

COUNCIL WORK MINUTES
JUNE 12, 2019

The City Council held a meeting on Wednesday, June 12, 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; Heritage Manager Jason Clark.

OTHERS PRESENT: Dan Huntsman, Tony Kociela, Kris Kociela, Sherry Allred, Shalon Shaver, Maridon Nielsen, Larry Overson, Brenda Webster, Annette Murray, John Murray, Norm Forbush, Sheryl Stratton, Ven Stratton, Erin Myers, Larry Olds, Pam Olds, Jonathan Pynet, Tamara Henderson, Dianne Davis, Andrea Nelson, Beverly Spendlove, Roice Nelson, Brynlee Cozzens, Heidi Baxley, Jessica Anderson, David Barney, Kimberly Wood, Melissa Anderson, Eva Greene, Beatrix Walters, Spring Parker, Lisa Bohne Davis, Vickie Weaver, W. Tyler Melling, Gail Davis, Dave Davis, Ron Larsen, Nicholas Willis, Jared Hatch, Amy Pyne, Nicole Huntsman, Elizabeth Woodward, Dan Brummer, Carter Wilkey, Brittanie Parry, Sam Cook, Susan Tyner, Dallas Buckner, Ben Batty, Landon Yates, Jennie Hendricks, Donielle Savoie, Tom Jett, Teri Kenney, Jeff Richards, Symbria Patterson, Dallin Staheli, Christopher Quick.

CALL TO ORDER: Pastor Vasque of Sonrise Christian Church gave the invocation; the pledge was led by Tyler Romeril.

AGENDA ORDER APPROVAL: Councilmember Isom moved to approve the agenda order for all three meetings; second by Councilmember Hartley; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Adams – I was out of town last week, but during budget, I want to disclose that my wife is a City employee. ■Phillips – I have been approached by citizens and I concur, I would like to create a no parking zone on 300 West Coal Creek Road by the Sunroc building. Because of the angle employees are parking too close to the corner and it is a blind corner, you cannot see oncoming traffic. Also, I would like to have considered something to restrict large trucks, charter buses, large vehicles and motorhomes from parking in Downtown Main Street from Center to 200 North and from 100 East to 300 West, they are destroying the lights in the trees and the trees. Cozzens – can you legally do that? Tyler – Main Street is a UDOT Road, they would need to put that in place. ■ Employee of the Month, Wendy Bonzo. EAC: Jason Norris - As the City Treasurer, Wendy is a lead member of our finance team and a familiar point of contact for our customers. In Wendy's position she oversees the collection of all of the City's

revenue which includes thousands of transactions for monthly customer billings as well as investing, safeguarding and the disbursement of City funds. Wendy is the longest tenured member of our finance team and has had a key role in implementing all of the City's financial information systems over the years. During her time at the City, Wendy has worked with our vendors to provide billing solutions that have made utility payments automated and convenient for our customers while reducing the need for additional staff. She recently developed an investment policy for the management of the City's cash reserves. She is supportive of her coworkers and a leader to those she supervises. Wendy is active in the treasurer associations and stays current on State regulations and best practices. As Treasurer she has a positive working relationship with the public and carries out her duties with professionalism. She is a model employee and we appreciate the great job she does for the community. ■Mike Shurtz, Fire Marshal – we have had a nice wet winter and spring and cool temperatures and have had an abundant crop of vegetation, and we have observed that a number of fire hydrants are difficult to see. We have had a group of seasonal employees, our fuels mitigation crew and have tasked them with the inspection of the hydrants in the City and identify the ones difficult to see, Exhibit "A" is photos that have been taken in the past week and in each one a hydrant is located. We have sent them with chain saws, trimmers and garden tools to clear the space around the hydrants. A minimum fire code says 3-foot zone not impeded and is readily accessible. We want you to know we have been doing this and some are on private property. We would like to encourage everyone in the City to look around their homes and neighborhoods and have them take care of them or let the fire department know. We were on a fire today at 4:00 p.m. and we encourage everyone if they have vegetation around their house to move it back a hundred feet.

