

COUNCIL MINUTES
FEBRUARY 7, 2024

The City Council held a meeting on Wednesday, February 7, 2024, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Garth O. Green; Councilmembers: Robert Cox; W. Tyler Melling; R. Scott Phillips; Ronald Riddle; Carter Wilkey.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Randall McUne; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Assistant Police Chief Jimmy Roden; Leisure Services Director Ken Nielson.

OTHERS PRESENT: Ann Clark, Wendy Green, Laura Henderson, Abby Daynes, Sadie Hinck, Tom Jett, Kathy Long, Dane Leavitt, Jessica Kinsey, Burt & Shannon Poulsen, John Fenn, Bob Platt, Daryl Brown, Liliana Quiroz, Dallas Buckner, Eric Heaton, Serenna Wu, Tyler Romeril, Cassie Edwards.

CALL TO ORDER: Pastor Joe Carroll of Calvary Chapel Church gave the invocation; the pledge was led by Jonathan Stathis.

AGENDA ORDER APPROVAL: Councilmember Phillips moved to approve the agenda order for the City Council, RDA and MBA meetings; second by Councilmember Melling; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■ **Mayor** – I appreciate the time I was able to be away. I apologize for being so wired and spending 3 hours in a meeting today. ■ **Phillips** – can we get an update on the status of the Paiute Tribe storm drain project. ■ **Jonathan** – the majority of the work is done; we will have to wait to pave the project. ■ **Phillips** – we have made good progress. ■ **Wilkey** – last week Phillips and I went to the Capitol for SUU day signing a MOU for the Utah Summer Games adding the Special Olympics and they recognized Cedar City for our partnership. ■ **Jonathan** – we received funding for the Center Street overpass sidewalk, \$202,200.00 is what we received, that is UDOT portion \$134,800 would be the city portion that will be in the budget. UDOT would like to combine that with the roundabout project at 1150 West and Center. Talking with the Street Department we feel it would be a good idea to tie into the roundabout. They are starting the design in the next few weeks; it would go to construction in 2025. ■ **Phillips** – I think it would be a good idea to have it designed right. Can the money be held? ■ **Jonathan** - yes, it could be held until next year. I will correspond with UDOT on that. We will have a contract that will come back to the council. ■ **Phillips** – someone needs to coordinate with Tiger at SUU. ■ **Jonathan** - I was on the phone with Ben Johnson from SUU today, they are aware. ■ **Paul** – we had the company that does the sound system at the Heritage Center look at our system, we are working on it. ■ **Riddle** - what company. ■ **Paul** - we reached out to Pole Sound, and they didn't get back to us. This company sent an email back to us getting us to their sound engineers, we hope they get back to us with a proposal.

PUBLIC COMMENTS: ■ **Laura Henderson** – I want to give a shout out to the Polar Plunge last Saturday and it benefits the Special Olympics. ■ **Phillips** - we had a Youth City Council Team there, but they didn't jump. ■ **Wendy Green** – The Chinese New Year Celebration sponsored by the Family Support and Crisis Center will be held at Heritage Center Feb 21st at 6:30. Sarah Sun, our very own Miss Utah will be speaking, Fiddlers Elementary will perform and the dual immersion students will be there also, it will be fun and everyone is invited to come.

CONSIDER THE APPOINTMENT OF KATHY LONG TO THE CATS BOARD. MAYOR GREEN: Mayor Green – we appreciate your interest in service in the community. ■ **Kathy Long** – I

have been involved with a statewide committee looking for ideas and funding for rural public transit better. I will try and bring information to our local level. **Wilkey** – we have had our first meeting, Kathy participated before her official appointment, thank you. **Mayor** – the Department of Transportation is interested as is SUU. Consent.

CONSIDER LOCAL CONSENT FOR CINDELMARMAR LLC DBA DULCES RETONOS.

JORGE CARRANZA/CHIEF DARIN ADAMS: Lenan Quiroz - it is a small store, like a convenience store with snacks, a Hispanic Mexican store. It is located by Smiths. **Assistant Chief Roden** – they sell beer; we give them a positive recommendation. Consent.

