

COUNCIL MINUTES
JULY 31, 2019

The City Council held a meeting on Wednesday, July 31, 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 Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Lieutenant Jimmy Roden; Fire Chief Mike Phillips; Leisure Services Director Ken Nielson; Economic Development Director Danny Stewart; Golf Superintendent Steve Carter; Director of Golf Jared Barnes; City Planner Don Bordereau.

EXCUSED: City Manager Paul Bittmenn; City Attorney Tyler Romeril.

OTHERS PRESENT: Bill Clouse, Erin Myers, Sherry Allred, Shalon Shaver, Jim Lunt, Brittanie Parry, Teri Kenney, Carter Wilkeyk, Tyler Melling, Norman Forbush, Brooklin Cozzens, Brynlee Cozzens, Mary Cozzens, Delice Tom, Don Oswald, Brad Green, Barry Short, Diane Janes, Adam Hahn, TJ Penrod, Andrea Nelson, Roice Nelson, Jennilee Kanosh, Jennie Hendricks, Chris Dahlin, Bob Platt, Kelsey Keener, Sheryl Stratton, Nicholas Willis.

CALL TO ORDER: Pastor Joe Carroll of Calvary Chapel gave the invocation; the pledge was led by Councilmember Hartley.

AGENDA ORDER APPROVAL: Mayor - item #2 should say bills on the 29th, not minutes.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Hartley – first thank for the roads that are getting done, the Street Department, Public Works and UDOT. Also, in the importance of accountability and transparency, I was in Salt Lake City and my flight was delayed and I jumped on a text for all 5 council members. Later than evening another councilmember got on and started talking about the Redman issue and we violated the open and public meeting act, there were 5 in the thread, 3 commented, I talked with the City Attorney and technically we were not trying to coerce the vote, I talked about my intentions, I want to apologize, I have the text messages, I have them on my phone for anyone that wants to read that. Tyler reminds us of that, and I was not in the right to do so. My phone is open to any of you to read that and I wanted to disclose that prior to voting tonight. ■Cozzens – I have a statement with what Councilwoman Hartley brought up. “Under advice of my personal legal counsel, I need to bring something up that happened two weeks ago after Council meeting. I was unknowingly included in a group text between all five of us Council

members. This communication evolved into a discussion concerning the Redmen Water Tank issue which we vote on tonight. I did not participate in that discussion because I wanted to make sure I was not violating the open and public meeting act by addressing issues that are pending before the City when there is a quorum present. We need to remember that texting is a form of electronic communication, and if it is being sent about a matter over which the public body or specific body has jurisdiction or advisory power then it is considered a meeting and these discussions should only take place in an open meeting. The City Attorney and staff have trained us multiple times regarding this issue and always emphasize the severity of breaches of this rule. We do not allow discussions of voting outcomes in a secret quorum setting even through text messaging. Our open meeting laws protect our constitutional republic and our ability to hold our public officials accountable. This is why my legal counsel and myself have decided that I need to clear my name publicly and I want everyone to know that I am a strong advocate of transparency and will always do my best to protect this city. Thank you.”

Hartley – I will give you a copy of the text thread. ■Isom – I want to compliment Public Works and Street Department, they picked up flammable materials around on 1950 West prior to the 24th, and all the fireworks, my neighbors were appreciative. Also, I am missing the paintings in this room; I think we are in between artists. ■Cozzens – I want the text thread read in the meeting. ■Mayor – I want to commend the Leavitt Center for the forum, it was great to see the community members there. The Primary is on the 13th. ■Councilmember Hartley read the text thread, it is attached as Exhibit “A”. Cozzens – the one I sent was over a year ago, I apologize. Is this a continuation of a thread that was already going on? Yes. Hartley – you can’t change the people in the thread, it was a thread, I posted a picture, later Ron pulled up the thread. Cozzens – what is the cause, is there another group meeting? Hartley – no to fix the problem. Cozzens – who is us? Hartley – all of us. Cozzens – would you be ok for a GRAMA request for any text over 3 members? Hartley -Yes. Phillips – I don’t think anyone is trying to do anything wrong. Cozzens – I don’t like calling the Redman issue a bloody mess. Hartley – it is, I have said that, and it has divided the community. Phillips – it has divided the community and some of it should not been in our ballpark, it was a school board issue, but it is on a tank on our property. Cozzens – I disagree with that. Phillips – my number is 435-701-7884, anyone can call me. Hartley – they all are on the website.

