COUNCIL WORK MINUTES
JUNE 15, 2022

The City Council held a meeting on Wednesday, June 15, 2022, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Garth O. Green; Councilmembers: Terri Hartley; Craig Isom; W. Tyler Melling; Scott Phillips; Ronald Riddle.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Police Chief Darin Adams; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Leisure Services Director Ken Nielson; Parks Superintendent Anthony Pearson; HR Specialist Natasha Hirschi.


CALL TO ORDER: Laura Henderson gave the invocation; the pledge was led by Councilmember Isom.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS: STAFF COMMENTS: Mayor – I have three items I would like to discuss tonight. (1) statute restoration I asked to have done before the Shakespearean Festival, it is complete, they are cleaned and waxed. These are the statutes on Main Street. We haven’t done the granite monuments; we will probably do that next year. (2) Robbie Mitchell and I attended American Waterworks Association Tradeshows in San Antonio, TX, it has been there for 25 years since I first attended the show, and at least 15 years since I was last there. It was good to see what is going on, and great to hear the issues today the solutions that are being approached. After 4 days with Robbie, I find him to be a very capable water technician, he really knows his stuff. I picked his brain about our system. Water 2050 was the theme of the show. Their goal is to explore technology, innovation, learn to pivot and change and push our industry to think about 2050 and what the issues will be at that time and develop a strategy. Many are concerned about lead in main transmission lines and supply lines, it is sad that congress and legislators have to tell us what we have to do, and they force us into taking into matters we should do on our own. When those mandates come out there is resistance. I don’t think anyone would dispute lead in a water system, such as in paint should not happen. We have 2 years to go through our system and determine where lead supply lines are in our system. We spent 4 hours in the lectures with the experts to see what the city needs to do. We are on a deadline and haven’t received anything from the State. We probably will skate past the first
inventory, we probably don’t have any full lead supply lines to the houses, and we were relieved to hear that. What we probably have are goosenecks, we take them out when we take out galvanized pipe. The old, galvanized lines don’t last as long as they need to. They are exempting the goosenecks as part of this. However, they are lead and we do take them out when we dig up a line. We may have a few hundred still in the ground going to old houses. We should try and inventory them the best we can. They need to be taken out as soon as possible. Phillips – I suggest we start on 300 West. Houses in the 60’s or earlier are suspect to these pipes. It is difficult to find where they are and take them out as soon as possible. The inventory is the first step, and it will keep coming until we get all the lead lines out. (3) I gave each of you a book, I ordered a lot, but some have been backordered. I will pass more around when they come. It is a true story, a story that we live, we were not in the Sudan, but in northern Uganda and witnessed the challenges in Uganda and Kenya and the water and the challenges. One part is in red, one part is in black. I didn’t see the children’s wars, but I did see the water challenges, the part in red. Mayor read Page 26-27 see Exhibit “A”. He showed pictures, a borehole with clean fresh water. There is a pump to get water from 100 feet deep the pictures are included in Exhibit “A”. I give you that to enjoy reading, it is true, I hope we never have to drink pool water, I hope we find better ways. We need to adjust and change, push ourselves and the industry to make things work, develop a strategy and hope for a few miracles. ■Phillips – I have 3 things, I come with gratitude today. First, I am struck on how beautiful our city is and what a remarkable place we live in, the temperatures, the people, it is a remarkable place. Item #2, if you have driven on South Main the Value Inn is coming down, I couldn’t be happier. And #3, I would like to offer gratitude to the City Staff, I participated in a promotion review board for the Police Department, we have remarkable officers that work under trying situations. I don’t have to make the final decision, but rest assured we have deeply qualified officers that are very dedicated. ■Riddle – as you have put out job offers both Ken and Jeff, have you been able to fill every job offer you have put out? Ken – no. Riddle – I had someone say Mr. Hunter came to me with only a few applicants. Jeff – we did fill a few and will have a few more to fill. We used to get 50-60 applicants, we now get a few. Ken – in some areas we have trouble filling, custodial and labor-intensive jobs. St. George News called Marcie, we are the only Aquatic Center fully staffed in the State, that is unique, we didn’t have that last year. Labor intensive jobs are a struggle, parks and recreation, trying to get high school kids and we hope we get some that will continue from year to year. Riddle – I know Natasha puts out notices for positions. Ken – we are thankful for administration and the council because of pay raises, it hasn’t caught up but helped. Riddle – 2-3 years ago I could hire a laborer for $10-$11 an hour, now, if you don’t start at $15, they will go to fast food and get paid more. Ken – high school kids are not keen on custodial jobs. Natasha – we are struggling to fill some positions, building inspector, constantly a police officer positions are open, custodial positions no one wants to do that work. We opened a meter reader, we got 3 applicants, we need all three, the ability to be selective is not there. Pay raises, and the seasonal and part-time wage increase will help out. ■Hartley – the parking on Greens Lake has been resolved. Riddle – along the freeway, Sage Drive is that in the same situation as far as parking? I noticed that last Thursday, there were a lot of vehicles parked there, the road is not extremely wide. There were two semis’ parked along the curve, it was very tight both ways. Hartley – they were parked in the roadway on Greens Lake. Riddle – there is no shoulder on that road, maybe we should look at that. I don’t know how often it is a problem. Phillips – it is bad from Starbucks to the curve.
Jonathan – the parking is currently allowed, if you want it red curbed it would need council approval. Phillips – that is a bad intersection. Jeff Hunter – we have been noticing since we red curbed across from Wal Mart they just find another place to park. We would have to red curb the entire town. Jonathan – just long vehicles, or all parking? Phillips – that section I don’t think there should be parking. Riddle – once it is straight going north it is not a problem. Carter Wilkey – my office is on Sage Dr., the majority is recreational vehicles, pulling side by sides, they come off the freeway and need a place to park go eat. Riddle – the turn was very clogged. ■ Anthony Pearson, Parks Dept. – I know there have been concerns about weeds. We are slowly getting staffed up with high school kids. As of last week, we have done the south interchange and the animal shelter today. We did the long planted on the north side of the Aquatic Center and I sprayed thistle around the ball fields and Aquatic Center. We have had a few volunteer groups weed around memorial grove and we bounce around each park to clean planters. The trees are coming down on the east side and we have contracted to trim the trees. We are trying to circulate people to clean those areas up each day. Staffing, we are still working towards but feel we are making some good headway. Isom – the flowers on Center and Main look good. Anthony – we have an updated basket that holds water better so we only water once a day. Riddle – what is going on with the interior of the ball fields? Anthony – the motor on the pump burned up, we have ordered parts, as soon as they come, they will rebuild the motor. Right now, the water pressure is 70% and only one station at a time, that is why it is dry, we are doing one section at a time. Phillips – has anything been done on Aviation Way? Anthony – they have been sprayed and the succors cut. I try an allocate a few people once or twice a week to focus on weeds, there are still dead weeds that need to come out. Phillips – good luck on Center Interchange, it will take an army. ■ Jonathan – there were 3 comments on traffic issues last week, north interchange, there was a request for protected left turn arrows, UDOT is aware and looking into it and trying to get funding, but don’t have that yet. Next was 200 North and Main, UDOT understands the volumes are growing every day. They are looking to do a system wide study focusing on Hwy 56 and Main Street and will look at this intersection. Last, Shurtz Canyon flyover, the bridge deck is the responsibility of Iron County to maintain, I have forwarded that information to the Iron County Engineer. There is a problem with a portion of concrete missing, it is passable, but needs some work.