PUBLIC COMMENTS: ■Susan Tyner – we have had campfire concerts and George Loosley stepped up and we will have them the last Friday of each month, June 28th, July 26th, August 30th and September 27th. They are from 7:30 p.m. – about 9:00, we have marshmallows and smores for everyone, and it is free. We are having a volunteer meeting Saturday at noon at the nature park if anyone wants to help. ■Tom Jett – last week we had a regular meeting with an interesting topic. There were some, maybe not deliberate or intentional scowling at individuals of young people and it really scared those young people. I don't have an issue on the matter but do with scaring the young people that stand before the group. I hope if anyone speaks this evening to remember the young people that are a part of the community. ■Carter Wilkey – I have a rental property on 800 West 350 North. There are two homes with a walkway between them. According to everything I have seen it is city owns the property. A lot of the children use this to access north elementary. I went out on Monday night and spent time, Exhibit "B" is photos of the walkway. The lawnmower is directly under the tree and the branches are low. The fence is in bad shape, barbwire hanging down. There is a lot of trash. I contacted the owner that has the tree that overhangs, she said that it is ok with her if we trim the tree. This goes from 800 to 700. The cleared side is on 700 side and they owners takes pride. I am asking the City what we can do, weed fabric or bark, concrete. It is 260 feet 8 feet wide. I want to see what we can do. Phillips – why do we own that? Kit – maybe a gap in deeds. Phillips – thank you for your work on that. ■Brittanie Parry – there are 13 people that filed for City Council, I am also a chair of Iron County Democrat

Party, my job is to recruit candidates, but because of how ugly county commission races have been people are afraid to run. This may be the perfect time to work together. I would like the city to have a goal to have the highest voter turnout in the State, it can bring the community together. Is this something the City would like to do. After the 4th of July parade it would be good to do a voter registration in the park, it could be fun to do.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED MAY 13, 14, 15 & 22, 2019; (2) RATIFY BILLS DATED MAY 31, 2019; (3) APPROVE SINGLE EVENT ALCOHOL PERMIT FOR THE UTAH FARM & FOOD CONFERENCE TO BE HELD FEBRUARY 6, 7, 8, 2020 AT THE HERITAGE CENTER. SYMBRIA PATTERSON; (4) APPROVAL OF A ROAD DEDICATION AT 1021 SOUTH 350 WEST. LEAVITT LAND/TYLER ROMERIL; (5) APPROVE TERMINATING A LEASE AGREEMENT BETWEEN CEDAR CITY CORPORATION AND THOMAS JETT. TOM JETT/PAUL BITTMENN; (6) APPROVAL OF BID FROM SCHMIDT CONSTRUCTION IN THE AMOUNT OF \$914,271.50 FOR THE AVIATION WAY TO 3900 WEST SEWER PROJECT. TREVOR MCDONALD; Councilmember Phillips moved to approve the consent agenda items 1 through 6 as written above; second by Councilmember Hartley; vote unanimous.

CONSIDER TEMPORARY CLOSURE OF 45 NORTH. PAUL BITTMENN: Paul – this is the road off College Way, we have one resident at the bottom of the hill that would like to close it. Mr. Olds would like it to remain open. It got sparked with development of vacant land of some townhomes.

Larry Olds – I am against the closure, we use it all the time, my wife uses it every day and I don't like to go to Aimee Avenue. If the building does go in, there will be more traffic. The road was there when we moved out there, it was the only road at that time. I heard the reason it was to be closed, I won't say what, but it is a lame reason to close. I would like it left open. Adams – do you make left hand turns getting out? Larry – yes and Kit indicated he has an idea to make it safer. I leave early in the morning, it is safer there than Aimee. Phillips – why do they fly through the signs? Larry – they ignore them, they don't even look. Phillips – do you use it in the winter, even in bad weather? Larry – yes, we do, I don't know why you need to close the road. Phillips – there will be increased traffic. Do you foresee problems if the traffic is increased by six or tenfold? Larry – no.