PUBLIC COMMENTS: ■Utah Summer Games: Pace Clark – they were not in attendance. Mayor – I think they may want to talk about the Iron Games in September. This is a 5th Wednesday, they may have thought we didn’t have a meeting tonight. ■Carter Wilkey – this is a growing City we are about to have the grand opening for the new Animal Shelter, I had the opportunity to see the building and help raise funds. I want to be part of the solution, not the problem, I looked at ways to raise money, in Salt Lake they do “Strut your Mutt” and money goes to Animal Shelter, in Salt Lake they raise about \$300,000 in one day. I met with the Mayor and Paul Bittmenn, I will sponsor the event and proceeds go to the Animal Shelter and we will do the “Furry Friend Fun Run”, September 14th at Bicentennial Park, registration at 7:00 a.m. walk/run at 8:00 a.m. There is a website for animal shelter donations, cedarcityanimalshelter.org. we are still working on the price, it is a family event, it will go from Bicentennial to the Bridge at

Canon Park and back, that is a 5K. Yesterday I met with the graphic Designer, the design will go on T-shirts and the bags. Mayor – the goal is for this to be an annual event. Carter – yes, bring your animals, we have worked with Chief Adams, we will figure out how to do that. The animals must be leashed. Donate through the website or at the event. it is hard to set a goal on money or people since we have never did it. Petsense want to be involved and a few others. ■Shalon Shaver – I live at Eagle Ridge at South Mountain on the corner the road goes to Westview, there is a road close sign now. It used to be a two way stop, they put in a four-way stop, the traffic that goes through the subdivision to get to Wal-Mart is crazy, in the last few weeks we have got two yield signs and the stop signs are gone. If the yield sign, a car drifted through the subdivision and intersection. The other concerning is the bus stop, many children are walking through the subdivision to get to the bus stop. We rarely see the police in the area. a neighbor's daughter got hit on a bike a few weeks ago, a few stitches on her face, it broke the headlight on his truck. Hartley – why was the stop signs removed? Kit – when you put a 4-way stop you have to meet warrants on Uniform Traffic Control Devices, you have to have 300 cars per hour for a 8 hour period to warrant it. If you don't meet the warrant and you put up the signs the City has responsibility. We did two stop signs and two yield signs, if people read the drivers ed manual it should work fine. The 4-way did not meet warrant. Phillips – are we way off? Kit – we are way off, about 60 homes, it is about 600 trips per day. Hartley – even with the Westview traffic. Kit – it measures that. Shalon – did the count happen when the road was closed? Kit – we didn't do a count, you can use the average trips per day per home, we included just the subdivision. There is not that must traffic from Westview Drive because it is closed. Brad Green – when the road was not closed and I knew it was not closed, that is the way we get to the south end of town. There are thousands of people. Hartley – does the manual allow the feeder road? Kit – no. Phillips – do we have a projected time when South Mountain will open: Kit – probably 3 months. Phillips – when the road opens can we do a count? Kit – yes. Shalon – the City doesn't have liability if it is a yield sign. We have so many young families, it has a lot of blind spots. Mayor – is there a marker when we can do traffic studies? Kit – it is our discretion, we usually do it for several days. Mayor – when the road opens, we will do a count. Cozzens – can we override the book? Kit – yes, but it makes the city totally liable in an accident. Hartley – did you talk with the School District about the bus stop? Shalon – no. After the road closed sign is gone, we will have more traffic. Tyler Melling – as an attorney and knowing how they think, if someone does die at the intersection, the book will be damned. Every personal injury attorney is going to salivate when they see this meeting. I understand some things are waivable and some are not with these recommendations, especially when there has already been an incident. I would encourage the City to look at some level of mitigation measures, because of you want to talk liability, you already have an injury and that amount of traffic going through a residential neighborhood, you are asking for trouble, and I will be happy to point that out to any personal injury attorney in the future. Carter – did you say 300 per hour? Yes, that is a car every 12 seconds, maybe find another solution. Hartley – I have a friend in Westview, and I go that way. ■Cozzens – I want to go back to the illegal meeting, there is a difference between 1 1/2 years ago and this, it was not an agenda item, it is different than an ongoing issue.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JULY 3 & 10, 2019; (2) RATIFY BILLS DATED JULY 15, 2019, AND APPROVE BILLS DATED JULY 29, 2019; (3) APPROVE VICINITY PLAN FOR HIDDEN HILLS HEIGHTS SUBDIVISION. PLATT & PLATT/DONALD BOUDREAU; (4) APPROVE VICINITY PLAN FOR THE CLIFFS AT SUNRISE SUBDIVISION. 3 PEAKS ENGINEERING/DONALD BOUDREAU; (5) APPROVE SINGLE EVENT ALCOHOL PERMIT FOR THE FESTIVAL OF HOMES, AUGUST 30, 31, SEPTEMBER 2, 6, & 7, 2019 AT 200 NORTH 100 WEST. MAC URIE/CHIEF ADAMS:

