

**COUNCIL MINUTES**  
**FEBRUARY 27, 2019**

The City Council held a meeting on Wednesday, February 27, 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.

**OTHERS PRESENT:** Tony Kociela, Andrea Nelson, Sheryl Stratton, Lisa Davis, Edward Kociela, Tina Dickinson, Mark Yahne, Kennan Imlay, Carter Wilkey, Robert Chamberlain, Kathy Slack, Teri Kenney, Del Schlosser, Tom Jett.

**CALL TO ORDER:** Director Samha of AL-Hekma Center gave the invocation; the pledge was led by Councilmember Hartley.

**AGENDA ORDER APPROVAL:** Mayor – we need to move item #6 from the consent to action agenda, it is an ordinance.

Councilmember Isom moved to approve the agenda order with the noted change; second by Councilmember Hartley; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS:** ■Phillips – could Kit or Paul enlighten me on street light repair. There are a lot of lights out. Paul – they get reported to Public Works, they generate a list and they will keep it for our contractor, they repair once a month.

**PUBLIC COMMENTS:** ■Andrea Nelson – a few concerned citizens concerned about the process in the way in which the School District and School Board approached the name of the Cedar High School. Letter to the Editor from the Spectrum CHS honored native Americans now it has been eradicated leaving, no lawsuits filed, threatened, no police reports of bullying have been filed warranting discussion. No petition filed by any entity for change. The discussion started 2 to 3 years ago in secret, decided what they were going to do. Late Nov. 2018 was the community invited to any public forum, you could tell the decision had been made. When my husband asked if it had been decided she said no, and I know that the logo had been taken off the letterhead and the uniforms. I hate being lied to. It was not a volunteer committee, there was not a public announcement asking for people that would like to be on the committee. A fuse committee selected for input included the School Board President's wife was on the board, not illegal, but not

right. They used good citizens and students as pawns to further their devious design. The "Sunshine Law, forced the committee's last secret meeting into the open.

There is not discussion of funding, a concerned citizen sent it to the Superintendent and she said we can do it without a problem. The School Board handbook said there should be notices. Schools that have done this it is \$800,000 to a million dollars, that is a lot of money when Cedar Middle School's roof is leaking. The attached Exhibit "A" was read.

■ Tony Kociela, Voices of Iron County Education – I am a resident for 25 years, proud resident of this great community, I have raised my kids and my son is a freshman at CHS. My son is native American and is not for the change. There is no recall, I found it is not possible to remove a school board member, the only way to be removed is if they commit a felony. We can impeach a president but cannot remove a school board member. Next is gender neutral locker rooms, that is not something I want my son to have to do, it is not appropriate, it is not our community values. I don't care what New York and California are doing and I feel the community backs that. Redman, 3 people should not have a say on an entire community that is not democratic it is socialism, I asked them to put a pause on it, Steve Allen laughed at me. You got voted under democracy and represent our community and should have a say in this too. I want to know where you stand on the situation and your opinions. Shannon, Steve Allen say I am crazy, and I am a minority, but they won't put it on the ballot. Why has a committee to change the name and write a new song been put together? They aren't giving stuff away, they say they are destroying it because it is racism. Everything from the community, every ethnic background. Three people decided for an entire community. I am asking for your support. I know you can't change the vote, but if you stand behind me, I bet Steve Allen won't laugh at me again. If I have to run against him, I will do that. Voices should be heard, that is the democratic process and what makes this place great. We should all have a say and a vote. Where do you stand on this?

Cozzens – I am disappointed, I am not from here, but my kids are and my wife are, my wife is very upset. It was best said when Mrs. Anderson said they may have to change the Giants because it may hurt midgets. Every one of these names are in jeopardy, I think the Red Devils, Warriors are, I have heard that we will have to give all schools a zip code. I support your efforts.

