

COUNCIL WORK MINUTES
JUNE 5, 2019

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

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

MEMBER EXCUSED: Ron Adams.

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; Water Superintendent Robbie Mitchell; Leisure Services Director Ken Nielson; Project Engineer Trevor McDonald; Heritage Manager Jason W. Clark.

OTHERS PRESENT: Mary Cozzens, Brynlee Cozzens, Booklin Cozzens, Marilyn Wood, Matthew Wood, Shalon Shaver, Sherry Allred, Tony Kociela, Sherry Allred, Kyle Stubs, Brenda Webster, Christopher Quick, Tyler Allred, Sheryl Stratton, Mike Stratton, Ven Stratton, Nicole Huntsman, Aleese Cardon, Dan Huntsman, Nicholas Willis, Jared Hatch, Robert Chamberlain, Daniele Wheeler, Amanda Haueter, Dianne Wheeler, Billy Clouse, Noah Denhalter, Ezra Stein, Andrea Nelson, Roice Nelson, Wayne Hartley, Jo Sterrantino, Tom Jett, Brittanie Parry, David Barney, Cindy Starr, Janine Jolley, Lee Ann Gentry, Jennie Hendricks, Gail Davis, Dave Davis, Dallas Buckner, Susan Tyner, Kay Anne Cantonwine, Don Oswald, Chris Carter, Christine Anderson, Bob Ogie, Courtney Villanueva, Nicole Shapley, Heidi Baxley, Elizabeth Gillespie, Jessica Anderson, Sam Cook, Max Sullivanliv Braiker, Landon Yates Shengaho, Anthony Di Donato, Ranae Pete, Colleen Rogers, Marrilee Ham, Cason Deschine, Taniah Henrie, Isaac Petersen, Todd Petersen, Mitchell Zufelt, Donielle Savoie, John Grimshaw, Sarah Bates, Alice Anderson, Perside Tshitenge, Amy Alvarado, Adam Hahn, Pace Clarke – USG, Brigham Nielsen – USG, Cathy Croft, Lila Gasnick, Yvonne Simonds, Harold Haynie, Vickie Weaver, Dan Brummer, Kayleen Bundy, Famke Halma, Shavonne Harris, Ben Batty, Youngwook Kim, Richard Genck, John C. Buckner, Elizabeth Woodward, Jeanette Jones, Lisa Natwick, Marilyn Grainger, TaMara Henderson, Diane Davis, Annette Murray, John Murray, Margaret Mowry, Lenette Werber, Spring Parker, Lisa Bohne Davis, Dallin Staheli, Matthew Eddy, Carter Wilkey, Stephanie Flores, Jennilee Kanosh, W. Tyler Melling.

CALL TO ORDER: Councilmember Cozzens gave the invocation; the pledge was led by Councilmember Hartley.

AGENDA ORDER APPROVAL: #15 as we have received no information on the financial end, so I am not sure the role in addressing this item. Paul – Staff received information, we sent it up to Kit today and we have been emailing the architect on the numbers, we have a few emails with variations on numbers so we did not get the

information to the Council. Dallin did his homework and sent it out around 4:00 p.m. today. Cozzens – Dallin said the numbers in the spreadsheet were accurate, just not the summary. Hartley – I don't think it is appropriate to present numbers in a public meeting, we need to be able to look at it. I am not opposed to the project. Phillips – I think we are all in favor, but we want the information. Cozzens – the summary page is not accurate, but the spreadsheet was, he wants to move forward. Phillips – I don't want it on action if we are not comfortable with the information. Tyler – we can table any item.

Councilmember Phillips moved to approve the agendas order for the Council, RDA and MBA meetings; second by Councilmember Isom; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Phillips – I want to publicly acknowledge the Top Spot on 600 South Main, I don't know the new owners, but it is looking better. Also, I want to thank our Parks & Rec Department with the Cemetery over the weekend, I heard positive comments, it looked very beautiful. ■Mayor – Councilman Adams is out of town tonight and is excused. ■Slow Roll – Todd Hageman - tomorrow we will have our, 1947 Road Master bike, first slow roll, we are closing roads around the University for everyone to grab a bike and enjoy our neighbors, meet new ones and reconnect with new ones. Cedar City Police Department and SUU we have complete closure between 6:30 and 7:30. We meet at 6 at SUU Police Department, ½ the road for walkers, runners and strollers, the other half for bikes. Let's have a good time. We will have 3 this summer, tomorrow, July 11th and August 8th. We will have signs up tomorrow, we may adjust the locations throughout the summer. I look forward to seeing everyone tomorrow.