PUBLIC COMMENTS: ■ Utah Shakespeare Festival Upcoming Events. Frank Mack, Executive Producer – our upcoming season is about to start on Monday, it is a frantic, exciting time. Great line up of plays. There have been dramatic changes we are adjusting and coping with. As an organization we had a great 2021 season, many companies like Oregon and Ontario stayed dark and we did a full season which was helpful for the organization and the community. Our advanced sales are strong; we are where we predicted, about half the tickets we plan to sell the entire season. We anticipate a wonderful crowd of 100,000+ coming to see fabulous shows. Secret stuff, we are working with the Paiute Tribe to use their youth performers and we had some performers last year, we implemented more this year. We had flute players last time, we will have those with dancers and drummers this year. July 25th week, we have a have a strategic partnership with the Royal Academy of Arts in London with a fabulous actor training program the in England, we have a partnership, where we hire an alumni of RADA to perform in our company, we have 2 this year and then bring their tour here of graduates of RADA, they usually take this to the European Film Festival it is a one
hour version of *Much Ado about Nothing*, this is the first time that tour have performed at an American site, that will be in the Anes Theatre the week of July 25th.

Interim Artistic Director Dereck Livingston – it is an honor to be here and live here over a year. The community is an integral part of what we do. The Green Show is an important offering we have for the community. I know many people here come to the Green Show, I met Estella 7 years old today, we look at our community. We will have three Green Shows this year, one called Paris Nights, Music Hall Night, and Coronation Night, the actors decide who will be Queen of the USF. In the outdoor theatre we have two productions *All is well that Ends Well*, and *King Lear* featuring Anthony Hill from Silence of the Lamb, 78 years old and killing it. And in honor of Stephen Sondheim, we are doing *Sweeney Todd*. In our Randal Theatre, the *Sound of Music* featuring 12 local young people alternating as the Von Trapp children; *Clue* on stage, the third Trouble in Mind, after 60 years premiered on Broadway this year and was nominated for three Tony Awards. We decided to do it before they decided to do it on Broadway. It is serious and decisive look of what happened in 1957 when a producer did a play on race. It is an inside theatre play to look and play. *The Tempest*. We hired a diva actor as a one actor show called *Thurgood* for former Supreme Court Justice Thurgood Marshall, Derek Livingston, you like me or don’t like me.

Director of Communication, Don Jersey – two RADA actors in our company, usually we go to London, do auditions and hire them there, these are from the States because of COVID, but we have two, one who played Richard the Third last year. *Sweeney Todd* is new this year and is why you see a lot of bags under our eyes. We have new sound equipment in the Englestead. Rehearsals are happening and meat pies will be served this year. The new owner of The Pallet Bakery will be the tart maker, and the tarts are outstanding. The flowers are hung, we are picking weeds. Please join us for the season opener, we are going to feed you and send you to the open of *Sweeney Todd*. We are ready for the season, please come join us.