Jonathan Pine – I am the other person. I understand where you come from and I apologize it affects you. The reason it is important to close, I submitted photos at a previous meeting, you can't fit two vehicles down the road, people use it for a walkway and to go to school. There is a safety concern. There is also a privacy concern, there are 5 houses, the road is 12 feet above the homes and you can look into the back yards, into my windows and there is an all-girls student housing and see in their bedroom and kitchen windows. I understand I bought a home on the hill, but when purchased there was not going to be R-3 development. The issue is how to balance growth and the people that live

there. There will be up to 24 people living in the development and it is different than R-1, we would have known the neighbor and limited traffic. But the zone change drastically changes the use of the road. I feel for Mr. Olds, but I don't think the extra 30 seconds outweighs the safety, but also the privacy of the homes. The permanent solution would be to develop the road and put in a block wall and I would be happy to help with that. I know there are other home owners affected but cannot make it tonight. Phillips – we have had this issue at least 3 different times and you are the only one at a council meeting and Maridon. Jonathan – the neighbors have been here before but they think they are not heard and so they won't come. In their minds you are going to do what you want. Phillips – you will have increased traffic, we can't just ignore it, but I think we should look at developing the road, but I don't know about a block wall. I live on 300 West, two lots down is an 3 story apartment and they look directly into my yard and I make sure I am dressed and that is the reality of living in a University town. Jonathan – Ms. Hartley also lives on a similar road, just because it is ok with you doesn't mean I am ok with it, I didn't want R-3. There has to be some accountability and balance. I think build a road and put in a block wall. Phillips – do you own the property? Jonathan – No. Phillips - you would have to have permission for the wall. I am in favor of developing the road, but I am not sure the city will build a block wall.

Phillips – I don't think we should do anything before the project is developed at that time we can do a traffic count, it is premature to close a road without a project.

Cozzens – is that not important for fire trucks, you will end up with a dead-end road on Aimee Avenue. Mike Phillips, Fire Chief – over 80 units need a secondary access, as long as the road is not over 150 feet without a turn-around. Kit – that is not a dead-end road. Cozzens – but it will be if you close the road.

Councilmember Phillips motioned to do nothing until the development is finished and we revisit it again to see what traffic is like. We should also look at moving the development of 45 north up in priority; second by Councilmember Isom; vote unanimous.

CONSIDER FORGIVING SOUTHWEST WILDLIFE FOUNDATION'S WATER BILL. SUSAN TYNER: Mayor – we have talked about this and were going through how much. There is the \$100 penalty for turning the water back on.

Councilmember Phillips moved to approve waiving but paying the \$100 and their normal bills and pay the water bill with the money coming from the Community Promotions account; second by Councilmember Phillips if taking it out of water meter reserve;

Paul -- we do various donations from the community promotions. Phillips retracted the addendum and second the motion of Mr. Cozzens. Cozzens – this is the restroom owned by SW Wildlife they take care of it and maintain it and it is used for the trail.

vote unanimous.

CONSIDER APPEAL OF DECISION TO DENY A CLAIM. DUDE

BENSON/TYLER ROMERIL: Isom – if we went in and fixed where it settled, along with the curb and gutter would we be good and move on? Tyler – no because his claim is to reimburse him \$7,000 + to fix his sewer line. Hartley – is that what he has spent without fixing the curb? Tyler – yes.

David Benson – it has cost roughly \$8,000 to fix it, I would be happy if it was fixed, it will have to be at one point. The sidewalk is sinking north/south, the sidewalk over the gutter and the curb itself. It puddles there, the irrigation water. Cozzens – was it settled before the repair? David – no, if it was repaired I would be happy. I think what may have caused this, it was in November, a high-pressure water line and I wonder if the water pressure didn't cause a big mess and the right way to fix would be to get the wet material out and put new dry material in. I wonder if wet material was put back in the hole. Bottom line is that it settled. Take my sewer line out of it, it is still a problem. Cozzens – I think the water leak caused the problem, not from what the city put in, the flowable fill is 98% compaction. David – if they got all the wet material out, a garden hose could cause more damage. Cozzens – are we liable when a water leak caused the settling? Tyler – it depends on whose leak, the property owner or the City. David – it was on the City side. The sidewalk, curb and gutter need to be fixed.