PUBLIC COMMENTS: ■Utah Summer Games – Pace Clark, Executive Director of the Larry H. Miller Utah Summer Games. We want to thank you for your support and all the Departments that help us, P&R, Todd, Ken Neilson. Things are really good, we have record numbers in several years, wrestling went from 72 to 338 this year. High School Basketball is this weekend, 75 teams, 205 games in 2 days. Other teams are up, individuals are up. We think we will hit 10,000 this year. Opening Ceremonies have been on Thursday but is on Friday this year, the biggest reason is feedback, parents from Salt Lake. If ticket sales are up we will know it was a good choice, if not we will move it back. KSL was excited for Friday because of TV coverage. It is June 14th, the block party will start at 3:30 p.m. 800 West 200 South, it will end at 7:30 then opening Ceremonies at 8:30 p.m., the band this year is the Plain White Tee's.

CONSIDER LOCAL CONSENT FOR A SINGLE EVENT ALCOHOL PERMIT FOR THE UTAH FARM & FOOD CONFERENCE TO BE HELD FEBRUARY 6, 7, 8, 2020 AT HERITAGE CENTER. SYMBRIA PATTERSON;

Symbria – last year was two-fold, it is not in the policy to allow alcohol at the Heritage Center, if you approve we need a local consent for the DABC. It will be the same format, but we will have both beer and wine. Phillips – how did the event go last year? Symbria – it was very quiet, slow time of year.

Jason Clark, Manager Heritage Theatre – it was a fabulous event, hopefully in the coming years we will build up participants. The alcohol was not a problem, they did what needed as the requirement. I ask that we don't change the procedure, our staff is not capable of policing the alcohol. This works to have such things approved as they come up.

Chief Darin Adams – background looks good, we have a positive recommendation.

Phillips – what change. Jason – we don't allow alcohol in a public function, only private function with no children. We would like that maintained, the clients then have to do the appropriate paperwork and take the burden off my staff and gets the police department involved early. Consent.

CONSIDER A RESOLUTION DESIGNATING THE CITY'S LEIGH HILL WATER TANK AS A MONUMENT TO BEAR CEDAR HIGH SCHOOL'S COLORS AND REDMEN SYMBOL. PAUL COZZENS: Cozzens – read the proposed resolution, it is attached as Exhibit "A".

Hartley – read a statement attached as Exhibit "B".

Isom – I echo almost all of that. Our history and legacy is something to be cherished, but the lack of civility is unacceptable in a community like ours, so we need to reach a conclusion that is fair and balanced.

Phillips – it is clear that the community is divided and not in a healthy manner. It is unfortunate we have to be here to discuss this because there are pressing issues. We are here and trying to heal. Some is a repeat. This is a city owned water tank, built to disburse water and was not planned or built to do anything other than that. It didn't become part of the Cedar City story until in the 1970's when approached by CHS faculty and staff. The other thing we are walking on shaky ground. We have a body that governs the school, whether or you like them or not and we should not step on their toes in overriding their decisions. I worry about the future children and grandchildren attending CHS, I went to all the public meetings, seen it on social media, newspapers and talked with people. There is pride and heritage, but what will it be for the future children. To my knowledge the School is still working on a brand and design. I know there have been names chosen, but nothing decided. No one has asked to paint over the water tower. Are we getting the cart before the horse? I am concerned with the maintenance, you all point to it with pride, land with juniper trees, towers and a water tank. It displays pride for the high school. I wonder if the City should ban it on all the tanks and paint it to blend with the surroundings, advertise our own events, etc. I am concerned about the future children, I want harmony. I don't see this resolution dissolving the disharmony.