Frank Mack – thank you and I look forward to seeing you. We have an Iron County pass, ½ price tickets Monday through Thursday and the discount for locals to buy 8 tickets for $200 to any show. □Ann Clark – thank you so much for all the efforts you are making and weeding in Cedar City. □Tom Jett – regarding weeds, I was parked in front of Public Works, and I saw Kathy Dahl, the Administrative Assistant out pulling weeds. □Rob O’Brian – I have noticed by the Memorial Park and Monday Night leaving the University, huge volumes of water, looks like a pipe is broken. Phillips – it is irrigation water, people have shares they use to water gardens and lawns, it is run by irrigation companies, it all has a purpose. Mayor – if it doesn’t get used it is collected down by the carwash on 200 North and taken to the Lake on the Hill to water the schools and cemetery.

**CONSIDER PERSONNEL POLICY CHANGES, NATASHA HIRSCHI:** Natasha – after last week I was asked to bring Juneteenth for your consideration as a holiday. The Federal Government added it as a Federal holiday, Utah adopted it this year. It is for consideration as a designated holiday. Phillips – if it falls on Monday, if not how does it work? Natasha – I pulled the language from the State. Hartley – everyone around us has adopted this? Natasha – yes, Iron County, SUU, Parown, Enoch, the only place I know that hasn’t is Eagle Mountain. Isom – can we do this Monday? Tyler – we can have a
acknowledge you want it done this year and ratify next week. The mayor also has discretion to authorize city staff to take it off. Isom – I would like to move it along for our staff. Mayor – I will do that if the council doesn’t object. Phillips – there may be some departments that have to use it as a flexible holiday this year. Natasha – in this situation we will give them 8 hour another day, such as garbage. We already have a policy in place to do that if you want to do it this year. Melling – when added did they take another day off? Natasha – one chose not to observe Columbus Day. I have been receiving email chains, most just added a holiday. Most have 11-13 holidays, we now have 11, Iron County and St. George does 12 holidays with one floating holiday. We are about average. This would bring us to 12. Hartley – how much chaos would it cause. Natasha – we do this on Christmas some years, areas that it causes problems they work, and they get the 8 hours another day. We can make it work. Phillips – legally how do we do this? Tyler – we will do it and ratify it next week. Natasha – I will send out an email to Department Heads and I will let them know if they can’t take it off how they report their time. We won’t disrupt services. Phillips – can we put it on the website? Natasha – yes, Danny is here we will have him notify Gabbie. Melling – this would put us at 12 holidays? Natasha – yes. Isom – make it happen.

CONSIDER BOARD APPOINTMENTS: CARTER WILKEY TO PLANNING COMMISSION; ROBERT REID TO THE LIBRARY BOARD; AND CHRIS BEARNSON TO BOARD OF ADJUSTMENTS. MAYOR GREEN: Mayor – I want to express appreciation for those serving in the past, Joe Sanders 9 years on BOA, he was replaced by Carter Wilkey, Carter will now go the Planning Commission (PC). Mary Pearson served 9 years on Planning Commission as Chair; and Natalie Beacham on the Library and Kara Taylor on Active Transportation.

I would like to appoint Carter to PC, Robert Reid, Library, Chris Bearnsen to BOA and we approved Savannah Nelson on the Active Transportation.

Robert Reid – my wife and son are here. I went to USU, lived here since 2005, 72 years old and married 50 years. retired engineer from US Government, I have worked for Insite Engineering. Phillips – do you enjoy reading. Robert – I have actually written a few books, you can find them under Robert Reid PE.

Carter Wilkey – Stephanie and I moved here 3 weeks after married in 2016, we have 3 children with one on the way. I sell real estate; I enjoy my job. I have been pretty involved, been on Active Transportation, served under Mayor Wilson-Edwards on the General Plan revision and the last 6 months on BOA and now to PC. It should be a good assignment in serving the community.

Chris Bearnsen – General contractor 24 years, we moved here 22 years ago from Southern CA to raise our 6 children. I love the city and am happy to serve. I pranked Tyler Melling on the radio show a few times and fed Tyler’s children snacks without him knowing on many occasions. BOA.

Melling – are we covered on all of our committees? Mayor – I think that fills all the boards.
CONSIDER FY 2023 BLANKET CONTRACTS, JEFF HUNTER: Jeff – each year we bring blanket contracts to you. It is discouraging, it is like staffing, it is tough to find contractors that want to join us as blanket contractors. We advertise and send to the Bidders list we have those that we have used. Pavement marking, we sent 5 got 1 small concrete sent out 8, and got 1, you approved for us to hire employees to do our own concrete. This company that bid I have been using and he has been great. We struggled with getting concrete, but when he could get it, he was there to help us out. I am nervous we won’t find good concrete guy to hire. Installed asphalt we sent 5 got 1, street material supplies, Mel Clark and Ashdown both bid, each item they bid they got, a couple local concrete guys in town did not bid. Asphalt materials 12 sent out and we received 6 for chip sealing. We will start chip sealing next week and again in July. Phillips – what section? Jeff – finishing up Fiddlers and we are moving from Center south on the east side of Main and a little section from Main to the freeway. We will start 200 south next week and stay in that area the following week. We will clean up and fog and move to the next area. Tree trimming, we sent 3, got 2 bidders, one we looked on the arborist and couldn’t find one company anywhere, we suggest we go with Roots 2 Leaves. Towing we sent 4 and received 1, Mountain Towing. When things are great, we are the last fiddle, but when things get tough, they all come to us. Melling – if we can put this on action, I want to abstain, I am under a project with one of the bidders. One other thing, I talked with someone last fall when it took 1.5 months to get the sidewalk replaced in front of my house, one of the barriers is it is hard to get larger companies to do it because we require a large bond. If you are in dire straits, you can approach the council. Jeff – the way it reads we can hire anyone we can get as long as they do it to our specifications. The bond is not a problem on the small projects. Tyler – we will still make sure they are licensed and bonded. Melling – is the bond in ordinance or policy, I know we had issues last fall. Tyler – it is policy, it protects the city from potential liabilities.

