

**COUNCIL MINUTES**  
**FEBRUARY 6, 2019**

The City Council held a meeting on Wednesday, February 6, 2019, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Maile Wilson-Edwards; Councilmembers: Ron Adams; Paul Cozzens; Terri Hartley; Craig Isom; Scott Phillips.

**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 Director Ken Nielson; Sgt. Tim Bonzo, Water Superintendent Robbie Mitchell, Golf Superintendent Steve Carter; Sgt. Clint Pollock; Lt. Jimmy Roden.

**OTHERS PRESENT:** Gerald Van Iwaarden, Ty Cox, Kelsey Keener, Nick Holt, Kurtis Munford, Dallas Buckner, Andy Munford, Brianna Pugh, Brett Williams, Carter Wilkey, Derek Morton, Phil Schmidt, Tom Jett, Bob Platt, Zurl Thornock, Dan Roberts.

**CALL TO ORDER:** Pastor Gerald VanIwaarden of Westview Christian Church gave the invocation; the pledge was led by Councilmember Cozzens.

**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:** ■Phillips – I want to commend the Public Works Department on keeping the City clean, snow, garbage, etc. I live on a busy street and hear the snow plows early. I want to tell them thanks for keeping our roads clear. Also, a belated happy birthday to Terri Hartley, we will have cake after the meeting. ■Cozzens – Cedar City traded property by the Visitors Center and Bulloch Pit for property by Quichapa, Vandenberg Road, the County has crushed 50,000 yards of gravel for road construction and removed 80,000 tons of pit base, they built the roads up about 3 feet. It has left an awesome hole. Bowen Collins some time ago did a study saying 3,800 AF of water comes out of Quichapa, that is about ½ of the deficit. The pit will handle all that water that we can recharge. It is a win/win, it is the severely impacted area of the aquifer by our wells. The County still wants to crush some gravel, we would like them to stock pile some so we can recharge more water. If you can drive out there it is a 20-30-foot hole in the ground, 7.5 acres of land. ■Ryan Marshall – Nick Holt is the new Airport Manager, we put him in a snow plow on his first day. He has been at St. George Airport for 8 years. We are glad to have him join us. He has his bachelors from UVU in Aviation Management, Ace certificate, commercial pilots license and is aware of the needs of the pilots. We will miss Jeremy but think Nick will do a good job for us. Nick Holt – I am excited to be here and to come back to Cedar and serve. Cedar is like home, I grew up in Lincoln County Nevada, Caliente. Cedar City is a place we came for basketball tournaments and shop. I lived here for 5 years about 15 years ago. My wife is a SUU Alumni

and we have 4 children, we are slowly making the transition. Reagan, 13, Hunter 10, Harper 5, Maverik 2. We are excited to come back. I have been in St. George 8 years and I feel I have knowledge to help our Airport. I am excited about the opportunity, there is a beautiful terminal there. I have been working with Danny to put advertisement together

**PUBLIC COMMENTS:** ■Historic Preservation Committee. Aleese Cardon - See Exhibit "A". ■Swear in Tim Bonzo as Sergeant - Chief Adams – With retirement of Sgt. Womack, we had a selection assessment to fill the position. We had very qualified candidates. I am proud of Tim, we go way back, we were on the ambulance 20 years ago together. We are excited for him and proud of him for his hard work. Tim Bonzo – Wife Chendel, mom and dad, Max Susan, children Ty, Aspen, Navee, 13, 18, 15. Renon Savage administered the Oath of Office to Tim. ■Tom Jett – reminder how wonderful our staff is for the 3-5 inches we got. I have been doing some City business with the removal of 47 snipe signs, they keep growing. Thanks to the staff for keeping our streets so clean. ■Derek Moreton & Peggy Green – we just completed 3<sup>rd</sup> annual dodge ball tournament for Care and Share. We want to thank you for your support over the year. We have a dodge ball shirt that says smash hunger in your face. We also have the inaugural program with the two participants, WWE Wrestling league, we got a good response and were better than I anticipated. We have big plans to bring in more dodge ball events. Thank you. We made just under \$10,000, we had 26 teams, 25 from out of town, one in the national league. We hope to host a national game. This year they are in Phoenix, Vegas and LA. They bring average of 10 teams and it will be a crazy crowd. ■Carter Wilkey – Saturday I was running errands, there were two car accidents on Main Street and Fir within a few hours of each other. There was quite a bit of talk on social media about a light there. Has there ever been a study for the traffic load off Fir. Kit – no, but it wouldn't take much to do a study. Carter – social media is what it is, but there were people saying they don't drive that area. Kit – that is a UDOT road. Phillips – with Retro Fitness and other businesses it is very busy. Kit – it is less than two blocks from 800 South. Hartley – with the new road going in a lot of the traffic will go to the light at 800 South.