Cozzens – I like the dates. I hope this body will respect my decision to do the resolution. I will take on the fund raising myself and pay for it myself if necessary, if necessary I will create an endowment. We changed it to a monument instead of historical site. I am concerned about the federal government, a candidate for President to get rid of Thomas Jefferson heritage because of him owning slaves. We are losing our history one school at

a time. I worry that we teach our children to not cave. I think we will go down a slippery slope. I want a vote. I think we honor the symbol and honor the history and leave it where it is at. I like adding the dates. It is a tradition we have had for 70 years and it means a lot even to the indigenous folks. Cal State Long Beach is getting rid of the Prospector Pete because it references genocide of indigenous people during the gold rush. We may have to give all schools a zip code, so we don't offend people.

Joy Serrantino – presented Exhibit “C” attached.

Andrea Neilson - I appreciate Mr. Cozzens and the comments from the other council today, I appreciated listening to your thoughtful and well-versed descriptions of your opinions. Exhibit “D” was read. The NAIA is a radical organization that according to their website wants all people of European descent to go back to Europe. Also that the signs bearing the name “Answercoalition” is a communist organization also, as shown on their website. Tomorrow is the anniversary of D day. The allies had lost lots of ground which they eventually recaptured and won the war. The school board blindsided us and we have lost ground but will win this war.

Taniah Henrie – I am emotional, thank you for letting us speak our voice. We are emotionally connected to the school because we went there, some are connected because it is who we are. I am worried about the younger generation, I want them to be proud and not swept under the rug. They need to grow up and know it is ok to be Native Americans. Sometimes you feel it is not ok and you were in the wrong because you were born that way. I went to CHS, I had a great school experience, it was not because of the mascot, but they honored it and were proud of it. We need to teach them that it is ok. We need to teach and educate not irradiate we need to let them know what we are about. I have not felt heard in this situation. They had open forum, but as a coach at CHS it has been coming for at least 4 years. Thank you for our time and let you know the water tower is important to us, so people know it is important.

Sheryl Stratton – I appreciate you allowing me to talk. Exhibit “E” was read.

TaMara Henderson – The Redman water tank is a part of Cedar City and has been an lengthy expanded piece of time, it is part of our heritage and has been there for decades, I can't imaging driving around and driving by that tank and the pride that the Redman name meant to me. I come from four generations 51, 70, 71, grandchildren that graduated this year, I have cousins, nieces and nephews and hope many more will graduate under that name. If my dad was here he would fight you tooth and nail, Gary Davis and he would never let this pass. He believed in standing up for what he believed in and I believe in the Cedar Redman Name and the water tank means so much. We want the tank left alone. I can't say enough, I hope when the City Council vote that you will consider what the Redman name means to the people. I hope you will remember that. I hope your agenda will be on the heritage of what you are proud. Mr. Phillips, I felt your statement was very negative and I know you stand up for things. I love the Redman name and hope we can keep the Redman tank.

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Tony Kociela – thank all of you, no matter where you stand, appreciate you listening. Mr. Phillips, the tank not standing for anything, it has been there through the 70's, like Route 66, or Shakespeare sign of some sort, they do have meaning, to a lot of us it is artwork, cultural and heritage. My son is a native American that goes to CHS and he is proud of who he is, for people to say he is ignorant is an insult to me and my child. I have facts I will talk to Ms. Sterrantino, A linguist expert from Smithsonian, the scout story was a spoof under the trademark in 2014. I want to know Ms. Mayor, you are from Cedar City, what does the water tank mean to you. Mayor – I drive by it every day, it needs a fresh coat of paint. I think we can have a great way to honor the Redman, we can do the tank or a monument with the history, so people understand why we have it and use it to educate and a learning opportunity to bring the community together. Even a plaque up there would be a good education. Education is good and beneficial for residents and future generations. Tony – it is there because it is an honor and history. Mayor – getting rid of something, we can use it as an educational tool, have it written down to explain the history.