Riddle – first if we get one bidder that is enough? Tyler - yes. We put it out to the public and advertised and gave equal opportunity. Riddle – in the same respect, my son-in-law owns one of the companies. Tyler – we can visit next week. Phillips – do we go through the contracts one at a time? Melling – I would rather keep it as one item and not disclose.

CONSIDER AN ORDINANCE AMENDING THE CITY’S SHADE TREE ORDINANCE AND INCLUDING IT IN CHAPTER 27A, TYLER ROMERIL: Tyler – last fall we had an individual who had a tree on his property that he cut down and left a stump and it brought complaints. The complaints were based on the Shade Tree Ordinance from 1992, the City accepted $3,000 in grant funds for Beautify America, and we had to do this ordinance. When it was passed everyone knew about it, but it was not in our code chapters and eventually it lacked interest and was forgotten. Citizens have asked that it come back. I requested feedback. This is my stab in the dark. First, I included it in Chapter 27a. I eliminated the requirement for a shade tree commission. Clarified the definitions of a public and private tree, public is a street tree or a park tree on public property. Private property they take care of their own trees. Eliminated the fine the commission could impose on someone not following the ordinance; we will do it through the nuisance ordinance. Original talked about a Parks Master Plan, and I could not find one the identified trees. Water Wise Plants for Utah Landscapes was put in its place. That is the basis of what was done. Hartley – our Parks Master Plan doesn’t refer to trees? Tyler – no, and I ran this by Parks and Leisure
Tyler - the tree, the way? Phillips - if I am concerned about shade tree, the ordinance is Public Parks and Grounds, could we rename to identify Shade Trees. Melling - we do have certain landscaping requirements separate from this ordinance. Tyler - it is in Chapter 26. Melling - this is to clean up the definition of public and private property. Tyler - I don’t want people to think we think of private trees. Riddle - we have trees growing and not maintained and people want the city to take care of those. Tyler - street trees are only on Center and Main and public trees are on city owned property. Melling - I love street trees, the way that they could be maintained would be to have a fee for that, but I don’t want the city to do that. We can keep looking at our ordinances. Phillips - it is important to pay tribute to shade trees and the esthetic and value of the trees. I don’t want to discount the importance of the trees. Tyler - we can obtain permission to clean up and then charge the landowner, if not paid we can file a lien. Phillips - once clarified, maybe in one of the newsletters explain that the trees are to be maintained by the private property owners. Hartley - on the nuisance part, 5-day appeal time seems a little bit short, should we give a little more time. Melling - some of that could be taken out. Hartley - this is if they aren’t taking care of their private trees. Tyler - I can match it to what our nuisance ordinance reads.

**CONSIDER A RESOLUTION AMENDING THE CITY’S CONSOLIDATED FEE SCHEDULE.** Tyler - I did the resolution, but I invite those here to talk about their proposed changes.

Anthony Pearson, Parks Department - Cemetery, we are proposing to move weekday open/close from $260, to $275 for labor and gas costs, same with the weekend opening/closing bump it $15. Phillips - is that enough? Anthony - for now I do. The burial plots from $400 to $600, nonresidents from $800 to $1200. Columbarium from $300 to $350 residents, weekends from $350 to $400, that price includes the plaques, that is the reflection of the cost hike. Mayor - how does that compare to other cities? Anthony - we compared the plots but not columbarium. Mayor - others are having issues with non-residents because we are cheap. Phillips - the no transfer of burial rights, explain that. Anthony - we have residents come buy plots and the next day they transfer to a non-resident. So, this is a 1 year grace period, if they transfer they have to pay the difference. Phillips - I say 3 years. I think we should discourage that. Melling - I am torn on how we define residents, I am not opposed to county residents, they pay sales tax. Phillips - I am looking at out of State. Anthony - I looked at a price for a County or State resident in the future. Phillips - people born and raised here but moved and want to be buried here. Melling - these are expensive to maintain. I think we have a resident fee, and a nominal increase for other residents of Iron County, their taxes aren’t maintaining our cemetery. If not, Iron County resident you cannot transfer unless they pay the difference. I think the non-resident fee should be higher. I don’t know how many are from the County versus the State. It cost more than $1,200 to maintain the plot, we don’t say no, but pay more. Paul - Sales tax revenue is not sufficient to maintain the Cemetery, it is gobbled up by public safety, we spend $6-7 million on police and $2-3 million on fire. If we set a county rate lower than nonresidential we are subsidizing those that don’t live here. Melling - we have building permit, property tax, sales tax. We talked about
how tourists pay taxes. A cemetery is an expensive public good. I see a benefit from allowing non-residents of the County to use at an affordable cost. Anthony – we can look into a county cost. Phillips – I want the transfer to be 3 years.