Tyler – if the council is inclined to fix the curb and gutter and Mr. Benson is willing to sign a waiver that is a way to close the claim. I would suggest the city table this and do research to see the costs. Cozzens – if the water line is on our side I think we fix it.

Councilmember Cozzens moved to table this item; second by Councilmember Hartley; vote unanimous.

APPROVE THE FINAL PLAT FOR THE SAGE SPRING PHASE 2

SUBDIVISION. BEN BATTY/TYLER ROMERIL: Tyler – yesterday I received the letter of credit from State Bank and legally it should move forward.

Councilmember Isom moved approve the final plat for the Sage springs Phase 2 subdivision; second by Councilmember Hartley; vote unanimous.

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

Buckner, Go Civil – any questions on the amended plat for Fort Cedar.

Tyler – we need to hold the public hearing.

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

Councilmember Hartley moved to approve the amended plat for Phase 2 of Fort Cedar Commerce PUD; second by Councilmember Adams; vote unanimous.

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 going to low density on Westview Drive.

Harold Pease – I wanted to thank a member of the City Council with respect to the Westview Drive, this property borders Westview drive and will increase traffic. Those on Westview Drive received a letter two months ago telling them the intent of the Council to widen that to four lanes. I live across the street from the development. I have been to Planning Commission. I want to thank one member of the Council for wanting to hear what we think. The additional 40,000 in the next 40 years is that there will be a need for looking at our roads and seeing now, not later whether the master plan is not sufficient, it must have already been decided, because you want 25 feet of my property to accommodate the widening of Westview Drive, so we came and spoke previously on this. Councilman Phillips has indicated a willingness to speak to some of us privately in the presence of the City Manager and City Engineer and look at a small number of community members to propose another option, share the traffic and we have been over the plan and have driven over possible alternative routes to share the traffic, so no one has to have a 4-lane highway. We come here to criticize the City Council, but also if we feel there is a better or equally as good plan because there may be some that won't sell and then we have eminent domain. We would like to address this earlier with alternative north/south routes. I am complementing Councilman Phillips for his willingness to meet with us as well as Paul Bittmenn and Kit Wareham to open the door. We want to be proactive in pre-planning. We thank the council for an ear. I think the meeting is almost set up, there is only one of three that hasn't committed fully, and I thank you for your willingness. We are not there to fight, but because we are affected, and it doesn't necessarily have to be. With development we lose some of our options which makes it imperative for us to talk about it now. We know growth is inevitable.

Hartley – while Westview is affected, it doesn't affect this decision.

Councilmember Hartley moved to approve the general land use plan amendment from medium density to rural estate residential on property located at 1525 S. Westview Drive; 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 AN ORDINANCE AMENDING THE ZONE FROM ANNEX TRANSITION TO RESIDENTIAL ESTATE FOR PROPERTY LOCATED AT 1525 S. WESTVIEW DRIVE. GO CIVIL/TYLER ROMERIL:

Councilmember Isom moved to approve the zone change from Annex Transition to Rural Estate residential on property located at 1525 S. Westview Drive; second by Councilmember Hartley; roll call vote as follows:

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

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: Councilmember Isom moved to approve adding the street name Driscoll Lane to 350 W. (leaving 350 W. on the sign), from Green Street to the southerly cul-de-sac; second by Councilmember Cozzens; roll call vote as follows:

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

CONSIDER AN ORDINANCE AMENDMENT RESTRICTING VAPING AND ELECTRONIC CIGARETTE’S IN THE CITY’S PARKS. IRON COUNTY TEENS AGAINST DRUGS/TYLER ROMERIL: Isom – I want to thank the young people for doing this work. Hartley – did you work out the signs? Heidi Baxley, SW Behavioral Health Center – we are still trying to get with Ken Nielson. We did get \$125,000 grant.

Councilmember Hartley moved to approve amending the City Park ordinance restricting vaping and electronic cigarettes; second by Councilmember Adams; roll call vote as follows:

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

CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE. CHIEF ADAMS/NICK HOLT/JASON CLARK/ROBBIE MITCHELL: Phillips – I am fine with the revisions.