**AUDIT PRESENTATION. CALEB REESE/JASON NORRIS:** Caleb Reese – I want to express gratitude to staff, Jason, Rhean, Coty and Wendy were extremely helpful and accommodating. It is not easy to do your work when someone is asking for information. We had a clean audit opinion, that is the bulk of what we look for in an audit. Internal controls on page 77, we want to make sure checks and balances and segregation of duties, if fraud were to occur it would be caught in a reasonable time period. We look at compliance with Federal laws, you spend more than \$700,000 in federal funds you have a single audit. We looked at the Airport this year, we check to see that reports filled out, kept in compliance with the funds and staff did achieve that. This is now the second year in a row with no findings with a single audit, so Cedar City is a low risk auditee for federal funds. We look at the compliance with State laws, the State Auditor comes up with a list of things to look at, most will be the same, stay in budget, open and public meetings and other things, the fund balance is kept at appropriate levels, you are in compliance with all state laws that were mandated that I test. So, you have a clean audit report. The financial statements will show long term debt go down. On the utility funds, your operating revenues, water, sewer utility funds where you charge money and provide services all was covered by the operating revenue. Financial health of Cedar City is strong, good job on managing the City.

Jason Norris – we appreciate Reese and Hughes, they are good to work with. It is a long process we are glad to get it done.

**CONSIDER VICINITY PLAN FOR AIME AVENUE PUD. PLATT & PLATT/DON**

**BOUDREAU:** Bob Platt, Platt & Platt Engineering – a year ago we came through with a vicinity map for a total of 24-unit apartments, this is a complete change to 6 townhomes. It has been through Planning Commission. A neighbor asked for a traffic study and Kit did that. Phillips – there was discussion at Planning Commission on 4500 North being paved, is the existing Aime Avenue ok for getting fire trucks in and out of since 4500 North is not an approved street. Kit – Aime Avenue is a 50-foot-wide street, the other street to the apartments is at least 60-foot-wide, they have plenty of capacity to handle Aime Ave and the apartments. Phillips – 4500 is not an approved street, what type of liability do we have? Tyler – no more than any other street. I assume that street will eventually be improved as property develops around it. Kit – the street is planned for a cul-de-sac with future development, it gets too steep. Bob – we are required to do some improvement as part of the project. Cozzens – the steepness of that, is it comparable to Cove Drive and Meadow? Kit – it is beyond our standard for street slopes, those streets are about 16% this would be 25%. Hartley – is a block wall to be provided in the front of the PUD? Kit – it is not because they have garages that front Aime Avenue and they are accessed off Aime Avenue, it is solid slab of concrete in the front. There won't be a wall. We are in the process of doing an ordinance amendment on subdivision and PUD's. Consent.

**CONSIDER AN ORDINANCE VICINITY PLAN FOR THE WILLOW CREEK**

**SUBDIVISION. GO CIVIL/DON BOUDREAU:** Dallas Buckner, Go Civil Engineering – it is a residential estate subdivision, .4 to 1 acre lots at the intersection of 2400 North & Lund. Kit – we are working on the grades for the subdivision, it is very flat and is hard to design drainage and sewer. It may have to be a PUD so the City is not responsible for that. Phillips – it is master planned for walking paths and bike trails. Correct. Consent.

**CONSIDER GRANTING FINAL PLAT APPROVAL TO THE FIELDS PUD PHASE**

**3 – WATSON ENGINEERING/TYLER ROMERIL:** Tim Watson, Watson Engineering – we are requesting final plat for the Fields Townhomes Phase 3. We are finishing the section that fronts 1325 North. We are west of Northfield Road. Tyler – the City has received agreements and fees. Consent.