CONSIDER A SINGLE EVENT ALCOHOL PERMIT FOR SOUTHERN UTAH MUSEUM OF ART FUNDRAISING DINNER & LIVE ART AUCTION ON MAY 11, 2024. JESSICA KINSEY/CHIEF DARIN ADAMS:

Jessica Kinsey - Executive Director of Southern Utah Museum of Arts, we come for our annual Art Auction. Last year was very successful. **Phillips** - I have attended this for many years, people appreciate it and adds to the event. **Assistant Chief Jimmy Roden** – we give a positive recommendation. Consent.

CONSIDER A SINGLE EVENT ALCOHOL PERMIT FOR THE CEDAR CITY CHAMBER OF COMMERCE 74TH AWARD GALA ON MARCH 7, 2024. RENE COLE/CHIEF DARIN ADAMS:

Rene Cole – I am asking for the permit to provide alcohol. **Wilkey** – I am on the Board of Directors. **Assistant Chief Jimmy Roden** – we give a positive recommendation. Consent.

CONSIDER AN AMENDMENT TO CITY ORDINANCE 35-6(B) TO PROHIBIT LONG VEHICLE PARKING IN THE VICINITY OF 686 E. CANYON RANCH DRIVE. TRAVIS RIGBY/JONATHAN STATHIS:

Travis Rigby – my wife and I are the owners of the building 2nd East restaurant is in, and my brother-in-law is the part owner in the restaurant. We have had some unique challenges; we need to be successful. Our challenge is a lot of customers think we are very busy because of the semi-truck parking there and they also block the building, and because of the Brian Head staging area for their shuttle. We have had Brown Dental Office and a few others that say they think we are too busy because of the cars so they haven't come for lunch. We would like the ordinance changed for both sides of the map and the neighbor across the street has got no parking. We want it like Costa Vida to eliminate Semi-truck parking and Chief Adams and Jonathan are working with the Brian Head Shuttle people. **Jonathan**- we had a meeting with Brian Head Shuttle, but it got cancelled. We have had conversations about them moving to the north. Also, the long-vehicle restriction would be moved north. For Terrible Herbst there is no parking from Main Street to Auto Mall Drive. We would like long parking restrictions. **Phillips** – will we have the same at Wedgewood for Terrible's? **Jonathan**- they would like to wait until they have the building built. **Travis** – the triangular piece my wife and I own and Dave Tapia owns the piece to the north and he welcomes that as well. **Phillips** – what happens on Auto Mall Drive when it snows, do we plow? **Jonathan** - I don't know. **Travis** – I have pulled two semis' out because of the snow. We have seen the snowplows; I don't know how far they go. **Paul** – our plows have a priority area, hospital, schools, etc., Auto Mall Drive is not a priority. **Phillips** – if we do this, where do we anticipate the semis will park? **Jonathan** – there is a new street by Love's or further north on Auto Mall Drive. **Mayor** – how do they get turned around out there? **Travis** – in good weather they will go into Auto Mall where it is a dirt road. Most will back up to both sides of our property. **Mayor** – it would be better for them to go to Love's. **Wilkey** – what is considered a long vehicle? **Jonathan** - 35 feet. **Wilkey** – I don't want someone with their family and a travel trailer not be able to park. If we are deterring semi's, it should say no semi. **Travis** – my preference is no semi's. **Mayor** – people do follow the signs. **Wilkey** – I don't want people with travel trailers to be deterred. **Phillips** – maybe