Adam – I likewise, I have lived in Cedar 61 years and very upset with the decision. I know the new groups have new movements for different issues. I went to school with the Paiutes, very good friends with them, I was labeled an artificial Redman, we all worked, played and had fun together. I have read a lot and heard a lot of comments. Where is the proof, they say potential law suits, but then I hear they haven't? the School Board needs to be open like we are, they are open to the public and elected by the public. We try and do that, and I feel we do a good job. Tough issues are hard, nothing will get resolved without give and take.

Phillips – I want to hear from other people.

Isom – my parents are from the Hurricane area, but I grew up in California, my biggest concern of what has happened is we have a lot of politics of what I escaped finding a way into our community and I don't want to be California East. I don't like the tenancy and the direction.

Hartley – I am a CHS Alumni and disappointed. I don't buy in to conspiracy theories, I know both sides are saying they did it the right way. We don't have jurisdiction. I don't want the mascot to change, but it doesn't affect my education. I hope they did the right thing.

Tony – don't you feel they should follow a process. Hartley – you say you went to the State School Board, they have jurisdiction, are there no options. I have more questions than answers. Phillips – I went to all three meetings, I am waiting to find out the reason and why the apparent urgency without longer due process. I applaud you for your efforts, democracy is the process. We don't always agree, but at the end of the day we do what we feel the best for the community. I have never seen anything, I am astounded by the amount of divisiveness that has happened in the community. Tony – I agree, I asked Mr. Nelson to put it on the ballot if it wins, I will help the transition, if not, you support keeping it.

Mayor – I am disappointed overall in how it has divided the community, we are better than this. When you see threats and how it has become personal to everyone, when people are being targeted, we are better than this. This isn't the community we love, live in and want to be better. With it dividing us so much, it upsets me and if there should be a longer process, I know we vote on issues that not everyone likes, but that is how the process works, we have 3-2 and 4-1 votes and 5-0 and people walk away not always happy, but does not lead to threats of violence, so as a community we need to be better. As far as of the process I am not on the School Board and not privy to the process. I am a CHS graduate as well as all my family and I want one way or another to unite as a community and become the Cedar City we all love. Tony – do you think a public vote would do that? Mayor – I don't know, and we as a jurisdiction don't have the jurisdiction to do that. I hope this gets more people involved in the school board process and get people to run for office. People should be involved, we all need to do better. If we want change, we need to be part of the process.

■ Tina Dickinson - we want to bring an issue to the attention of the City Council, shipping containers coming into the residential neighborhood. Many cities have had to deal with this. I don't think we are shooting for an industrial look, we have the Shakespearean Festival, we need tourism, we have a 20% poverty rate and I think tourism is very important. St. George started in 2013 and just passed an ordinance banning it. We would like to get an ordinance to keep the integrity of the community. Phillips – thank you for bringing it to our attention.

■ Sheryl Stratton, a member of Voice to become more involved in the educational process of Iron County but can't do much without change. Redman issue is important but not as important as things will come up. I spent the last 32 years in CA, I came home to rest,