Councilmember Isom moved to approve the consent agenda items 1 through 5 as written above; second by Councilmember Hartley; Phillips – question on the motion, I want to make sure item #4 is only the vicinity plan, we haven't made a decision on turning the land to the City.

The vote was unanimous.

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– item #4 of the resolution “the special interest group lead by Paul Cozens” will be responsible for the aesthetic maintenance and upkeep to the Leigh Hill water tank and if determined, any repairs necessary will be completed in a timely manner. I am not a leader of a special interest group, I want to remove that language and I want to say Paul Cozzens and other interested parties will be responsible for the aesthetic maintenance. Also, any repairs, I think is implied that it is not structural. Mayor – it says aesthetic maintenance. Isom – so #4 says Paul Cozzens and other interested parties, will be responsible...

Phillips – I want to say a few things. I am still not comfortable with the resolution, and I want to explain why. I still believe this is a School District issue and I believe that it was brought to us and we should not be dealing with this situation doing this. It is like one government entity deciding to, in this case, to retire the Redman whether it was the right decision or not, the decision was made. And I don't believe this government entity should tell another government entity what to do or not to do. I liken it to the Federal Government coming to tell the State how to run its parks or something else. So, I struggle with this resolution and I am not going to be voting in favor of it tonight.

Cozzens – To me, this goes way beyond Cedar City and Iron County School District, to me this is a line in the sand for me personally, part of it, I want to maintain this is a proud tradition for 77 years, but the bigger thing for me is I think we need to teach our children that we don't have to be offended over everything. I think that is a disease we have in our country right now. We have a school in CA getting rid of their mascot that is Prospector Pete because they figure the gold rush was hard on the Indigenous people. You have George Washington High School painting over a mural that has been there for a long time, painting over it because it is offensive. We have kids back east burning a marble statute they thought was Robert E. Lee, turns out it was a famous WW-II general. We have a major problem and we need to stop it. If the school district wants to remove everything, we can surely keep something that has been there for over 50 years, designate

the years it was there and keep that moment in time I truly in my heart believe it will bring the community together faster and better than if we remove it.

Phillips – I appreciate the work Councilman Cozzens has put into this as well as other Council members and the amount of compromise that has taken place in trying to bring something together and I applaud all of the entities for doing that. Th is in no way says that I am not supportive of what this community stands for and the traditions, I believe in power of government and the importance of being patriotic for what we stand for. I will support whatever decision is made here because I think it is important democracy that we agree to disagree sometimes. I will be supportive whatever the outcome is and will be fully supportive of this Council.

Councilmember Isom moved to approve the resolution preserving the City’s Leigh Hill Water Tank as a marker to the Redmen of Cedar City and the north Water Tank as a marker to the Canyon View High School with the noted change taking out the special interest group and replacing it with Paul Cozzens and other interested parties; second by Councilmember Cozzens; vote as follows:

AYE: 4
NAY: 1 - Phillips
ABSTAINED: 0

CONSIDER A RESOLUTION AMENDING THE CITY’S PERSONNEL POLICY.