say no commercial vehicles. **Jimmy Roden** - that is not in ordinance, so you have to define that. The 35' is enforceable. Now that travel trailers are so long some will fall under that. We will enforce what you decide. We hope to have a better solution with Brian Head next week. We just want it clearly defined. **Tom Jett** - I am confused, are we looking at stripping or putting signs up? **Phillips** - signs. **Tom Jett** - the other parcels are owned and if you are not careful it will push the parking to others. There are a lot of cars that park there because of Brian Head, I hate to park them further down in front of someone else. **Phillips** - they are using the city streets. **Wilkey** - can we put no semi-truck parking like the one across the street from Wal-Mart. **Paul** - that may not be our sign. We don't, but we could add it if we want. **Travis** - the city required us to pave the Canyon Ranch and Wedgewood as well, they are not complete, so when semi's come in they are parked on both sides and it is really tight. Shad Hunter is looking for alternatives for renting, their parking will go where the shuttle stops. Action.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE FINAL PLAT OF THE WILDFLOWER SUBDIVISION PERTAINING TO LOTS 28 AND 29 LOCATED AT APPROXIMATELY 653 S 2475 W. WATSON ENGINEERING/ RANDALL MCUNE: **Daryl Brown**, Watson Engineering - we are looking to amend the plat to combine 28 & 29 to one lot. There is a garage on lot 28 and a home on lot 29 and it is owned by the same person. We want to combine it to one lot. **Mayor** - there is not a dwelling in the garage? **Daryl** - no. **Riddle** - I wondered what they would gain. **Wilkey** - it may not change tax bill, but if they are getting a loan it may matter. **Melling** - it does affect the taxes.

Mayor Green opened the public hearing. There were no comments, the hearing closed. Action.

PUBLIC HEARING TO CONSIDER ORDINANCES AMENDING THE GENERAL PLAN USE FROM NATURAL OPEN SPACE TO CENTRAL COMMERCIAL AND FOR A ZONE CHANGE FROM ANNEX TRANSITION (AT) TO CENTRAL COMMERCIAL (CC) FOR A PROPERTY LOCATED AT OR NEAR 1581 PROVIDENCE CENTER DRIVE. PLATT & PLATT/RANDALL MCUNE: **Bob Platt**, Platt & Platt - this is on the west side of the freeway, east side of Providence Center Drive. We created a parcel, one is zoned CC, the south part is AT, we want it in conformance with CC, it is one parcel. **Phillips** - what are the requirements, what if anything can be done, is there landscape requirement? **Jonathan** - there is a 5' landscape along the frontage, I just don't want a weed patch. **Mayor** - how long is the tip of that property. **Bob** - the entire parcel is 7 acres. **Jonathan** - the bottom is 30 feet.

Mayor Green opened the public hearing. There were no comments, the hearing closed. Action.

ACCEPT THE PETITION TO ANNEX 10.66 ACRES OF PROPERTY IN THE VICINITY OF 1711 WEST 3000 NORTH. PLATT & PLATT/RANDALL MCUNE: **Bob Platt**, Platt & Platt - this property is in the county, they want to annex. It is south of 3000 North, and on the west and south is Gemini Meadows. **Wilkey** - is it two parcels? **Paul** - yes. **Wilkey** - it will come in AT, what is the General Plan for the area? **Jonathan** - medium density. **Wilkey** - is this the first step? **Paul** - yes. **Jonathan** - we will start a 30-day protest process, it will then go to Planning Commission and then come back to City Council, it will take about 2 months. Consent.

CONSIDER A VICINITY PLAN FOR PHASES 1 & 2 OF THE PRAIRIE AT BAUER MEADOWS PUD LOCATED AT APPROXIMATELY 1950 S. WESTVIEW DRIVE. GO CIVIL/DON BOUDREAU: **Dallas Buckner**, Go Civil - this is the vicinity plan for the zone change we brought in, it is phase 1 and 2 of the single-family R-2 lots, 7,000 square foot lots, it is

also shown as a PUD. This is adjacent to 4-B Ranch. **Wilkey** - will they be on our water system or an agreement with the Water Conservancy District? **Dallas** - good question. **Melling** - the city has an agreement with the Water District until we get a water line closer. **Dallas** - I have talked with the Water District, we will iron out the details later, we may amend the 4-B agreement, or it may be an additional agreement. The city distribution line is by Valley Phase 1. The city has some transmission lines we have been able to hook on in the past, but it is about 2,000 feet to the south. **Phillips** - we have had drainage issues, is that being addressed? **Dallas** - with 4-B phase 4, Joel Hansen and Alex Meisner worked out a storm drain for a future detention basin, we will stub in a 20-inch storm drain. **Phillips** - is the NW corner in the RDO? **Dallas** - yes. **Jonathan** - as of February 1st we started the new subdivision process, some subdivisions were in the process so you will see a few others. **Cox** - so if it was new, it would go through staff? **Jonathan** - yes. **Phillips** - this is a PUD, we have had several instances come up relative to trash pickup, will there be adequate parking for the homes, so they are not on the street? **Dallas** - the residential lots are the same as R-2, they are narrower roads and there will be a trail. There is plenty of space for driveways. No guest parking requirement. **Mayor** - what is the purpose of the 10' strip? **Dallas** - the developer has a vision of a trail system. Consent.