Councilmember Phillips moved to approve the resolution amending the consolidated fee schedule with the changes made by Mr. Holt.; second by Councilmember Isom; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

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 – we changed the date in memory of 1942 to 2019, that was added to the resolution.

Phillips – I have language to be considered as part of the resolution, see the attached Exhibit “C “. Cozzens – I have a question on the timing of the paint, I don't think it has been painted since 1991, it does need a fresh coat of paint, but I think every 10 years. Mayor – when we get to the motion, for any of the amendments we will have to go through those individually.

Adams – I was absent last week, but I watched every second of the meeting. There are a few things I have thought about. Yes, I graduated CHS as a 9-letter athlete, had a lot of passion and always will. Our society has changed a great deal from when I was in high school. My friends with the Paiute Tribe and Navajo's they referred to me as an artificial Redman. Special interest groups come forward and I don't understand why other than to make a change. The water tank is owned by the City. We have not had any complaints or comments to remove the Redmen logo from the water tank prior to the meetings. I feel we are ahead of the game. I realize the School Board has made their decision and I respect that, we all have differences of opinions. I have dug a little deeper and have more detail and things have come to light on why the decision was made which has not been expressed. The mascot change will take about a year. I would like to look at the wording, I don't like monument, more like a tribute or landmark. A resolution is a non-binding agreement that can be changed. I am amazed it has got to this point, the bickering, I don't get it, I was taught to get along with everyone and respect everyone's opinion. I was chosen to go to Boys state and my roommate was a negro and I could not believe the people that said are you going to sleep in the same room and I said yes, he is a person, a human being. I am almost to the point that we table it, we have not been asked to remove it, that way it stays there until a future date, in the meantime it would stay there. I have an extreme passion and I am willing to take that out. I don't make decisions on this council and haven't in 9.5 years by letting passion override common sense, the facts, ordinances and tools we have to work with, to make decisions.

Cozzens – I respect that and I respect Scott. It is in disrepair, it needs to be decided, we decided to put the dates on it so it is a sign of respect to the Native Americans and CHS.

Isom – I am a firm believer in history, not rewriting it. I am troubled by a few things, one there are two boards duly elected, a School Board and Council and I don't think we

should do each other's work, so I am concerned about putting ourselves in the discussion, not so much the tank. I say amen to Councilman Phillips and Adams and Tom Jetts' comments. We are in this together, we don't have our own separate planet or City and the discourse on this issue has been wrong. I want to publically apologize to the young lady and Noah Denhalter for they way they were treated in sharing their opinions, we can have common curtesy and civility and that bothers me. I have said in other meetings "never let a problem to be solved be more important than a person involved". For my perspective there are a lot of open points, whether this is a monument, historical marker, I would like to get the sides together like we did on other issues, short term rentals, SHD zone, and dogs, we have respected each other's opinions.

Hartley – I would echo everything the follow council people have expressed. I have talked to a lot of people, emails, looked at all sides. I have been thinking of the two students and they wanted to be part of the discussion and they were booed and heckled, and I was very disappointed, that discourages from them wanting to participate. Who is important, us or the students, we are leaving them out of the discussion. Their mascot and what is on the water tank is important, we should leave the students at the forefront on the decision. As a proud Redmen I am disappointed my mascot has been used as a weapon against others, I am sorely disappointed. By not supporting the resolution as written does mean I don't support the mascot, I loved being a Redman, but I don't think the resolution, the way it is currently drafted does not accomplish what we are trying to do. I would support tabling that. I also did not want it to be called a monument, there is some other wording. I think we should table it until we get it right. I think we should work with the school. I have got emails from the teachers saying students want to unite behind their new mascot. I would like to honor the Redmen mascot and the new mascot. I think we could to a project on the High School other than perpetuate the divide.

Cozzens – my daughter is adopted from China and she is a proud Redmen and I am doing it for her.

Councilmember Cozzens moved to approve the resolution designating the City's Leigh Hill Water Tank as a monument to bear Cedar High Schools colors & Redmen symbol including the dates; the motion died for lack of second.

