Esancy, Kerry Fain, Chad Fain, Bob Hermandson,

CALL TO ORDER: Reverend Nancy Pearson gave the invocation; the pledge was led by BSA Troop 643.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■ Fred – Commendations to Kit and Jeff on the Lin’s repaving. It’s a tight area with a lot of traffic and they’ve done a good job. ■ Cozzens – I want to express my gratitude for the storm we had that helped with the fire and the work of the firefighters. ■ Mayor – Saturday is the sheep parade at 10 a.m. And Thursday November 3rd is Dancing with Community Stars and we have City employees participating. They all have tickets to sell. ■ Chief Phillips – This is Nick Howell. He is a volunteer firefighter and also works for the BLM. Nick was the incident commander for the fire. Nick – It’s a pleasure to be here. We were called in to help manage the Hick’s Creek Fire. The unfortunate name came from a drainage just to the south of the fire. When we have one fire in one location we have to name it before equipment will be called in. The fire’s ignition was on October 16th at 4 in the morning. Due to the late time of year, our Hot Shot crews had been disbanded so they had to come from California. There were approximately 120 structures threatened. Another challenge was a second fire that started 7 miles to the south and we had to divert resources to it. It was human-caused new fire near Kolob. Then on Saturday we had another fire near Summit and Chief Phillips helped us tackle that fire. Due to lack of resources, we had to divert from the Hick’s

Creek. The rugged terrain was a challenge and there were heavy winds as well. There was a Type 3 team ordered right off the bat and so we needed an incident commander. The main objective was to protect Cedar Highlands. The Airport Staff was instrumental in getting retardant on the fire quickly. The equipment had been winterized and they had to open it up again. There was a good safety record with this fire and only one minor injury requiring stitches. That firefighter is now fine. The community and cooperative support was awesome. This was an all-hands-on-deck approach. We had productive public meetings and thanks to all who helped with those. We executed the reverse 911 system and the evacuation notices were spot-on and precise. I think all the bugs are worked out of the 911 system. The incident provided some planning needs for future fires. The only structure loss was a camp trailer, so it was pretty remarkable. Containment was yesterday and we will still have one engine up there today and tomorrow. The rainstorm helped and will expedite clean up. There were 36,000 man-hours expended and 387 aircraft-hours. The winds were so bad the planes had to be grounded for much of this fire. This was a Type 3 incident and Type 1 is the largest. The cost was 2.3 million. The state of Utah issued a delegation to our local team and were pleased with our ability to keep costs down. Fire suppression is not cheap. We made some certificates for City and County entities to recognize their help with this incident. Phillips – Public Works did a road closure. The Police Department helped to make sure the public didn't get in. The airport staff was very helpful and the Fire Department really helped and expended lots of resources. Thanks for all the support.

Fred – Will there be a potential for a mud slide come the spring? Nick – Possibly. We had a hydrologist come out and they identified the need for rock dams. We don't expect issues but the Chief and Iron County emergency personnel looked at flow patterns. Cozzens – How scarred is the terrain? Nick – There's lots of oak up there that is fast-growing and will help with scarring and some erosion. We've identified the area for winter deer range and so we will possibly chain and reseed. There's not a lot of flat land involved and there's lots of rock. Fred – Is the Lake on the Hill ever considered? Nick – We have land use agreements with area land owners and there's lots of water up there in private land ponds. We try to avoid flying over the freeway with heavy loads of water. Fred – Can you use fire retardant near a spring? Nick – Not in this case. Phillips – In the public hearing we talked about defense-able space. If the fire had been in July with hot nights, it probably would have gone farther. Nick – If it was in July, it would likely have reached the Cedar Highlands and they are in a box canyon. We are trying to help them reach a balance and they have a fire council. Phillips – We had lots of people at the public meeting. Thanks for great work. ■ Bryan – Thanks to members of my staff who helped. They staged at Diamond Z and Cross Hollows Arena. Thanks to Larry Olds for the help. We got a call to close down the Lake in case they needed to use it. I recently had the Friends of Cedar Cemetery give a presentation about an app for your cellphone "Find a Grave." It's amazing and helps locate graves all over the country. I appreciate him taking the time to come tell us about this new technology.

PUBLIC COMMENTS: ■ Tom Jett – It was great work that our fire fighters did. I'd like to recognize Public Works as well. I had no idea how important Coal Creek Road was to the community. Engineering and the Public Works have dedicated thousands of

hours to making this happen. It would be a million-dollar job if it had been done by private engineers. I saw an engineering vehicle out there each day no matter the weather. The backbone of the City is the undiscussed staff that are essential to the proper planning and the survival of the community. Thanks to all involved and I look forward to the opening of the road next week.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED OCTOBER 5 & 12, 2016; (2) APPROVAL OF BILLS DATED OCTOBER 21, 2016; (3) APPROVE VICINITY PLAN FOR SOUTHRIDGE CONDOMINIUM PROJECT AT 595 SOUTH 75 EAST (OLD HOSPITAL PROPERTY). KIT WAREHAM/ HEIDEMAN, BUSH & GUDGELL; (4) APPROVE BID FROM MGB&A IN THE AMOUNT OF \$25,000 FOR THE LEISURE SERVICES MASTER PLAN STUDY. BRYAN DANGERFIELD; (5) APPROVAL OF BID FROM PIONEER FLOOR FOR FESTIVAL HALL CARPET. JASON CLARK/STEVE DECKER; (6) APPROVAL OF BID FROM STOUT CONSTRUCTION, INC. IN THE AMOUNT OF \$227,960 FOR THE SOUTH TANK FLOOR REPLACEMENT PROJECT.