Brad Green – generally it is good policy if it can’t be attributed to a specific customer it is a general fund or general tax. You can attribute to the customer, and it is better for them to bear the burden, resident, non-resident, non-county resident. I think of my childhood best friend that joined the Navy and died at 33 years old, they lived in Enoch. If he was in Seattle Washington, it would be a shame for him not to be able to be buried here. The general fund should not subsidize that. Melling – how do you set a fee in perpetuity? I am ok to subsidize our residents, I don’t think the fees cover the costs. Tyler – I can pull that for next week. Melling – I would go forward and then look at it later.

Anthony – Parks, with baseball and softball fees go from $25 to $50 an hour and $100 to $150 for the day. They are used 6 days a week and cost a lot of money. We want to pay for our supplies, chalk, maintenance and wages. Phillips – is that enough, I did a cross comparison to the Heritage, which is dramatically higher, it is $800 a day for Heritage for the day. Anthony - $150 is all day, St. George and Santa Clara they do $500 a day that is to push out some of the tournaments. Washington bumped theirs to $500 for the same reason. I felt a 50% increase was enough this year and then visit it again next year. I don’t want to discourage the people. Mayor – is that for tournaments? Anthony - yes, any rental at all. Mayor – one game or a tournament? Anthony – they can do either, it is $150 per field per day. Ken – a lot of the groups are local groups renting for their event, not the tournament. It isn’t always the 2-day tournament. Phillips – that is the same as the Children’s Justice Center, and Orchestra of Southern Utah. Paul – local groups pay a lower fee at the Heritage. Phillips – it is a lot more. Paul – we don’t heat and cool the baseball fields or replace the carpet. Phillips - but we replace sod, and we fertilize. Riddle – from now until mid-August, you will not discourage them at all. During COVID the price had nothing to do with it. Melling – it will be good to watch the market, California and Vegas have opened up. Riddle – it is the temperature they like. Jason – staff has discussed having a separate tournament rate, we don’t want to be cost prohibitive for locals. Riddle – I agree. When I was doing traveling baseball, we arranged and used Diamond Z Arena, the first year our kids paid $5 the next year we paid $8 per kid, and we had more kids. Sporting parents are really stupid, when a child plays the sport, they find the money. Anthony – maybe we add a line for a tournament fee. Melling – but keep the numbers here for next week. Mayor – we scheduled a committee meeting to talk about scheduling the facilities, if someone reserves a park and the event falls apart, do they get their money back? Anthony – we have talked about that, generally with tournaments they don’t close up the sign ups until the Friday prior, we are trying to figure that out, is there a cut off so we can schedule something else. Mayor – we will talk about the scheduling, but if I get a full refund I will overbook. The pecking order will be figured out. Mayor – we hope to schedule earlier so they can know what they have before they put out the tournament, but I don’t want them to get a full refund. Anthony – field prep bumping up $10 from $20 to $30. Each field can be dragged and chalked in 30 minutes. Tom – what do we pay for the employee? $10-$13 per hour. Temporary fencing, we haven’t had a fee, it is very popular and takes time so we put a $25 per fence fee.
Pavilions we scatter prices by number of tables and that muddy’s the water a lot, I don’t want to set a precedence not being able to fulfill. We changed to smaller and larger. $25 for hour a $50 full day large $40 an hour and $80 all day. Park Discovery and the Hexagon and Main Street pavilions are large, the others are small. We have had an influx on the stage, it talked 1.5 o 3 hours to put up and the same to take down. It is utilized so much we are pulling people from other jobs. We found a comparison to $2,500 per day. This gives them the ability for the locals to still use it. Simple set up $750 per day, full set up $1,000 per day. The larger is an expansion of 8 feet each way.

Ken Nielson, Leisure Services – Aquatic Center lifeguard training cost to a reasonable rate that still covers our costs. Red Cross covers $50, if you honor $100 lifeguard and WSI you have a lot of people sign up and it gets us the staff we need. We have always contracted swim lessons; she is going to do that we will do $6 per class the semi-private 2 having a class. We didn’t have lap pool bleacher event fee, like water polo club not tied to the school, we charge a fee for that.

Recreation – raising adult softball going up $25 to cover materials and umpires. The same for all recreation use, going up $5. Uniforms and equipment are more expensive. Phillips – is adult soccer new? Ken – outdoor co-ed and adult soccer were new last year she tried, they were successful, so a fee is now attached.

Danny Stewart, Economic Development. We do the outdoor banner, and the fees are not counted into paying Economic Development, but the Parks Dept who does the work. We do the scheduling. We reached out to Anthony about the fees, there are several blocks, depending on the number of banners, it is increased by $15. Anything above 47 banners we charge a per banner fee. Riddle – what is the cost? Dan – from $5.10 to $5.40 per banner.