Hartley moved to table and the item and work with Tyler on the language and bring it back; second by Councilmember Isom;

Cozzens – what is the problem with the Resolution, if you want to call it a landmark, whatever. Isom – there needs to be a healing. Cozzens – if you preserve it in honor of the past it will bring the community together. Hartley – no one said we would take it off. Cozzens - what in the resolution is so troubling? Hartley – I like Scotts suggestions, calling it a marker or tribute, other wording. Phillips – looking at the new mascot as well incorporated. I am assuming the school colors will remain the same. Hartley – people are fearful of voicing their opinion in public. There are teachers that will not come in public and give their opinion. Phillips – more importantly we need to come to an agreement. Hartley – I would want to have something to be inclusive, not limiting it just to the

Redmen on the tank with the dates. I think we need to consider that. Cozzens – maybe wait for two work meetings.

Hartley amended the motion to include having it back on the agenda on July 17th; second by Isom; vote as follows:

AYE: 4
NAY: 1 - Cozzens
ABSTAINED: 0

CONSIDER VARIOUS CONCEPTUAL PLANS AND ESTIMATES FOR DEVELOPMENT OF THE AQUATIC CENTER PROPERTY. PAUL BITTMENN:

Paul – Stahei Rec Management has run the ice rink for a few years, before that YETI, they asked for a memorandum of understanding to work on funding options. Staff has also been working with the architect on how we can develop both the gym and ice rink. #1 sketch puts a gym on the front half of the Aquatic Center to the south west of the main entrance, no one liked it esthetically, so we didn't get costs. The other two are the NE corner for the gym and ice rink west of the building or the opposite of that. To build the gyms at original site we got cost estimates, they are not fully engineered plans or hard bids NE corner \$3,585,339; Gyms west of Aquatic Center is \$4,394,809. To build the pavilion ice on the NE corner is \$1,892,775; west of Aquatic Center, north end of parking lot is \$3,408,024. I subtracted the amount for the ice equipment it is \$1,045,000. We can add them in if you want. If the ice rink is not involved it is in the best interest to build the gym where it was planned, we have a few walls built and have access to the restrooms and locker rooms and access through the front door would remain the same and we would utilize the building as planned and it would be \$809,407 less. Financially It is more effective to build the gym where they were proposed to be built. The direction staff had was to try and facilitate both. Staheli Rec has done some work on financing options and work to get donations. In order to facilitate both we would have to have a financial contribution to the ice rink as well. The ice rink wants to know where they are going to be able to develop. They want to construct in the next year or so. The City timeline is not that aggressive, we wanted to pay the debt on the Heritage Center which will be in 2021. Cozzens – I want to hear from Dallin on the pros and cons of each. Isom – we have each met with Dallin. Hartley – when we went out individually, we have come to the consensus that the gym on the southwest side is more esthetically and works better. There is one problem, if it is at the front it has to be a standalone or the ice people have to walk all the way around. Paul – that is the advantage of putting it to the west, they will have their own access. Cozzens – is that not another \$600,000? Paul – there is more cost to both if the location is moved. Phillips – if it makes the best sense for the gym we may want to look at a public/private partnership to see if there is an advantage. We need to see what is in the City's best interest to get both. Hartley – we want to move both venues forward in the best way. If it makes more sense to put it in the back even if it costs more then we need to do that.