**CONSIDER GRANTING FINAL PLAT APPROVAL FOR OLD SORRELL RANCH**  
**SUBDIVISION, PHASE 1 – WATSON ENGINEERING/TYLER ROMERIL:**

Tim Watson, Watson Engineering – first phase of the Old Sorrell Ranch, it is in the area of the SUU Observatory and Westview and College Farms. Tyler – we have a letter of credit and bond agreement and fees are paid. Tim - we have 10,000 to 12,000 square foot lots. Consent.

**CONSIDER PURCHASE OF GOLF COURSE PUMP STATION (PART OF PHASE 3**  
**IRRIGATION PLAN). JARED BARNES:**

Steve Carter, Golf Course Superintendent – thank you for letting us come tonight. We need a pump station for phase 3 of our irrigation system, phase 1 and 2 are complete. Updates to pump stations, and heads, pipe and wire and

clocks throughout the Golf Course. Phase 3 is ponds, pump, pump station and power behind the #7 green. The ponds are collaborating between Engineering, Public Works and the Golf Course when complete will it will improve the watering situation at Golf Course, right now we use over a million gallons a night, with the new system it will drop to 765,700 gallons the designer has said. We had it budgeted at \$189,000 and came in at \$172,354. Hartley – it was funded? Steve – we have money from RAP Tax. Phillips – is this the end? Paul – this is the first part of phase 3. We will have to dig the ponds and line, then we have phase 4. Steve – the irrigation on the front side was put in 1962. We put in 2” pipe around the greens two years ago, everything in the front is metal with 2” pipe. You can run 16 gallons a minute without losing psi, we are trying to run 30 gallons a minute in a one-inch line. We are overworking the system. This year we fixed 58 leaks, I spend 70%-80% of my time on irrigation. Paul – the inside diameter is not one inch anymore. I have tried to save water usage. In 10 years, we have used we use 116 million gallons a year on water, savings will save 30 million to 22 million gallons a year. Over 15 to 25 years that is a huge water savings. We try to maximize our water. Phillips – my golf buddies say the greens are in great shape. Hartley – do you use effluent water or city water? Steve – we use a well south of the cemetery that is not potable water. Consent.

**CONSIDER AN INTERLOCAL FIRE AGREEMENT WITH THE TOWN OF CEDAR HIGHLANDS:**

Mike Phillips – a year ago Cedar Highlands approached us about providing fire protection for them. They want an interlocal fire agreement. Tyler – it is a carbon copy of what we enter with the County, Enoch and Kanarraville, it is a 1-year agreement with a max of 5 years. Based on taxable value they pay a portion of the fire department actual budget. Chief Phillips will set down with them in the Spring and go over their budget and pay their share plus \$1,500 for preservation fund for upkeep. Where Cedar Highlands is situated, the agreement is structured where we are not bound to go up there, it depends on weather and conditions, it says if we can get there we will get there and help with fire protection. Mike –we protect \$5.2 billion in value. Cozzens – in the summer you will go up the canyon? Mike – no the face, it is a lot faster. Cozzens – I worry about the winter going up the face and losing an \$800,000 truck. Mike – we take up small trucks and SCBA’s and put the fire out. In the winter we take small truck in the summer small truck in the face and large truck up the canyon. Phillips – will this affect our insurance? Tyler – no. Phillips – after you meet with them annually, does the money go into the general fund? Jason – all our interlocal agreements pay a portion of the budget and it is re-budgeted to the Fire Department and the Capital Preservation fund. Consent.

**REVIEW BIDS FOR MAIN STREET WATERLINE REPLACEMENT PROJECT.**

**JONATHAN STATHIS:** Jonathan Stathis – this is a project to replace the waterline on Main, east side from Center to Monterey Drive. UDOT will be resurfacing Main Street this year and we have had a lot of problems. The bids are over budget, Interstate Rock low at \$787,000.88 without alternates it is \$781,714.28, we are \$130,000 over budget. The design water division felt we needed to replace all the lines in the intersection with Center and Monterey and with all the utilities it added up on the costs. Phillips – the add alternates for the conduit and wires is \$6,000 to \$9,000, is that large enough to take care of future needs? Jonathan – that is the standard we have been using and we haven’t had issues. Kit – it is sufficient for our LED lighting. Phillips – is that all we put in? Kit – we put a spare conduit

in case someone needs it. Phillips – the UDOT is from 200 South to Monterey Dr, will it be different? Kit – they are going from Center to Monterey. Hartley – where would the over budget come from? Jason – from the water fund. When it came through, we were estimating. We recommended any utilities improve with the resurfacing to do it. They are in the enterprise funds and are able to cover the water, sewer and storm drain. I will bring a budget revision in March and this will be included. Consent.