nest, came back to City, Iron County and School District that is infiltrated. It is a symbol issue, because of non-disclosure I would wager that it is a liberal progressive slant to the whole thing. "While the school board and district are spending a lot of time and money trying to push a liberal agenda that has not been proven to help Native American students here is what is missing in the narrative. Here is a quote from US News. "Cedar City High is unranked in the National Rankings. School are ranked based on their performance on state-required tests and how well they prepare students for college." "Desert Hills in St. George is ranked in the National Ranking and earned a silver medal. Schools are ranked based on their performance on state-required tests and how well they prepare students for college." CHS has a College Readiness Index score of 13.2. Desert Hills is 28.1. In reading proficiency CHS is at 38% and DH is at 53%. In Math the Reedmen are at 38% and Desert Hills at 54%. If the Iron County School board is really concerned about the students shouldn't they invest the suggested change money into the high school and help change these student lives for the better and prepare them for life after high school? This shows an epic fail of the Iron County School District board and administration." Springville, Utah put this issue to a vote and they kept the Red Devils logo. Phillips -- if Springville can bring it to a vote, why can't we? ■ Del Schlosser -- I appreciate you listening to the public and not having a clock. The process of the School Board, it is not your fight as a council, but it is for you as an individual. School Board on Feb. 5<sup>th</sup> took a vote and voted to eliminate the Redman name from CHS, immediately we went forward with the process to get it on the ballot. We had 5 days to get a petition to the County Clerk for a referendum. Myself and several others did that and presented it to the County Clerk. We are waiting on the Iron County Attorney's Office to make a ruling. If we can proceed, we move to a vote of the people if against it is struck down. I went to the Iron County School District website to see an appeal process, there is not one, who do we appeal to. I contacted the State School Board and they said School Boards should have process, and I said you are right there is not one. I asked the process. I made the request to the Assistant to Shannon Dulaney on the 8<sup>th</sup>. I had not heard by Monday night and I made an attempt to file an appeal and about 10:25 the next morning I was notified a law office in SLC had been hired and was notified we have no right to appeal a decision. Mayor you stated it well, it is time to get involved, not only local but State wide to have an appeal process. Hartley -- did you say the State said they are required to have one? Del -- because of the notice to the Iron County School Board I have not been back in touch with them, I am not done. They did tell me they were to have an appeal process, but they don't. I deal with GRAMA requests myself in my job, in that request and notice to them, I also field a request from them "it is a GRAMA request to view all documents related to this vote including but not limited to all: emails, minutes, recordings, printed research, files, notes, and correspondence including any and all texts and emails. Is that vague? I don't know how narrower I can get, they said the request is too vague to respond and vastly overboard. Without a narrowed request with greater definition that would allow the School District to know what is being requested, no response can be given.

Tyler -- there is an appeal process if denied a GRAMA request. Del -- they denied an appeal and now don't want to provide any information. I need to do a better job when I vote someone into office. As I talked tonight, we started with the Redmen name, the

name Warrior came up, CMS. If you think it will stop with Redmen you are wrong. I appreciate you listening to the people you represent.

**CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED FEBRUARY 6 & 13, 2019; (2) APPROVAL OF BILLS DATED FEBRUARY 25, 2019 ; (3) RATIFY A SINGLE EVENT ALCOHOL PERMIT FOR SUU/SUMA. JESSICA FARLING/ CHIEF ADAMS; (4) APPROVE CORRECTION TO THE AMENDED LEASE AGREEMENT WITH PHIL SCHMIDT. PHIL SCHMIDT/PAUL BITTMENN; (5) APPROVE A LAND LEASE WITH INSITE TOWERS DEVELOPMENT FOR A COMMUNICATION TOWER NEAR THE VETERANS BASEBALL PARK. TYLER ROMERIL/MARK YAHNE; (6) APPROVE ABANDONING A WATERLINE EASEMENT AT 1600 SOUTH NEAR THE VA CEMETERY. TYLER ROMERIL; (7) APPROVE A PROPERTY TRADE AND AGREEMENT WITH QUANTUM PARTNERS, LLC. QUANTUM PARTNERS/PAUL BITTMENN; (8) APPROVE COOPERATIVE AGREEMENT WITH UDOT FOR THE RECONSTRUCTION OF THE UDOT PAINT SHOP BRIDGE. KIT WAREHAM:** Councilmember Hartley moved to approve the consent agenda items 1 through 5, 7 & 8 as written above; second by Councilmember Adams; vote unanimous.

**APPROVE AN ORDINANCE ABANDONING A WATERLINE EASEMENT AT 1600 SOUTH NEAR THE VA CEMETERY. TYLER ROMERIL:** Councilmember Phillips moved to approve the ordinance abandoning a waterline easement at 1600 South near the VA Cemetery; second by Councilmember Isom; roll call vote as follows:

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

**CONSIDER ORDINANCE ADDING A MASTER PLANNED SEWER LINE ON 200 SOUTH FROM 4200 WEST TO 5300 WEST. KIT WAREHAM:** Kit – we talked about this last week, it is in the Cedar Meadows area on the Burgess property to run a sewer line to the west to the master planned sewer system. Phillips – we don't know when it will be built out? Correct.