Dallin Staheli, Ice Rink – it was good for me to go individually and get opinions from Councilmembers and staff. I think Paul did a good job of summing up. We would like some direction, but fairly secure direction knowing efforts going forward will come to pass. Walking around over and over again gave me a chance to work through the pros and cons in my mind. The pros of both is they share a lot of the advantages of going where the ice rink is currently, they will benefit from what is already in place, utilities and walls, they will share a lot of that. As we stood in the site of the ice rink, to me it stood out that the advantage for the ice rink, the gym is 4 walls no advantage to the area. I like standing where the ice rink we can hear the people from the beach, playing in the water when the lake is active. Also having shared concessions. One thing that was helpful at the SW option of the gym is the flow of the building, I don't think you lose anything. Chris mentioned some upside to have staff have a view into the gym and it can be operational/efficiency advantage, the lobby can be shared better in that location. Concessions are close by, maybe logistical benefits. I didn't hear any logistical downside from Jen and Chris. Isom – if Jen gets her daycare it would be better. Dallin – with the ice rink in the other location, there's a benefit to having it easier accessed, that is the only advantage. I asked Phil Schmidt to the site, there is a lot more to do at the northwest spot. That is a less suitable site for the big building, you would have to have retaining walls, the proposed footprint cut into the fence a little, so it would have to shift a little. The rink would be flush of the south edge of the entry way. There are disadvantages to that location. Phillips – any building would need fill on that location. Dallin – one thing potentially, it is probably unlikely that there would be a return on investment to pipe the water for a heat exchange. There may not be anyway. Paul – we have heard that but have never heard numbers. Paul – it is hard to base a decision on something we don't know will pan out. Isom – if the rink is on the NE corner, would we open parking in the back by the lake. Cozzens – we did that in the winter, I bought temporary fencing so that would be possible. Isom – NE for the ice would be wonderful for that, but it can be done at either location.

Ken Nielson – because we close the lake for liability, that would be a nightmare. Cozzens – we put temporary fencing up and have for years. Ken – it is a lot of liability in my aspect. Phillips – can parking be developed to the west? Paul – that is already paved. Cozzens – we could do something more permanent to the fencing. Ken – we close it because it doesn't always freeze.

Dallin Staheli – Wade met me up there also, he suggested the functionally we would need to fence the beach up to the restrooms, it didn't matter how far. Cozzens – the challenge to the fence is people drive up there and can't turn around. Dallin – the general feeling was pretty well agreed it is we are all committed to making them both work, that is a financial commitment to one or the other. We did get the estimates, to move the gym would cost another \$800,000, \$1.45 million to move the ice, about \$650,000 difference. There are some benefits to leave the rink for atmosphere and future development of the lake, that is my opinion, there is not a lot of operational downside to moving it to the SW, Mark said the cost would be similar. Phillips – was there an option to have the ice rink on the SW side? Dallin – no and I don't think it would be good unless it was fully enclosed. Isom – the outdoor feel is cool to have it open to the north and the east.

Cozzens – we have Mark Wilson Architect and he is really good, what if we defer to him as the expert and take all opinions out and have him independently decide where each would be best located. Paul – if you fall in love with the esthetics with the ice in the back, the gym in the front would be solid cinder block in the front, almost to the sidewalk. Hartley – that would not be different than the pool.

Ken Nielson - University has windows to the north, they don't want them to the east and west because of the sun shining in. With the gym on the south west you will get south and west windows, you can't do that. CHS auxiliary has little windows on the west, they had to cover those up because it has direct light on the floor. You couldn't have emergency doors on the northwest. There cannot be glass facing on the south or west. It will be a box. Cozzens – I think we take it all to Mark. Paul – Mark has been employed by both parties and I don't feel it is independent. Tyler – City Councils role is how we use public property, I wouldn't have someone else do that. Hartley – I think he already did that. Cozzens – is there a problem with the lockers? Ken – they are arranged where they are is to serve the swimming pool and gym. If you have multiple tournaments, etc, you must have locker facilities. There is no way to get to those without a long walk. A gym to the west you will have to have restrooms. Paul – to the west it does not have sewer, water, etc. Paul – when we talked with Mark he talked about the fence, but not the damn. The locker rooms can handle the tournaments. Cozzens – how much further is it to the locker rooms where designed to the other side? Ken – probably 30 yards. Cozzens – when people come to play basketball do they just change their shoes? You have to make it available. When teams come we don't run the tournament, so we don't have to staff the entire building. Phillips – does that help with the southwest location? Ken – no, I think it changes the front desk outlook and you change the pool rolling doors. I think staff didn't like it esthetically. I ran a gym for years and windows don't work. Phillips – without windows you need to do something esthetically pleasing. Ken – in the original location you can have windows because they are on the north. Phillips – we need to look at both locations. I think we want to move ahead, but if the city is willing to invest funds to keep the gyms in the original location and move the ice rink or visa versa and then make a decision. I am not prepared to make a decision tonight. Isom – I would love to hear from the architect on how he views the options. Cozzens – we owe these guys a decision. What is the drop-dead date? Dallin Staheli – some are more ready to make a decision than others. I don't want anyone to feel pushed to make a decision, but I don't want to be drug out forever. I won't ask for \$1.5 million tonight, but I would like a decision in two weeks from tonight. Paul – what decision are you asking for? Dallin – if the rink is good in the location that is the location we are looking for now. If you are looking at changing locations, we need that decision and the financial commitment of the city. Paul – we can't do that in two weeks. We have to decide where we want to put the ice and the gym and then discuss how we do both. Dallin – if it says in the location we don't need a lot. If we move it, I would ask the council to say that they would be comfortable putting \$1.5 million to the project. Paul – I think that is a problem. Hartley – we need a spread sheet to come to a consensus, it is a large amount of taxpayer funding and we need to be fully transparent. I told Dallin I wouldn't be ready for a decision tonight. We need to know the full contract \$85,000 a year for 20 years, we are providing