**REVIEW BIDS FOR THE 4500 WEST SEWER PROJECT. TREVOR MCDONALD:**

Trevor McDonald – we bid out the 4500 West sewer project, we received 6 bids, Schmidt Construction was the low bid. We had alternative options and the options selected to best serve the project and it comes in within budget. \$2,201,000, Schmidt Construction was \$2,069,082. Phillips – the adjustment was based on the county chip and seal? Trevor – yes, that is one of the alternates, we had trench options, larger diameter sewer and going to 24”. We have flowable fill, we want to keep the pipe floating. On this project we have restrictive drains .09 percent, we will use pea gravel which is a drier gravel.

Phil Schmidt – we have done all the sewer main trunk line on this which is about 11 miles. We are very familiar. We have one spot 26 feet deep and we have had 20 feet before and have track hoes that can do it. You cannot step down because the line goes down the middle of the road. The soil is sandy. If you go where we cross 5600 west to the Rocky Mountain Power big pole is bad ground with a lot of water. There is a steel casing that crosses 56, we will tie into that. We will bore at Lamoreaux’s and case at 30” and go 110 feet and when you run the sewer line there are not changes. Cozzens – what kind of pipe? 24” PVC. Cozzens – we appreciate Phil’s great work. Consent.

**PUBLIC HEARING TO CONSIDER GRANTING A PUBLIC UTILITY EASEMENT TO ROCKY MOUNTAIN POWER TO RUN A POWER LINE ACROSS CITY PROPERTY TO THE ANIMAL SHELTER. KIT WAREHAM/ TYLER ROMERIL:**

Tyler Romeril – the animal shelter is under construction, things are going well, and Rocky Mountain Power needs to run the power, and they will need an easement. Kit – it is from the power pole to the SE corner of the new building. Phillips – will it be under ground? Kit – yes.

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

**PUBLIC HEARING TO CONSIDER AMENDING CITY ORDINANCE 26-IX-4 TO REQUIRE HOME OCCUPATION APPLICANTS TO CERTIFY THAT THEIR HOME OCCUPATION WILL NOT BE IN VIOLATION OF ANY APPLICABLE CC&R’S. RON ADAMS/TYLER ROMERIL:**

Ron Adams – through the past year and half we have had ordinances that are in neighborhoods with CC&R’s. I have had staff look at the verbiage. The paragraph in the packet, I only want to address the first sentence and strike the rest. The intent is a buyer beware, we did this with the short-term rental ordinance, it is ok unless it violates the CC&R’s and that is up to the individual applying. Being on the Board of Adjustment for 6 years, the majority of our public doesn’t know what areas of town CC&R’s and they have are approving things that are in violation and then the citizens come

back and say the City says it is ok. I don't want the BOA to deal with it. Add "unless the CC&R's prohibit it" we want a check off box on the application for home occupation businesses.

Tyler – with that change I am more comfortable, I have added it to the application for your review next week. Certify that my home occupation is not in violation of CC&R's. If the Board of Adjustment denies or revokes, they have to read the CC&R's and that is best left in the Courts. Isom – so it is an affidavit saying it is not in violation. Tyler – it is good education. When people have renewed their licenses, they check lists educate them.

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

**REVIEW BIDS FOR THE COAL CREEK MAIN STREET DIVERSION PRIMARY SAND SEPARATOR PROJECT. KIT WAREHAM:**

Kit Wareham – we opened bids on sand separator, it is at the Main Street diversion, since that was put in around 2008 it has not worked the way it was intended, the irrigation companies are still seeing a lot of sand and silt causing problems with their systems. We have been working with Sam Bauer on a design to modify the separator making it a longer structure to slow down the water to get the sand out and then the sand will dump back in Coal Creek. Phillips – we are remodeling the existing structure? Kit – yes. Phillips – it is for the irrigation companies? Yes. Hartley – are they participating? Paul – we are paying for it, they didn't want to redesign Coal Creek a few years ago, but it got us out of the flood plain. They view it as a City project and the City should get it right. Hartley – when it was free flowing did it take the sand out? Most of it.