JONATHAN STATHIS: Fred – What are we doing on the Nitrate plant? Kit – problems with the screw press out there and building a new one. Councilmember Rowley moved to approve the consent agenda items 1 through 6 as written above; second by Councilmember Isom; vote unanimous.

CONSIDER ANNUAL LEASE AGREEMENT WITH YETI, INC. TO OPERATE AN ICE RINK ON CITY PROPERTY. BRYAN DANGERFIELD/YETI:

Bryan – We have the principals from YETI here this week. Craig – Thanks to the Staheli's for what they are doing, but I want more information before we move on this. We only have 2014 results and we need 2015. I would like to see an accounting and I would like to make this as simple as we can. I would like to see two different levels of charges by the City and a separate one for concessions. I know Terri feels the same way and we would like more information. I am in full support but just think we need more information. I would like to table this item for a week or two, unless the information is available tonight. Kerry Fain – We got the notice yesterday that you needed that. A portion of the information is available. Craig – The percentages are very clear, but I think we need to simplify it. Paul – With this warm weather you won't be opening very soon anyway, right? Kerry – Probably we will open the second week of November. Fred – Could we combine an action with a work meeting next week? Mayor – So it's one base rent figure that would include concessions, just a flat amount? Craig – So that it's all encompassing. Paul – So you would be negotiating a flat rate instead of a percentage? Craig – If we have a perspective of the actual costs maybe we could. Mayor – Would that be simpler? Kerry – We are raising skate fees by \$1 to compensate for lost skates. Each year we lose a few but we lost 35 last year. There is no problem getting figures and a balance sheet. Paul – Is the Council amenable if we table this and have a proposal next week to advertise for a special action meeting or leave it tabled? Cozzens – What will options be for church groups etc. Kerry – We'll probably cut back on bringing hot chocolate, etc. We will formally invite you out when we open. November 18th is the first hockey game. Councilmember Isom moved to table this item; second by Councilmember Rowley; vote unanimous.

The Mayor and Staff will work to get the figures.

CONSIDER AN ORDINANCE AMENDING THE RAP TAX ORDINANCE.

TYLER ROMERIL:

Tyler – Since we are going to hold funds in a City account there is an exception to the terms we talked about if the project fails and the funds are not used in three years. Mayor – Three years from date they were granted? Do we want to have it three years from when the first portion was granted? Paul – Would this be when Council approves the funding or when it's spent? Fred – I think it should be from the date that it's approved. Craig – The intention is to have the funds used. Mayor – So we'll change it to when it is approved by Council.

Councilmember Isom moved to approve the amendment to the RAP Tax Ordinance with that change; second by Councilmember Rowley; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Craig Isom	-	AYE
Fred Rowley	-	AYE

CONSIDER LIST OF PREQUALIFIED CONTRACTORS ALLOWED TO BID THE COAL CREEK WATERSHED PROTECTION AND FLOOD PREVENTION PROJECT, PHASE 3. KIT WAREHAM:

Kit – Occasionally we have a project come through that we feel needs a prequalification for bidders. It depends on the size of the project. We thought that this was a complicated and big enough project so that we should prequalify to find a successful bidder. The complication is that there are two federal agencies involved. FEMA and NRCS. We put together an outline and had three categories: experience, description of the group and financial capabilities. Most of the time if bidders see what they need to prequalify, the smaller companies won't even submit to prequalify. With smaller companies there could be issues. A committee reviews the submittals and we had four members on the committee this time. There are subcategories to each of the three categories so the reviewers can divide up the points. When all have reviewed the information, we meet together and put it into a matrix. Once this is put together, we see if there is an obvious separation between qualified contractors and less qualified. We are comfortable with the top four and probably need to discuss the bottom three. The committee recommended the top four but the Council can look at the other three. As I look at the other three they have all done work for us in the past. We don't question any of their capabilities. Fred – These three have all done work for the City and have done a good job, so is this because it's that much bigger of a project? Kit – Some are. Orton didn't have the bonding capability and no similar experience. Cozzens – Bonding is an issue with Orton, but not with the other two. Fred – What is the bond capacity deficiency with Precision? Kit – They could bond if we didn't put in the value of City materials. Cozzens – We don't have to count that because we own those. Fred – What does organizational questions mean? Kit – Some

reviewers had questions on who was in charge. Some had an in-house tester for quality control and they got extra points for that. As far as staff goes, we wouldn't have a problem with the top 6, just not Orton.

Keith Gilbert – My problem with the prequalification packet and is that the bullet points are listed in the specifications and if you want the information you have to request the information. We do work all over the West and in many cities you're only allowed to give the information that is requested and if you go outside of the non-requested information you are dinged. My gripe with is with this is, and I've talked to Kit, we met every single bullet point. Fred – So you submitted all that was asked but you feel like more could have been submitted. Kit – A Gilbert employee called about the financial statement and I think they felt I said it wasn't needed and it wasn't included. Cozzens – If they can be bonded then it's not our business to know what their financial statement is. Keith – We were given what the scoring process was and we got a zero on it and we exceed those bonding capabilities. Kit – For some reason one of the reviewers gave them a zero.

Keith – We were also dinged on the similar projects area and just last year on our solar projects we moved 5 times the material listed in this project. Fred – The ultimate ranking doesn't matter once they are prequalified? Paul – All it says is that you can bid. Fred – I'm good to say go with the first 6 then. Cozzens – I'm okay but can't risk if Orton can't bond.

Councilmember Rowley moved to approve the list of prequalified contractors for the Coal Creek Watershed Protection & Flood Prevention project, Phase 3 limited to the top six contractors on the list; second by Councilmember Cozzens ; vote unanimous.

ADJOURN: Councilmember Rowley moved to adjourn at 6:32 p.m.; second by Councilmember Isom; vote unanimous.


Barbara Barrick, Executive Assistant