Councilmember Phillips moved to approve the ordinance adding a master planned sewer line on 200 South from 4200 West to 5300 West; second by Councilmember Adams; roll call vote as follow:

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

**CONSIDER USING EMINENT DOMAIN TO OBTAIN AN EASEMENT ON PROPERTY LOCATED AT 4500 W. 1225 N. AND 4500 W. 1300 N. FOR THE INSTALLING AND MAINTAINING OF A SEWER LINE. TYLER ROMERIL/TREVOR MCDONALD:**

Tyler – I have had no further contact from the Ashdown Family, I did get an email from the Slack’s asking to run the sewer line to the west on their property. We went through the options and costs. Phillips – assuming that we do move in favor of moving ahead, can we still urge to have dialog to mitigate the process of eminent domain. Tyler – I will reach out to both parties. We have an appraisal that 6 property owners have accepted, two have not. Phillips –we have worked on this for 11/2 years? Tyler – just under 2 years.

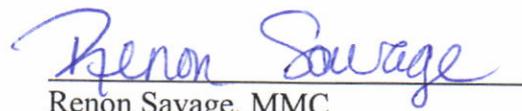
Councilmember Phillips moved to approve using eminent domain to obtain an easement on property at 4500 West 1225 North and 4500 West 1300 North to install and maintain a sewer line; second by Councilmember Isom; vote unanimous.

**CLOSED SESSION – PROPERTY NEGOTIATIONS:**

Councilmember Isom move to go into closed session at 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 6:45 p.m.; second by Councilmember Hartley; vote unanimous.

  
Renon Savage, MMC  
City Recorder

Iron County School Board

In researching the materials handed to the "selected" committee I found some very interesting things.

First in the binder was the now infamous 2005 APA/Fryberg study that was proved to be an inaccurate study using unacceptable methods and disavowed by the APA in 2013. Did not the provider of the binder do any research or did they know and just figured no one would check it out?

Next was a lesson plan on how to teach students not to be racist starting grade 1. This is nothing but propaganda including such loaded discussion questions as "Why is an attractive depiction just as offensive as an ugly caricature?" The source of the lesson plan is not given.

Third was a listing of Native American Mascots in Utah. Conveniently left off the list was the CMS Warriors. If NA imagery is so bad why not change CMS too? Did ICSD realize that they haven't squirreled enough money away to do that one too? Especially when the money would be better spent fixing the leaky roof at CMS?

Fourth and biggest section was provided by the Center for American Progress. This is the **most** liberal, leftist, socialist think tank in Washington D.C. founded by John Podesta. A whole book could be written on his nefarious dealings and ties with George Soros. This organization (CAP) does not reflect the values of Honesty, Integrity and Transparency that is valued in Iron County. The way this whole issue was handled does not reflect the values of Honesty, Integrity and Transparency.

On the last page is an interview with Frank Cloutier public relations director for the Saginaw Chippewas. He states that Native Americans are **not** "marginalized by Native American centric schools and an image on a basketball hoop but because of generational trauma. He indicated that if Native American children are struggling, it is education that will help to identify why and a Mascot should not be blamed. For those entities, which have banned Native American imagery use in their high school, it is a missed opportunity for cultural exchange. His position is that if Native American imagery is used appropriately it is fine. CHS uses appropriate Native American imagery. This page has never been brought to light.

It is incumbent on those wanting to change to prove the advantages of that change. None has been provided. These kinds of changes have been going 30-40 years. Where is the data showing improved graduation rates, less suicide rate, less alcohol and drug abuse? The burden of proof has not been met. In fact the research I have done shows the opposite.

I have to ask the question why? Why are certain powerful people pushing this agenda? The mantra that "it's about the kids" is a smoke screen. If that were really true this would have been handled much more open and honestly. The kids at CHS are hurting. I think I have learned by sad experience that it boils down to power and control. A few think they know more and are more enlightened than others and have gained the power to control. That can be a very intoxicating power.

Sincerely  
Andrea Nelson