CONSIDER THE FINAL PLAT OF EKKO VIEW SUBDIVISION PHASE 1 IN THE VICINITY OF 1820 N. LUND HIGHWAY. GO CIVIL/RANDALL MCUNE: Dallas Buckner,

Go Civil - this is north of Sycamore Trails 1 and 3. We came a few months ago. We have the letter of final requirements; we haven't settled all the requirements. The water situation, we had a meeting with the developer, there was a Water Acquisition bond, is that a new ordinance change with the letter of requirement until the water rights transfer? **Randall** - until we can fully accept the water the bond is in place until we get the water. I understand you may use someone else's water rights. **Dallas** - we have tried to deed the water over and were told we can't until it is subdivided. I don't know if there is a banking issue. **Paul** - what do we know about water rights? **Dallas** - Son Builders has some banked with the city. **Mayor** - does the date play in. **Jonathan** - until we have a change application, we need a bond. It was changed with the Water Acquisition Ordinance. It is difficult because we don't have a mechanism to put the water rights in as a credit so it was a timing issue, they also wanted to deed more than needed in phase 1. They will deed what they need for phase one and will post the bond until the change application is approved, they seem to be happening quicker, within a few months. **Randall** - I haven't seen that yet; we should have it all by next week. I don't think there is an issue, they are looking for cheaper avenues. **Wilkey** - the change application has to be complete, or they have to post a bond. **Randall** - Yes, that is why we discussed the water credit, these are hard to come through quickly. **Dallas** - we can't start the change application until we have the subdivision. **Randall** - we can't give the water back if they back out of the subdivision. **Jonathan** - we don't have a mechanism for the credits. Most people pay the fee, so it doesn't come up often. **Phillips** - on the double fronted lots, will the fence transition? **Dallas** - the city has a site triangle. Action.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE FINAL PLAT OF THE FIDDLERS CANYON SUBDIVISION UNIT 5 PERTAINING TO LOTS 1 AND 2 AT APPROXIMATELY 772 EAST FIDDLERS CANYON ROAD. GO CIVIL/RANDALL MCUNE: Dallas Buckner,

Go Civil - this is an amended plat to combine two lots. There is an existing house on lot 2, the owners have Conex boxes, this is next to where the townhome project is going in. They realized there is a conflict with the ordinance, we want to combine the lots to bring it in compliance. We shot the location of the boxes; they are inside the setbacks. They shifted it to meet the setback, but I made a mistake on the back, we realized we need to shift the back end, it has not been moved, but we will have it done. **Phillips** - it came out of Planning Commission, what is

happening in the residential location, is there a business being ran out of this location? **Dallas** – one of the neighbors made an allegation that the owner runs a party supply rental business and there was commercial storage for the business taking place. **Janette Grass** – I want to apologize for taking your time. We have owned lot #2 for 20 years. When our son joined the military out of high school, we bought the lot next to us thinking he would come home and build, after 20 years our son has not come back, he is coming home in 3 years. We were not expecting to do this, but our neighbor decided to clear our lot half of our lot not knowing where their line was, instead of complaining to someone, we talked to them and said if you clear the rest of the lot, we will let it go, they said ok. We talked to the container people, and they said yes, we don't see a problem. We bought the containers; it was expensive because we bought nice containers. We want to store my sons' belongings and the construction for his house. The lot has not been touched for 19 years. The neighborhood has dumped dirt, rock, clippings, etc. in that lot; the neighbors have buried their pets, people have dumped trimmings an branches and now the neighbors are all coming forward. We want to be in compliance, and we have made the effort. **Phillips** – if you don't use the lot can it be another lot? **Dallas** - we will leave the connections so it can split back. It is being put together because of the containers. They can't put a container if it's not part of the primary residence. **Wilkey** – the home is 732 East, so the address on the agenda is incorrect.