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Harold Haynie – I take issue that my experience and leadership that we have good and open discussion, that allows us to explain. Once a decision is made, unless everyone gets together it is undermined. The problem in doing this it allows the city to interfere with the school board and the district. I don't see a benefit to the city trying to create greater divide. There is a situation by doing this we are undermining the individuals to help the school district that has been powerful for years to not succeed.

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Sam Cook, alumni of CHS and student at SUU. People don't learn history from statutes or monuments; they act as value judgment on the past and what people value of their history. Making the water tank a monument will show people what we value. This has been a question since the 90's. People that have lived here for one year, their opinion does matter. It is an authoritarian tactic to tell people that are not native and feel different than the native people of a place, if you feel different go somewhere else. I wasn't born here, but I don't have to be. We all pay our taxes, we all live here, a lot that pay property taxes don't want the mascot and their opinion matters. Someone moved here and bought a house wants to change it doesn't belong here reflects poorly on the city and the monument will reflect poorly for people 100 years down the road. The feelings everyone has toward the mascot will be irrelevant. The city utility in active use reflects on the city as a whole. I love this town, Cedar City is my home, all of us arguing the opposite should do the same. I ask like Councilman Phillips – how will children feel creating a monument from something in disrepair, I thank you for your comment, that is how I feel as a student in history.

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Christopher Quick – lived here 3 years and recently become disgruntled about the idea of political correctness and want to do something about it. I have a letter to read from Tracy Dewsnup Page, it is attached as Exhibit "F". Councilman Cozzens said he was not sure where to find funds, but I will help.

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Renee Pete, member of the Cedar Band of Paiutes, I am a proud grandmother of several CHS Redmen. My granddaughter coaches here and is a lady Red. I left here and went to a

Kerns High as a Cougar, went to BYU and was a cougar and I heard someone here killed the cougar. As far as the water tower goes, I encourage you to keep it, it is history. When I go through town I see monuments of men, I would like to request that you put a native monument in town. If you don't do the tower I would encourage you to put a native man and woman monument. We have a monument at the library but we need more.

Marilee Ham, born and raised here. From the beginning, member of the Cedar Band of Paiutes, I want people to know where the tribe stands, it has not been voted on, they didn't bring it to their people, our Chair came as her own opinion. That is why we had to get up and speak, for ourselves, children and family. We understand what some people think it is bad, we are in a new century and we need to show the positive of our people, I don't support #notyourmascot, they are racist, we need to all get along, we are divided even in our tribe. I would like for the community to be more involved, the point of letting our tribe be part of the education and the District said no, that was sad to me. I understand both sides. For me, my son, we have never been called "redmen, or redskin" we have never been treated bad, I have never been shown that it happened, if it did there should have been proper steps taken and it has not happened. Until there is evidence, it is just a story. We have buffalo nickels, there are light posts with an indicant symbol. We are strong, we are here, and we are not going anywhere. I am very involved in our tribe and we are not just native, we are positive in our tribe. Anyone that knows us and sees us will know.

Tony Dedinato – I don't feel comfortable with the government's removal or destruction of something important to a large group of people, but it is problematic what we value. I don't know about the political correctness applies, but it is important to see the people you may be alienating, and it is important to be an American. I am not sure the maintenance or removal should be in the City's hands. I don't think the name is cultural appropriation, but the symbol is. I want everyone to remember, when a slippery slope, fallacy, not logical backing and it's motivator is fear.

Dan Huntsman – as a small business owner and professional in the community we will be financially committed to helping keep the water tank maintained. The citizens are more than willing to take that on.

Noah Denhalter, student at CHS – I have had my entire family go to CHS. I understand the love the Redman but can also understand the change. I was part of the committee to get the new mascot, the animal we chose. I knew being a part of the committee that it would be hard to bring the students back together. The water tank was not made for the school, but we have had it on the tower. I think we should have the new symbol on the tower. History changes and we need to pay attention to that. I think as a student and know how hard as a student leader that it will become a problem for the students. The students have not been heard either. The open forum it's hard to talk against passionate adults, but we can be almost more passionate.

Famke Halma – one of the last to graduate as a Redman. Whether or not the water tank is changed, it will not change the history in our town because we love it. We shouldn't be

divided; the history will not change. It is important to invite students to stuff like this, this is all older people here, not input from the students. These people will not go to CHS in the fall it is a lot of other people.