NATASHA HIRSCHI: Councilmember Hartley moved to approve the resolution amending the City’s Personnel Policy; second by Councilmember Isom; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

CONSIDER AN ORDINANCE AMENDING THE CITY’S BUSINESS REGULATIONS AND LICENSES ORDINANCE. TYLER ROMERIL:

Councilmember Phillips moved to approve the ordinance amending the City’s Business Regulations and licenses; second by Councilmember Cozzens; roll call vote as follows:

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

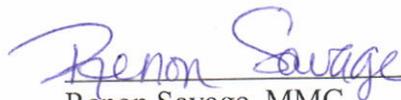
CONSIDER PURCHASE OF MATERIALS FOR THE GOLF COURSE

IRRIGATION PROJECT. JARED BARNES/STEVE CARTER: Jared Barnes – in the current budget \$604,000 was approved for the irrigation project. The first is the Toro portion of the equipment we need. It is on the State Contract, we have to go with Toro because it matches the central irrigation system, it is \$233,226.45. Cozzens – what

percentage will complete the front nine? Steve Carter - that is the total Toro, the heads, the swing arms and the clock. Jared - there is a 5% price increase that is why it is on the agenda. At budget we had a \$600,000 grant to complete the installation and we did not receive it. We will send out RFP for the installation, if we do it in 2020, we need to be on someone's schedule. I have discussed this with Jason, and we will do a budget revision. Phillips - can we reapply for the grant? Jared - I don't know. Isom - we will save \$4,500. How will you store it? Jared - we may get a Conex box for storage. Steve - we have a shed at the Golf Course we can put it in but there are no locks, the door is broke. We would have to find some sort of storage. Jared - normally for a job like this the Golf Course would put out an RFP for the purchase and installation, we are saving \$200,000 to \$300,000 in the entire project. We have some great relationships with people to help with the takeoff, we are going straight to Toro and bypassing the markups. Phillips - I assume state contract is much better, I don't want to leave local contractors out. Steve - we sent to Sholzen's and Mountain Land what we will need. Jared - we also work with WL Plastics, and they have offered to store the pipe until we need it.

Councilmember Isom moved to approve the materials for the Golf Course irrigation project from Toro in the amount of \$233,226.45; second by Councilmember Adams; vote unanimous.

ADJOURN: Councilmember Isom moved to adjourn at 6:28 p.m.; second by Councilmember Hartley; vote unanimous.


Renon Savage, MMC
City Recorder

— Paul Cozzens

— Did any of you get a call from a Kent Leany today? Apparently he was laid on a business license and it cost him twenty bucks.

— Somehow he got my wife cell phone number call her at the house and screamed at her for 40 minutes made her cry. I think it's a good thing he's not answering his phone.

— Late

I didn't get anything

Ron Adams

I got a message but just got his voicemail and left a message but have not heard back. Sounds like we don't want to.

RA

Scott Phillips

Got a message but have not yet spoken with Kent! Sounds like maybe I shouldn't.

SP

Hey don't give him my number 😁

— Scott Phillips

SP

Won't do it!

Feb 5, 2018, 9:41 AM

Craig Isom

— I just got chewed on by
— Kent, but cut him off
— when he was
disrespectful. He is
really wound up over
twenty bucks!

CI

Paul Cozzens

— I called him at 10:30 last
— night, got After for
yelling at my wife. He

government in general.
told him he will never
get attention being rude.
It took some doing with
my knowledge of his
family growing up here
and that mellowed him
out enough to talk
some. He does want to
visit with all of us on
getting rid of business
license. He had talked to
Paul. He was going to
call everyone. Looks like
he got Craig also. I gave
him no info. either so he
will have to find Terri
and Scott on his own.

— and Scott on his own.
He fits the grumpy old
man picture!

RA

Scott Phillips

I spoke with them about
9:50 am this morning.

— He called me three
times. However, I was in
a meeting the first two
times. You are correct it
is about his business
license. He is very
unhappy that he was
— charged an extra
amount which totaled
50% of the original