Mayor Green opened the public hearing. **Ann Clark** – I was at Planning Commission; I see the neighbors' problems. If you are really going to build a house the neighbors could say ok, but if it is longer, it is a problem.

Shannon Poulson – I live across the street. At the Planning Commission meeting, they said the problem is that the shed was built on property line and that was why they needed to put the two lots together. There are two shipping containers, we have lived there 38 years and have witnessed a lot of growth and change. There are only a few lots left in our area for R-1 building and this is one of them. Pictures were shown and are attached as Exhibit "A". You see the boxes direction driving on Fiddlers Canyon Road and from Serviceberry Circle. Their lovely home is set about as far away from the Conex boxes up on the hill as possible. The building on the property line, and around it there is a lot of stuff on the lot. In your residential zoning it says "*the objective of establishing R-1 residential zone is to encourage the creation and maintenance of residential environment within the city which is characterized by large lots on which single family dwellings are situated, surrounded by well-kept lawns, trees, and other plantings. A minimum vehicular and pedestrian traffic and quiet residential conditions favorable to family living and rearing of children shall also be characteristics of this zone. Representative of the use within the R-1 zone are one family dwellings, parks, agricultural, playgrounds, schools, churches and other community facilities designed in harmony with the characteristics of the zone... Strictly prohibited in this zone are commercial and industrial uses, and in order to comply, the objectives and purposes of this ordinance and to promote the characteristics of this zone, the following precise regulations shall apply.*" And it goes down and it talks about these temporary structures and buildings. In number 5 it says that *yard storage or building or yard storage for construction materials and equipment incidentals necessary to construction of a house development, utilities or other community facilities provide such temporary building or yard as located on the same track of land as with the house.*" It says that this can only be there for two years, so if they are talking about three years before they start to build, that is already no in keeping with the regulations. It goes on and talks about temporary office buildings for sales or anything like that in the subdivision for only two years, and then that also expires. An accessory building is what these Conex boxes are being classified as, and *it is a subordinate use or detached building clearly incidental to and located on the same lot occupied by the main building.* In reality a Conex box is a trailer with no wheels, its size is what qualifies it as an accessory building, and I

believe that there are definite uses for these structures, but they don't belong in R-1 zone. I believe that there is a consistent spirit of the law that this type of trailer does not have a place in an R-1 designated area. I understand that this is their property, and they have a right to use it, but there are city codes that all who live in the area agree to comply with when they purchase or build a home. When I talked to the Planning Commission there were several statements that stood out to me, one was by Ms. Davis whose occupation is in real estate, and she stated they are ugly, and when selling a home one hopes to get the best price and inferred that this would not be a plus. One member actually came to my home to see for himself and stated this was definitely not R-1 but more like Horse Alley. One of my concerns and questions is if this plat amendment goes through will it negate current restrictions combining the lots has only come after over 17 years of residency and after the arrival of Conex boxes last October. Planning Commission made a suggestion, because they came first because the little shed, they have was the problem, they said they could move the property line over to allow them to comply with the regulations for the structure in violation. The owners want to keep the utility hookups in case they want to re-subdivide and if you combine the lots, it will merely allow the Conex boxes to be in compliance as an accessory building. I think as a city council it is time to readdress Conex boxes. There are a handful of double lots in our area that have been an asset to the neighborhood. I read a quote recently that states "*we can evade reality, but we cannot evade the consequences of evading reality.*" If Conex boxes are allowed to remain on the lot they will become a statement of R-1 zoning for our community and speak to the need for individuals to comply to city ordinances. Personally, I believe to be skeptical of the long-term planning for this particular lot being combined. It is currently out of zoning compliance both in accessory placement of a building and the said use. If passed it will be your decision that will make it in compliance. Unfortunately, it is currently showing no promise of becoming an asset to the area.