Jonathan – Engineering has a few items. Annexation mailings, there are changes in State Law and there are points in the process the municipality is required to send certified mailings, we want to recoup that cost, it would be the cost for us. Street light connections, in the past they have received payment from the developers, they are saying the city has to pay, we will pay and recoup the cost from the developer. with the PVC waterline, the cost of inspection is 1.5% because of the additional time. Paul – I suggest a slight change on subdivision, PVC or non-PVC, legislature said people don’t have to bond. We need to tweak to 1% or 1.5% of the engineer estimate. A lot of the subdivisions are not bonding but do a warranty bond at the end. Melling – if adjusted, if no bond is provided? Paul – the bond is calculated off the engineers estimate. With bonding not a certain thing, we still need that. Jonathan – we still require the estimate up front. Paul – instead of the bond amount move it to reflect the engineers estimate not the actual bond amount.

Tyler – Library the increase for Heritage and Festival Hall, they are based on increased costs of labor, and cleaning costs. Event fee, it is 10% or $1.00, they collected $3.00 last year, it’s not worth their time.

Public Works – Water increases to hourly rates a number of water meter and strainers they are updated water materials in order to have the system work. Some are new requested by
developers. Phillips – how were they covered in the past? Tyler – we didn’t allow that, but developers want to use the product and Mr. Mitchell is comfortable. Mayor – do we not allow between 4” and 8” meters? Tyler – we do, but the amount is not changing.

Solid Waste increase is to cover a new route which will require a new truck. Also increased cost in maintenance and fuel costs.

Storm Drain – we experience the system has deficiencies when receiving storms beyond what it is designed for. We need a greater balance to protect public and private property. Melling – water user fees went up not because of growth, but it costs a lot of money to maintain. The storm drain is more expensive to maintain, growth pays for growth, but the users are the existing residents. Carter Wilkey – when would this apply, we charge someone to use our backhoes? Jason – we don’t like to do that, but if there is a hole in the road. Also, when we are reimbursing ourselves for doing projects in house. Paul – we did this a lot for the Airport. Melling – what is E RU, equivalent residential unit, commercial is charged different than residential, for asphalt and building. One E RU is 36 square feet. Melling – for large hard surface areas this could become a burden, I think the city should be looking for a lower E RU if you maintain storm water on site. Paul – 100,000 facilities with a sea of asphalt this will be impactful. Melling – if it is a high impact, they can maintain onsite and do other things to do. Jonathan – on an ongoing basis there is not a reduction in the ongoing monthly fee. Melling – I would like to look at this.

Hartley – is the part-time worker less than the minimum wage? Mayor – it is per hour.

CONSIDER VICINITY PLAN FOR MARIGOLD PUD LOCATED AT APPROXIMATELY 2300 W. 100 S. (RUDD ROAD). LEAVITT LAND/DON BOUDREAU: Brent Drew, Leavitt Land – this is between Cedar Middle School and the rest of the development. It was originally for town homes, they are switching for Crestline type of homes and a PUD, the same type of configuration and homes. Phillips the road, is it planned to extend? Brent – no. Phillips – it is allowed in R-2? Yes. Brent – we are taking 10 units off.

CONSIDER VICINITY PLAN FOR IRON WEST TOWNHOMES PUD PHASES 1 & 2 LOCATED AT APPROXIMATELY 300 NORTH 4500 WEST. GO CIVIL/DON BOUDREAU: Dallas Buckner, Go Civil – this is off the phase 1 entry road, 4500 West, two projects, this is the NW corner against Hwy 56. We are looking at single family detached, but townhome sized buildings. Private roads, two roads are the same size of city streets, the north/south roads are the 26’ roads. Phillips – does the open space meet requirements? Dallas – yes, we have the green space, and we have other open space, we may have a meandering trail. We will figure it with the construction drawings.

Mayor – we drove by that last night and there are a lot of travel trailers parked on the street, so the city street size road is good. Dallas – only 4 of the roads are minimums. We have 22’ depth driveways and we have guest parking on narrow roads and equivalent 45’ city streets. Mayor – you can put travel trailers there? Dallas – I didn’t say that.
CONSIDER VICINITY PLAN FOR IRON WEST TWIN HOME SUBDIVISION LOCATED AT APPROXIMATELY 300 NORTH 4500 WEST. GO CIVIL/DON BOUDREAU: Dallas Buckner, Go Civil – this is the twin home, the road will be a city street on the south boundary. This is phase 1 of Iron West, we will have twin home lots. It is zoned R-3-M, but we are doing twin home lots on this portion.

CONSIDER VICINITY PLAN FOR IRON WILLOWS SUBDIVISION PHASE 3 LOCATED AT APPROXIMATELY 1600 NORTH 3100 WEST. PLATT & PLATT/DON BOUDREAU: Bob Platt, Platt & Platt – this is R-1, final phase of the Iron Willow Subdivision. 1775 North will connect through to Lund Hwy. Single family subdivision.

CONSIDER APPROVING THE FINAL PLAT OF IRON CREST SUBDIVISION PHASE 2 LOCATED IN THE VICINITY OF 925 N 3725 W. PLATT & PLATT/ TYLER ROMERIL: Bob Platt, Platt & Platt – this is off 3900 West, phase 1 is under construction. These are R-1 lots. There is a horseshoe all the way around. Phillips – does the drainage go n/w? Bob – it is so flat, but there is a detention pond on the n/w corner. Tyler – it is good for approval, we will need the bond before it is recorded.