Paul Nelson – before they did it the water went over a slush gate and the water would kick it to the creek, when the City needed to lower it, it was to be as good or better. It does take the gravel out, but not the sand. Phillips – will the change solve the problem? Kit – nothing is 100% sure, but we involved the irrigation companies more to give them what they felt would work.

The low bidder is Munford \$136,793.50. the budget was \$250,000 so they are significantly lower. Hartley – are they a local company? Kit – yes. There was one bidder that was \$170,000. We are recommending Munford. Phillips – how long will it take? Kit – it has to be done by March 15<sup>th</sup>. Hartley – do we have experience? Kit – not really, Lyman Munford's nephews are the ones that bid it. Consent.

**CONSIDER PROPOSALS TO UPDATE CEDAR CITY'S IMPACT FEES. PAUL BITTMENN:**

Paul Bittmenn – last update we did was 2011, we have been using that for 8+ years. We had a need to include large fire trucks and effluent water process. We put out an RFP and published on social media, newspaper, and sent to those we thought would be interested. We received two bids, one from Zion Public Finance, and one from Lewis, Young, Robertson and Burningham. Lewis Young had the most points. They have done the study before, we worked with them in 2005. Their bid was \$48,000, Zion's was in the \$80's. Wickstrom did our last study, but their principal passed away and we don't know the status of that company. Phillips – what are the three entities paying for the study? Paul – it comes

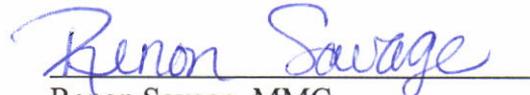
out of the impact fees. Jason – it puts us over budget, it will be police, fire, Parks & Rec, Transportation, sewer, water and storm drain and will be allocated throughout those funds. Paul – the 2011 study got a lot of heat, that doesn't go to Lewis Young, it goes to Cedar City because we didn't look at them for a long time. Cedar made a choice to catch the gap up at once. My experience with them was positive. Cozzens – I struggle with some of these. What do they give us that the home builders, HBCA and staff, can't? Paul – I contacted the home builders locally and at the State level and they never gave us a response. The problem with staff doing it is we are capable, but we continually push engineering on projects because all the subdivision and projects have to go through engineering and our workload is too much. Isom – you have 66+ projects you are managing at once. Paul – it is not a knock-on Kit and his guys, they are working a lot. Kit – they still depend on us to provide costs for upsizing sewer lines, water lines, roads, etc., so we still have to do a lot. Phillips – is it more of a monetary concern? For me I want the City to have a place to reference and for communities our size this is what the fees should be. I want us to have the proper tools to show we did our due diligence. Paul – it is also good to have a third party look at our stuff. Cozzens – I see both sides of this. Consent.

**CLOSED SESSION, PROPERTY NEGOTIATIONS**

Councilmember Isom moved to go into closed session at 7:00 p.m.; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Scott Phillips	-	AYE

**ADJOURN:** Councilmember Isom moved to adjourn at 7:22 p.m.; second by Councilmember Hartley; vote unanimous.

  
Renon Savage, MMC  
City Recorder

Good evening Mayor and City Council members.

My name is Aleese Cardon, and I am the Chairperson for the Cedar City Historical Preservation Commission. I'm here this evening to talk about Cedar City's National Historic District, which is located from Shakespeare Lane to 200 South and from 100 West to 300 West. The Cedar City Historic District is an important historic resource to our community, it represents the settlement and the development of our beautiful town. The historic buildings within this district represent a wide range of architectural styles starting in the 1880's and continuing to the mid 1960's. Our Historic District was designated and placed on the National Register in 2004. It contains 174 homes, many of which are historically relevant and play an important part in our community's character and is integral in telling Cedar City's unique story.

Thanks to a donation from the Cedar City-Brian Head Tourism Bureau, we will be placing our first Historical District sign on February 12th at 4:00pm on the corner of 200 West and Shakespeare Lane . This will be the first of many placements to be unveiled in this district. Our desire with this sign is to facilitate learning and appreciation for our National Historic District. We at the Historical Preservation Commission would like to extend a personal invitation to Mayor Maile Wilson Edwards, City Council members, Paul Cozzens, Terri Hartley, Ron Adams, R. Scott Phillips and Craig Isom, as well as all community members to attend this unveiling.

Thank you