Jeanette Grass – all of our fencing in the picture is to beautify our home. **Tom Jett** – I was quite disappointed in the Planning Commission for not approving it, it met ordinance, it forced them to not be in compliance for our lack of thought in the matter. I was the only one that said let them split. Let them divide, the containers are separate issue. **Melling** – you have been to a lot of meetings, have we ever denied a lot combining request? **Tom** – not that I know of. **Wilkey** – I tend to agree with Mr. Jett that one thing stopped the other thing from happening. Whether or not we have a discussion about containers. **Phillips** – the question is do you want to change it for the containers, and we don't know that. **Wilkey** - if one person owns two lots, I don't care about combining lots, it is their personal property, maybe they want one tax bill not two. There may be reasons why, and we don't have an ordinance against Conex boxes. **Cox** - they could move them and then bring them back, so to me it is two separate issues. **Phillips** – if we move forward about Conex containers, if this moves forward would they be grandfathered in? **Randall** – it depends on what you pass. You need a way to calculate an investment. Provo changed an ordinance with a 20-year time frame for people to come into compliance, that can be a problem. If you eliminate grandfather, we need to work it out. We have not done that; we have not eliminated grandfather unless the use changes to come in compliance. **Wilkey** – I don't like the look, but at the end of the day there is not an ordinance to stop it, and I wouldn't stop one because of the other. **Tom Jett** – last night at Planning Commission we discussed development in Old Farm subdivision, we are looking at buffer and we have an R-1 against R-3 in this subdivision, and I find it ironic that we are arguing over Conex boxes. **Cox** – no disrespect, they have not complained until someone wanted to do this. If it is an issue, they should have done it before this. **Bert Poulson** – that doesn't have anything to do with it, R-1 is to the east of those buildings. I hear over and over again if I buy a lot, I should be able to do what I want with it. They were told by the people they bought Conex from it was ok and then it wasn't, so let's play with the law. The technicalities are ways to get around, the purpose of R-1 doesn't meet any of that. A trailer can't park there but a Conex box can because it doesn't have wheels. The zones are so Cedar

City is an attractive place to live, if we ignore what are we saying about our town. It is now out of compliance and how you rule will send a message to people that may come here, and it doesn't complement our community. **Todd McDonald** – I am one of the owners, the beginning of the front Conex, originally was street level, with the development of Ashdown the trucks would dump there. The second and third story building have now gone up, it is now to the road, the Conex is now behind the three-story building. There are seeing more of a three-story building than the Conex. The builder, the trees came up another 15 feet, the builder of the three storm came up to the beginning, we woke up and heard traffic but it was louder than usual, we have security cameras and we could see their equipment clearing trees, that is the point that Jeanette said we have not touched it, but your crew will now level the lot, the guys agreed, the contractor was not pleased, but the crew was encroaching on our property 60 feet deep. It has been a community dumping lot. **Jeanette Grass** – I don't like Conex boxes either so they won't stay there. The hearing closed. Action.

PUBLIC HEARING TO CONSIDER AN ORDINANCE VACATING A PUBLIC RIGHT OF WAY AT APPROXIMATELY 140 NORTH 300 EAST. TOM JETT/ RANDALL MCUNE:

Tom Jett – there is property on 300 East, between Bulloch Trailer Park and Veterans Park. Plat B was e/w/n/s, in the early 1900's we had a river that runs and for us to run the road we had to build a bridge to continue N/S, so they put a dog leg in the road. My first home in Cedar was in Dog Town. There was a little curve left and I thought it was my property. About a year ago the process started for us to acquire the property. We asked the city to also purchase a piece of property landlocked, there is potential for the mobile home park. Some of the concerns is the city needs access along the edge, a 20-foot access to maintain Coal Creek Flood Control, which is not an issue, the city has to run over our property to get to the creek. We would like to purchase the dog leg and the other property and grant a 20' easement along the north edge to get to the creek, also an easement over the NE edge for access to the creek. Mr. Hunter urged us not to pave it because of the damage heavy equipment would do. We were the only bidder; we offered a hair over the appraised price. **Riddle** – are you keeping the tree? **Tom** – no. I have been pruning the tree because the branches are over the sidewalk. **Phillips** - the NE piece you would not develop so we would have the 20-foot easement. **Tom** - correct. **Randall** – those are the conditions we can put in the sale of the property. **Randall** – when we do property disposal, we can put additional conditions on the property because it is ours. You can say no 100' tall buildings, we can put what we want. **Phillips** – I understand your use is for tiny homes. **Tom** - we talked with the neighbors. **Phillips** – the first piece would be needed by our Street Department, if not asphalt, what would be there, I am concerned with the transition between the Veteran's Park. **Tom** - probably be road base with colorful rock, it won't be weeds. **Melling** – I am ok with this.