Mayor – please respect the students that have come before us, we owe them as much respect as you. I want to thank the young people for coming and being a part of the process. This has been a very productive conversation. There is a lot of emotion and I appreciate everyone voicing their opinion and showing respect. At the end of the day we are still a community that loves each other and the high school and in the end, it is about education. You are part of the process.

Cozzens – I want to give a back story on the water tank. In the 70's there was a lot of graffiti and the school kids in the era came to the city and asked if they could paint the school colors and symbol and no graffiti since. I like Councilwoman Hartley's idea of painting the dates of the school, that would clear up any confusion. I would like an up or down vote. My wish is to keep the water tank, I will not vote for something different.

Mayor – the lady that spoke about the statute on Main Street, they are financed by private funds, the City does not pay for those. If we want to go down that path you can work with the City.

Cozzens – I believe in my heart it could bring the community together. Destroying it will cause more divide.

CONSIDER APPEAL OF DECISION TO DENY A CLAIM. DUDE

BENSON/TYLER ROMERIL: David W “Dude” Benson – I appreciate the way the last issue was conducted. Thanks to Kit Wareham. My family came in 1851 on the Chatterly side, I remember my grandfather complain about subsidence. I think the issue Tyler and I have had is we haven't communicated well. I worked for Mel Clark for 5 years and I am familiar with subsidence and compaction. When I first got married 33 years ago, I was with my father in law and his brother, they were in their 50's we drove to Black Foot Idaho in a Toyota Corolla in the back seat. They were talking about their cars, a corvette and mustang, but they didn't know they were talking about different cars, they didn't get on the same page, and I think that is what Tyler and I have done, and I will own that. They key is the word negligence, someone knew or should have known. I told Tyler I didn't think the City was negligent, but reality it was factors beyond control, more of a mistake. The area in question still needs repair, my house 353 South 300 West, 2/28/19. I called the City about a water leak in front of my house in November and within a few days the water was back on. We then had problems with our sewer. Feb. 28th. I messed with a sewer snake and got a camera and it was a problem by the sidewalk, the line was kinked. I called a plumber, a City employee stopped and asked how far you are going into the street and he said that is backfill the city uses and it is in your lawn, you should contact the City and file a claim, it looks like it sunk, the square thing is a patch where the water line was. Alan Davis came over and he looked at the flowable fill, he asked why it was under the sidewalk. He said to dig it out better and I will come and see it. We dug it out better, it got dark. I called the next day, and pup was sick, so I talked with

Robbie Mitchell. Exhibit "G" shows pictures, (1) house, (2) original hole the city dug, you can see the settling, my patch and where the ditch settled. (3) is the city water line, the part with the square piece is the patch. Where the patch is, that is where I had issues. (4) is the broken sewer line, when we dug it wasn't this bad, it was separated, but when we dug it it got worse. Cozzens – how long had the sewer line been there? Dude – I don't know. Cozzens – when was the home built? Dude – it was a log cabin made of railroad ties. (5) is the backfill material, looking at the west edge of the sidewalk, you can see the flowable fill. Robbie Mitchell – we have been using flowable fill for at least 20 years. Paul – does anyone else use it? Robbie - yes, it is 99 percent compaction right off the bat. Dude – timing is a big issue, subsidence happens, but the timing was too coincidental. (6) is the broken gutter, that lines up with the city repair. (7) is the original excavation and my patch. Pup said most of the time where people put in the water line sinks, but that is not where it is. (8) shows the pooling that happens, people use irrigation water to water their gardens. I don't use that ditch for water shares.

Tyler – Mr. Benson and I could be poster child's on how to be friends and disagree with each other. The reason I denied is a few issues, one we have the work order November 30, 2015 and the claim came in April 2019, 3.5 years after the city was there. I was told the pipe was clay, I guess that was incorrect, but still old. To be liable we must be negligent and talking with Pup and Robbie they feel we did it right using the fill that is the market standard and over 3 years went by before the claim. The other issue is that Mr. Benson pulled it out without the City seeing it. A few things that didn't give the city assurance it was done right.