CONSIDER APPROVING THE FINAL PLAT OF IRON CREST SUBDIVISION PHASE 3 LOCATED IN THE VICINITY OF 975 N 3900 W. PLATT & PLATT/ TYLER ROMERIL: Bob Platt, Platt & Platt – this is R-1, the north end of the subdivision.

CONSIDER ACCEPTING THE ROAD DEDICATION FOR 3000 NORTH AND MINERSVILLE HIGHWAY. PREMIER DESIGN/TYLER ROMERIL: Jonathan – this is a small road dedication. Tagg n Go is developing to the north. There is an existing access off 3000 North. They will convert to a new Tagg n Go and they have to dedicate their portion of 3000 North. Paul – is the road dedication in the driveway or extend east? Jonathan, it doesn’t extend east, it is not their ownership. Phillips – who owns it? Jonathan – part is UDOT ownership.

CONSIDER FINAL PLAT FOR SHURTZ CANYON PUD PHASE 1 (TIPPLE ROAD). TIM WATSON/TYLER ROMERIL: Daryl Brown, Watson Engineering – this is Shurtz Canyon PUD, Phase 1, the first phase of 3, all single-family private development, but there will be a public water system in the PUD. There will be private sewer to tie into the public sewer system within Tipple Road. Isom – on the west side? Daryl – on the south side of Tipple Road. Phillips – this is a great project.

Tyler – the developer has paid the fees associated but has not placed a bond, I need a title report. What we need to discuss is the pre plat grading permit of $22,500.

Roger Thomas, Choice Builders – we are asking for a fee waiver. This is not about staff; I have had a great working with the project. Mr. Romeril helped me work through SITLA, Mr. Bittmenn helped me with the private water transferring to public water, it is the process. The grading permit is an email notification to Jonathan, you do that before you mobilize, there is no formal process. Approximately one or two weeks after we started the grading we found
out about the grading permit and I talked with Jonathan, we were told that we cannot get a permit because we were in violation. We hope you received an email, but we decided to continue moving forward. We haven’t put any utilities, mass grading or over excavation, we waited for full approval. During the process I met with engineering asking my next step. I am used to building permits and building process, but I am not a developer, so I was asking what I need to do. I was hauling rubbish before we started this. It took 2 months to remove fences, wire spools, junk to clean up the property. I met with Jonathan asking my next steps, when to pay fees and what can I do to make the process smoother. No one told me to think about the grading permit. I have the ordinance for subdivision approval, and I used it for a check list. The grading permit was not in the ordinance and Mr. Bittmenn said yes, it is and I found it layer a few pages back under appromvement schedule. I do remember when learning how to do the development going through the permit website and there is nothing about a grading permit nor is there in the project review list. I know I am a beginner, you know we are built on honesty and integrity, if we would have known about the grading permit, we would have got it, and I know now, but a $22,500 per phase seems like a lot. I am asking that you please forgive this penalty, and I would help with the process to make sure it doesn’t happen again.

Hartley – prior to us having the grading permit, no grading was allowed before final plat. How did Mr. Schmidt get from no grading to no knowing about a permit? Roger – Schmidt Construction didn’t know about the grading permit. Hartley – did he know the rule before that where grading was not allowed. He must have known something to even grade. Roger – he didn’t tell me anything about that. I would have done it had I known, I would have sent an email.

Phillips – I am concerned about the timeline, around March 29th was when the first grading went on and then an email on March 30th and approval from Jonathan on March 31st. Why did we wait until June 15th, is it because of final plat? Roger – yes, that is what Mr. Romeril told me. Tyler – yes, the penalty is assessed at final plat. Melling – in some ways I like the ordinance, when they have penalties that don’t make sense. I would like the ordinance modified. I am hesitant granting a waiver before that, if the harm we are trying to prevent is we want the city on notice in case we get complaints of dust, or problems with drainage then we need to make it a notice issue and if someone is grading without notice there is a per day penalty such as $5 per lot per day and you provided us notice quickly after you found out, it would have been a small fine. I agree that in addition to the modifications in the ordinance that there are a number of administrative items that need to reflect this. We denied a request for forgiveness some time ago, there was very extensive grading and compaction, and the developer saved a lot of money doing it with the other phases. I don’t know if it were to come before us for an ordinance change would it help with your schedule? Phillips – what is the change? Melling – rather a permit it be a notification, and the fine a $5 per lot per day. Once notice is provided, no harm no foul. That would more closely match what we are trying to do, or we could take out the penalty. If it doesn’t extend to other things. Mayor – if you own property can’t you remove refrigerators, make a bicycle track. Phillips – I remember talking about this, we were having comments from developers saying it takes so long to get to final plat can’t we do something different. This was a way to help developers to get things moving, but we didn’t want stuff put in the ground. For me, I think we need to take some of
the blame, we didn't notify the developer community well. I went to the website, and it is hard to find the permit. For me I think it is easy for me to support the waiver because it was a mistake and people make mistakes, it didn't cause any harm to the city, so we have to agree and see if we can move on and do better in the future. Riddle - there isn't any infrastructure other than grubbing and grading or digging sewer, water or power lines. Roger - we have done some dirt moving on site, we are not at subgrade or final grade. We abandoned a well, we could start watering alfalfa. Melling - we have defined preliminary grading, can't we let people do what they are doing. Roger - if I were the City Engineer I would want to know what people are doing. Jonathan has so many things come across his desk. I believe the email is weak. Charge the developer $100 or $50 and include a grace period, what if the excavator showed up early. What if it is a mistake on timing? Phillips - the email thing worries me; Jonathan is one person. Hartley - I think it needs to be more formal and have a form of acknowledgement.