parking and maintenance, that needs to be talked about. It is public/private partnership, but we don't provide that for other businesses, we need to provide a service for the citizens, not Staheli a business. Phillips – say we leave the gym in the original and move ice to the NW, then conversations continue and have dialog about costs and they don't work we lose the ice. I want the package to be put together. Cozzens they are putting \$2.8 million to the table. Hartley – we are paying a lot back by paying utilities. They are not giving the city \$3 million carte blanche. I don't think it is transparent to the public. Dallin – I am the face, but not the board, we have 9 people, it is not for use to run a business, we will be subsidizing. We want something good for the City, we are trying to provide an opportunity. Cozzens – the money here or there is just the location. Dallin – one of my biggest concerns, in a way I am at wits ends, if we change locations according to the estimates. Phillips – we want to talk a financial package, but I don't know how that works, we need to work out the details. Mayor – what if we set up meetings with Mark the architect and get pros and cons, set up with council in groups of 2 and talk financial estimates. Phillips – we want both projects to happen. Dallin – I see that, I don't want a perpetual evaluation. Mayor – we want a decision. Adams – I know on the one committee my group wanted the gyms left because of the elevators and they wanted a walking track at the top. In your concepts you weren't able to provide that correct? We already have money in the elevator. I don't remember.

Dallin – the elevator was in the estimate to move the gym. In the original design we did have an upper mezzanine, it went about ½ way around. In the revised moving the rink we took that out, so we wouldn't need an elevator and we enlarged the footprint. Potentially we may need an elevator in both, the estimate was about \$100,000.

Jennie Hendricks – I echo what has been said, the scope is huge, I have been involved in single family homes where it takes 3 months for the planning. The numbers are \$3.5 \$4.5 million \$1.5 million being shifted, is that the taxpayer picking that up. It has not been properly vetted, it was 9:00 p.m. in the last meeting. It needs to be transparent and the public needs to be able to weigh in. Dallin – we did hold two four-hour city council meetings regarding this. In that there is no upfront financial to the city, 100% of construction is borne by us and the City would agree to maximum of \$85,000 a year in utilities. Cozzens – an MOU was drafted. Paul – we have had discussion for years and the City Council has not voted to lock up the ice in that location, this has been temporarily for the past 6 years and the city has not been willing to do that. Isom – we need to vet from the architectural perspective. Jason Norris – this has been circular for years, from day 1 there was resistance because they wouldn't vacate the footprint, that footprint has millions in infrastructure. We have had the architect look at multiple options. Either the City enters a lease for Staheli Rec, a private business, we let them stand alone, not give them RAP tax or pay utilities, or if we move the skate rink to the front we present to what extent we commit financially to keep the gym in the footprint or the City has very high costs to put a gym elsewhere. If we lease the gym to Staheli Rec they will have to be on their own. Isom – there was a subsidy for utilities, we subsidize the Aquatic Center. Norris – why would we do that. The Aquatic Center is a government function. Tyler – my opinion is the free market to govern private industry, government should not govern other than health, safety and welfare and should not subsidize. We