Phillips – November 30, 2015 the city fixed the water line, and the claim was when?
Tyler – April 2019.

Dude – I agree it happened in 2015, I think the high level of moisture is worsened an existing problem. I thought about going to Home Depot, I rented the sewer snake there every time. I didn't know how to run a sewer snake before that. I started using it a month to 6 weeks to this happening. I am glad you brought up Pup not seeing it. It happened on Thursday, pup was sick Friday and I told my wife we should wait until Monday, but my wife was not happy with that.

Robbie – Dude called me and by the time I got there the sewer was cut and was in the curb and getting ready to install the new piece. Dude – I probably still wouldn't wait. I can see the approach was wrong, given what the City employee told me it was city flowable fill. Tyler – who was the employee? Dude – I don't want to get him in trouble. Tyler - he wouldn't be in trouble, he would be another witness. Dude – I thought it would be a done deal. Negligence I feel is strong language, I think whether there was a void, or the compaction didn't get far enough back to prevent settling or the weather, high moisture contributed, I think it may be all the above. I didn't see it visually until 2019. Phillips – had you noticed a change in the gutter before this? Dud – I did notice an inch to inch and a half the next spring. If you look closely I had cheap concrete to bridge the gap.

Cozzens – is the sewer setting right on the water line originally? Robbie – I don't know, we dug to the clamp, I don't know if we exposed the sewer line. Cozzens – you think the home was built in 1937, this was probably the 2nd line and the orange berg was probably in the 1950's. Dude – Robbie said they usually don't dig that far, it is unusual to have the flowable fill. Cozzens – did you excavate under the line, we have a stainless-steel wrap able clamp. The flowable fill could have been because it was sluffing off. Cozzens – there could have been some settling? Robbie – if the flow it is from the sluff off. Tyler – it could have been this and could have been that. If before a Judge, it is a must. I could have been water that is not the City's fault. That is why I denied the claim. Dude – there is flowable fill under both lines, it is below, above and on both sides. Why the amount in question \$7,099.99 that is what it cost me, it did cost me a little more because I didn't have the hot fill bill. I know there is subsidence and the time is more than a coincidence. You could hire 15 engineers, you hire 8, I hire 7 and we would have differing opinions. There is no question the area the city dug up to repair the line has settled, the question is did it break my sewer line. The photos and time line prove that because I didn't have problems before that. You can reimburse me, meet me half way, we can do things to meet part way. Tyler – I have said the court will divvy fault. Cozzens – the problem is you buy tires and then use them you will not be replaced. Dude – meet me part way, compromise, or come fix it, don't pay me anything, I don't have anything to gain personally. I want to be solution oriented, the last option is to do nothing. I hope you will do the right thing. Action.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE
GENERAL LAND USE PLAN FROM MEDIUM DENSITY TO RURAL ESTATE
RESIDENTIAL ON PROPERTY LOCATED AT 1525 S. WESTVIEW DRIVE. GO
CIVIL/TYLER ROMERIL;**

Dallas Buckner – this is 135 acres off Westview, it was annex transition, it is general planned for low density, we are going for residential estate. The widening of Westview is a city project, not part of the zone change. Phillips – what is the proposed size of lots? Dallas – the residential estates density is 2 units per acre, but phase 1 is for 1 acre lots. Phillips – no requirement for sidewalks? Correct but the streets developed by developer and then become City streets? Correct, there is also a master planned road realignment to curb cut and sidewalk. Phillips – where is it located? Dallas – on Westview by Spring Creek. Phillips – this is better than R-2, it is more rural. Do we have concerns about drainage since we don't have curb, gutter and sidewalk? Kit – in RA there is not curb and gutter but have swells on the roads and there is also less asphalt in a normal R-1 so less runoff. Dallas – we will have to have a detention basin, there is runoff from Shurtz Creek, the FEMA flood plain will also factor in. phase 1 is in the northwest corner. Kit – there will also be an amendment to the master plan transportation plan for the road.