Brad Green, chair of the Libertarian Party, it was a thing like this that caused me to go libertarian, I have spent 15 years educating people why they should be Libertarian. A simple conversation that someone dropped the ball that caused my family money. We need freedom from permission, when someone has to come to a body for permission, it is not a gentle reminder, it is a gun. If someone wants to have goats it is enforced by a gun. I have a lot of fire in my gut and what I have heard from the council brought me down a little. The dust could be an issue, permission or not it could cause harm. Maybe the city wants to make sure the road is over excavated, if you don't follow the road permit you have to redo it or notify their customers that you are passing the maintenance on to them, there shouldn't be permission there should be consequences.

Tyler - if we amend the ordinance, because there is a 5th Wednesday this would not come back until July 6th and 13th. If that is the way you go, I encourage you to distinguish why you do this and didn't the other. Jonathan, do you want notice? Jonathan - I do want notice. A few days after there was a large storm that kicked up dust and sent it over I-15, that became a news story and it ended up on my desk as to why that happened. We want to know when a project is started, there are issues with dust and drainage, and it is hard to respond if we don't know what is going on. Paul - in my eyes it should be a permit and say you are responsible for dust control and your drainage. Melling - if it is simply a notice, is it acknowledging they are responsible for dust and drainage. Paul - that would be great if we had a form that says I am Roger Thomas and I know I am responsible for the dust and drainage. Roger - I was on site that day and we did shut down for the day, we were being responsible, but Engineering should know we are out there. That day the whole valley became a dust cloud. Phillips - the form is a different animal, but does that mean the ordinance has to change? Paul - the fine would have to be changed. If you want it a do or die, you get the permit or you get fined. Once Roger got going, he is fined the maximum amount right away. Melling - but if the excavator shows up early it is $22,500 fine per phase. Roger - maybe it is a unit cost per number of days as a middle ground as a fine. Melling - the other thing I changed my mind again earlier, I didn't realize we had a 5th Wednesday and you shed more light on the case. I think we can differentiate this from the other case where they prepped the building pads and exceeded the pre grading parameters. I am comfortable waiving fees before an ordinance change. Hartley - have we had other developers charged the fee? Tyler - yes, I
have been with the City for 6 years and charged it 5 to 6 times. One time was $30,000 one time was $20,000, one $15,000. Melling – how many exceeded the parameters of pre grading? Tyler – they all exceeded the parameters. Is that enough differentiation for you? Yes. Phillips – is it two separate issues, approving the final plat and waiving the fee. Paul – just do it with one motion.

Brad Green – I was going to volunteer to prepare an online form free of charge.

**ADJOURN:** Councilmember Isom moved to adjourn at 8:40 p.m.; second by Councilmember Hartley; vote unanimous.

[Signature]
Renon Savage, MMC
City Recorder
CHAPTER FIVE
Southern Sudan, 2008

There was a big lake three days’ walk from Nya’s village. Every year when the rains stopped and the pond near the village dried up, Nya’s family moved from their home to a camp near the big lake.

Nya’s family did not live by the lake all year round because of the fighting. Her tribe, the Nuer, often fought with the rival Dinka tribe over the land surrounding the lake. Men and boys were hurt and even killed when the two groups clashed. So Nya and the rest of her village lived at the lake only during the five months of the dry season, when both tribes were so busy struggling for survival that the fighting occurred far less often.

Like the pond back home, the lake was dried up. But because it was much bigger than the pond, the clay of the lakebed still held water.

Nya’s job at the lake camp was the same as at home: to fetch water. With her hands, she would dig a hole in the damp clay of the lakebed. She kept digging, scooping out handfuls of clay until the hole was as deep as her arm was long. The clay got wetter as she dug, until, at last, water began to seep into the bottom of the hole.

The water that filled the hole was filthy, more mud than liquid. It seeped in so slowly that it took a long time to collect even a few gourdsful. Nya would crouch by the hole, waiting.

Waiting for water. Here, for hours at a time. And every day for five long months, until the rains came and she and her family could return home.

Southern Sudan, 1985

Salva’s eye was swollen shut. Buksa’s forearms were lumpy and raw. A friend of Buksa’s had a fat lip. They all looked as though they had been in a terrible fistfight.

But their injuries weren’t bruises. They were bee stings.

A fire had been started under the tree, to smoke the bees out of the hive and make them sleepy. But as Buksa and the other Jur-chol men were removing the hive from the tree, the bees woke up and were not at all happy to discover that their home was being taken away. They expressed their unhappiness very clearly by buzzing, swarming, and stinging. Stinging a lot.