Mayor Wilson Edwards opened the public hearing. Lisa Natwick – there have been tremendous changes on the General Land plans, the boundaries seem odd to me, the address may be no fault of anyone, but 1525 S. Westview Drive, which is a street away, as we get more changes, how long before we update master plan documents that the public has access to on the website? Changes are happening so fast and it is confusing. Phillips – that is a good question and in that area, there is City and County property.

Tyler - once a zone change or general land use plan is approved I send them to Troy Maxwell for having them updated. Kit – we update within a week.

The hearing closed. Action

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM ANNEX TRANSITION TO RESIDENTIAL ESTATE FOR PROPERTY LOCATED AT 1525 S. WESTVIEW DRIVE. GO CIVIL/TYLER ROMERIL:

Dallas Buckner – this is for Residential Estate zone. Part of the decision was for the same character with larger lots with horses, Estate people were getting hung up on. It is for larger lots to allow animals.

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

CONSIDER APPROVING A ROAD DEDICATION AT 1021 S. 350 W. LEAVITT LAND/TYLER ROMERIL:

Tyler – this is the street behind IFA, the new apartment complex. This is the final process to dedicate the street that leads to the property as a public road. Phillips – it was confusing about 325 West, if the road went to the south would it align with 325 West? Kit – there is a cul-de-sac at the parking lot that is a dedicated City street. Phillips – I don't want to confuse people or the first responders. Tyler – are you talking the next item, if so the 350 West will also be left on the sign.

CONSIDER AN ORDINANCE ADDING THE STREET NAME “DRISCOLL LANE” TO 350 W. FROM GREEN STREET TO THE SOUTHERLY CUL-DE-SAC. LEAVITT LAND/TYLER ROMERIL:

Tyler – this is a companionship item, they want to have it Dirscoll Land. Isom – I am with Councilman Phillips, we need to leave the 350 W. Kit – we always do. Action.

CONSIDER TERMINATING A LEASE AGREEMENT BETWEEN CEDAR CITY CORPORATION AND THOMAS JETT. TOM JETT/PAUL BITTMENN:

Tom Jett – Paul Bittmenn contacted me in February to ask if I would be interested in helping with a potential project regarding property I leased approximately 10 years ago and if it helps economic development I want to participate so I am on board to give the property back to the City. It is behind La Fiesta and MCO, it is a project for adjoining properties.

Paul – we get 100 East going north and south. The Forest Service will redevelop their property and build a new building. We would dispose, and the Forest Service will bid on it for parking next door. They will give us the right of way, but not develop 100 East.

Cozzens – they don't have to develop the street? Paul – they are not going to do that. We normally get it through the building permit, they don't have to do that. Kit – we have a little leverage with water and sewer lines. Consent.

CONSIDER FORGIVING SOUTHWEST WILDLIFE FOUNDATION'S WATER BILL. SUSAN TYNER: Susan Tyner – we had a water leak that started in January and didn't realize until we got the March bill. March, April and May the bills are almost \$2,500, we got a shut off notice last week that we need to pay in order to keep the water left on. We would like the city to waive the fees, not the regular fees.

Cozzens – I thought a lot about this, you provide an awesome service, my wife appreciates them. I would like to forgive the overages but fine you for turning it on yourself we need to be consistent. You maintain and clean the bathrooms. Hartley – there was a bill for \$1,832, the \$596 was that after the water was turned on. Susan – it is because of the cycle of the water bills, the leak started in January, it took 2 weeks to repair and then we turned it back on. The \$1,800 was a short time in March. I don't think there was a leak after we turned it back on. A city person met me and turned it off and then turned it back on and it was not leaking. There is a delay in sending the bills. We did turn it on.

Paul – if you come to a dollar figure, tell us to pay out of a community promotion account, they pay the bill and we send them a check. Phillips – what is the regular bill? Susan \$22.50 a month. Cozzens – how many months of the regular bill? Mayor – March and April. Cozzens – deduct the \$45 and the \$100 for turning the water on. Phillips – I agree that there is a service provided. I am in favor of a negotiated amount. Hartley – I appreciate what you do.

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

PUBLIC HEARING TO CONSIDER APPROVING AN ORDINANCE AMENDMENT RESTRICTING VAPING AND ELECTRONIC CIGARETTE'S IN THE CITY'S PARKS. IRON COUNTY TEENS AGAINST DRUGS/TYLER ROMERIL: Jessica Anderson, Teens against drugs, we try and prevent drug and alcohol abuse in youth. We presented a few weeks ago to change the city ordinance to include e-cigarettes in the parks. We met with the City Attorney and came up with wording.

Tyler – we included the e-cigarette, electric device used to deliver or capable of delivering vapor containing nicotine or other substance into an individual's respiratory system.

Phillips – we put up signage but how do you enforce it. Jessica - our parks do not have signs, so we think that will help, that is the change we want to make.

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

CONSIDER APPROVING THE FINAL PLAT FOR THE SAGE SPRING PHASE 2 SUBDIVISION. BEN BATTY/TYLER ROMERIL: Ben Batty – this is by Canyon View High School, phase 1 is already existing and it is duplex lots. Tyler – we are

missing the letter of credit and I will report on that before we vote on it. The bank sent a letter stating that they will have it to me before the next meeting. Action.

CONSIDER APPROVING THE AMENDED PLAT FOR PHASE 2 OF THE FORT CEDAR COMMERCE PUD. GO CIVIL/TYLER ROMERIL: Dallas

Buckner – phase 2 was approved with 40 right of ways and in construction they changed to build curb and gutter so there is an extra 5 feet, we will shrink the right of way to be back of curb. The interior lot line on two lots were adjusted. This is a PUD project, private streets. Consent.

CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE. CHIEF ADAMS/NICK HOLT/JASON CLARK/ROBBIE MITCHELL: Tyler – this is our yearly update to the fee schedule we coincide with the budget, the proposed changed deal with water meters, airport, animal shelter and the Heritage Center, these were all proposed in the budget.

Nick Holt – I have 3 fee changes to bring, first is the rental car parking fees, currently we charge \$.06 per square foot per year, their lease is up for renewal, the current rate is \$0.10. we compared to 4 Airports, Durango \$ Lincoln \$17, Vernal \$3.50 and St. George \$15 per month looking to raise to \$20. We would like to recommend a fee of \$5.00 per month. Phillips – how do you feel the rental car will react? Nick – I explained there would be a fee increase and they want to continue to do business. Avis/Budget I have not heard back from. Our leases are 5-year leases and they are 3 years past due. We have gone 8 years without raising it. We feel \$5 is fair and not gouging them at all. Cozzens – can we have an automatic increase, so we don't forget about it. Phillips – and we are moving with the times and changes. If St. George is \$15 we should be \$10. We should build it in the fee structure. Tyler – we can write it into the lease to increase it by a percentage. Phillips - \$5 is cheap. Cozzens – we don't want to make it so high that they leave. Nick – there is another source of revenue, they lease office space and we get 10% of the rental. Hartley – overall what does it do to their costs? Nick – they were paying \$243 per year if 10 cents if \$5 flat rate at 15 stalls that is \$900 per year. Paul – you may not want to build it in perpetually. Nick – we can start it at \$5 and have a percentage go up each year. Isom – you can do that with a cap.

Nick – next is rental of large hangar with heater, this hangar has not been reevaluated in 15 years and currently the rate is \$214.89 per month, the total leased space is 10,122 square feet, includes hangar and 4 office spaces inside and also has a parking space out front for vehicles. The tenant did improvement so there was agreements to not raise the rate. We feel they have gotten their value back. I did some comparisons, they are typically between 5,000 and 10,000, port field has several hangars they charge \$10,45 sq foot \$900 flat rate, \$800 5,000-10,000square feet and \$1,200 between 5,000-10,000 square feet. Hunstville 5,000-10,000 \$8-00. Curron \$3,000 per month Lincoln, Nebraska \$1,245 per month. We would like to propose \$1,000 a month flat rate.

Nick – Tie down fee, the first night free, \$10 per night \$35 per month \$300 per year. The first night free is causing issues. We have residents that pay a yearly fee that would be