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

Randall – other than easements, are there other things you want worked in the agreement. **Melling** – anyone can bid, this area needs improvement. **Wilkey** – I look at two appraisals, it was prepared for two different entities, does it matter. **Randall** – it just has to meet state law. Are you getting adequate value. **Phillips** – I urge you, since this is the first tiny home project in the community, let it be something people look to and says I like it. **Jett** – I hope to get input from the community. Action.

CONSIDER THE DISPOSAL OF TWO PARCELS OF CITY PROPERTY LOCATED AT APPROXIMATELY 140 NORTH 300 EAST. TOM JETT/RANDALL MCUNE: discussed with the above item. Action

CONSIDER A BUILDING PERMIT AGREEMENT FOR CHELSEY PARTNERS LLC, DEFERRING PUBLIC IMPROVEMENTS FOR PROPERTY LOCATED AT APPROXIMATELY 3100 WEST (LUND HIGHWAY) AND 2800 NORTH. GO

CIVIL/RANDALL MCUNE: Dallas Buckner, Go Civil – we are working on getting Phase 1 construction drawings approved, one thing that came up is the odd shape of the phase 1 boundary, the low point, there is a big irrigation ditch that splits the property, the low point for a detention basin, we set aside the two acre square and taking it down 6 to 7 feet, we propose to build the overflows, but this a separate tax ID, because we are putting in improvements we need to improve the frontage of this parcel. They are working on the Skyview Project; the request is the 17 acre R-2-parcel and we request that frontage improvements be deferred to finish out Lund with that section of the detention basin. **Cox** – is Skyview part of the detention basin? **Dallas** – yes, the developers are the same, it is designed, and we have a cohesive design. We don't have a preliminary plan for phase 2 yet. We would like one straight grade line for the improvements. **Cox** – where is the access? **Dallas** – one off of Lund, one off 2300 and Skyview loops and will tie in. **Phillips** - how far to the west does Phase 1 go? **Dallas** - it shops short and goes around the back yard lots, we have 4 accesses on 2400 North. **Wilkey** - does it stop short of 2800 West. **Randall** – that is not a right of way there, we confirmed that with the County. **Dallas** - it was one, but it got moved and S curves to the north and ties in as 3000. **Wilkey** – you want to defer the frontage of the detention basin until phase 2? **Dallas** - yes, until we do any permit so we can have a full design to 2800. **Wilkey** – you are doing it because you need the detention basin in Phase 1? **Dallas** – we want to do it when we do the other improvements along Lund so it ties in. **Cox** –I am ok with that, so we have one clean road. **Wilkey** – can we put a time limit in the deferral in case phase 2 doesn't happen. **Dallas** – the design for the detention basin will be complete with phase 1. **Wilkey** - what if phase 2 never happens. **Dallas** - if anything happens to the parcel it triggers the improvements. **Melling** – we don't want to plow and maintain that unless there is service there. Action.

PUBLIC HEARING TO CONSIDER APPROVING A RESOLUTION PROVIDING FOR THE CREATION OF THE IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT AS AN INDEPENDENT BODY CORPORATE AND POLITIC; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT AND AN INTERLOCAL AGREEMENT; AND RELATED MATTERS. LEAVITT LAND /RANDALL MCUNE:

Tyler Romeril, Leavitt Land – we are coming for approval of Iron Horse PID to allow it to become an independent body so they can create a funding mechanism for public infrastructure. The entity would be able to assess a tax for each parcel. We are not seeking to levy a tax, only to assess each lot as it is sold, a portion of each sale would go toward paying off the bond. The district would be allowed to bond, and we would use them to build public infrastructure. To pay the bonds we would take funds from the sale of each lot. What is unique, you must have 100% of the owners sign off. We have a 2-acre parcel owned by Dane and Ruth Leavitt. Also, there is 1400 acres of property that will come in with this, it is now owned by SITLA. The purchase of the property has been signed by the Development Team and by SITLA, and we are waiting for the governor to sign it, and we hope it will happen within the next 10 days. Once we own the property, we will annex the 1400 acres. There are two parcels on the north end owned by the Burgess and Armbrust families directly across the street from the Silver Silo, they have requested to be included in the annexation. That is how the tool is used. The city has to approve the creation and the governing documents. The governing document says how this district is to function, it establishes that we have five trustees, it establishes how long the terms are. They are appointed first by the city, after the sale of a certain percentage of lots, they then go to an elected position of owners within the district itself. It spells out the finance document that we need to supply to the city annually that talks about how many properties have come in and what the assessment is, if there are any outstanding loan payments that haven't been made. One thing that may be a concern is

this is a standalone financing entity, what debt we take on does not affect the city, you are not liable for it, it doesn't go on the balance sheet, it is completely separate and on the district itself. **Melling** - the PID's across the State, generally is commercial, redevelopment infill and the cost to augment and create better public infrastructure to service the project, but ownership is still long-term centralized one owner or public body. One issue we had with Chelsey that we worked through and were able to address and be comfortable with was the situation was we were doing public infrastructure for a subdivision where we would then have future owns and how would they be notified and realize that long term on their tax bill they will be paying for that. My understanding is the disclosure and ongoing concern evaporates because at closing the portion of the lot's debt is released and there is no ongoing liability. So, it is the difference between a traditional and municipal bonding rate. **Tyler** - section 11 says it has to be recorded with Iron County, but that portion of the purchase price pays off the lot. **Wilkey** - does it dissolve when the lots are sold, and the debt paid off. **Tyler** - there is a dissolution clause, there is a 30-year clause. **Wilkey** - if the investor wants to pay off any time they can sell the lots as they please. **Phillips** - how is the assessment done? **Tyler** - we have an appraisal and then there is a percentage for each lot, so it differs from commercial, single family etc. **Cox** - so no one will be surprised. **Wilkey** - if as you are going through, sizes or number of lots change, how does it affect the assessments for the remainder lots. **Tyler** - that would be a decision the board makes. We want to keep it as equitable as possible. **Melling** - if a lot goes for \$100,000 and you have to sell for \$110,000, the lots won't sell if the market won't bear a \$110,000 price. **Dane Leavitt** - while not required by statute, the developer will guarantee the PID debt, that is unusual, but we are doing it for a number of reasons. The equity that already exists in the improvements we have already put in makes it such that we will not be stretching in the debt we undertake; we want it as cost effective as possible. We have calibrated the maximum allowed debt in ways that will not cause us to get over our skis, I think we have been pretty careful. The debt doesn't affect the city, and the volume of debt we are anticipating is well within safety measures, and it won't affect the purchaser of the lot, because at escrow when they pay for their lot a percentage of that price goes to the PID. There will also be payments from the developer if we have slow sales years that do not allow for the amortization, that is a protection that is not typically there. **Cox** - what is the amount of debt? **Dane** - \$6 million, we hope to get it back by sales. We are authorized up to \$15 million under the current structure. We are looking at the entire Iron Horse area, our goal is to minimize the debt because of the interest payment. We want as little debt as we can. **Cox** - how does future increases in concrete, etc. happen, you don't recalculate? **Dane** - the Developer and PID Entity will have an agreement and will amortize the debt and analyze that together. There is no prepayment penalty and I know the developer well enough to think they will prepay. **Melling** - the way I see this, the only one that loses is the IRS, in every other way the way it is structured is like a private transaction, the lending is just less expensive. **Phillips** - when the district is complete, is it for the whole RDO? **Tyler** - you have the RDO, this PID will go around the entire RDO plus a few other parcels. **Paul** - the RDO is master planned roads, trails and amenities, this is a financing mechanism, no impact on the RDO. **Tyler** - developers will come and ask for different treatment on ordinance, we will not ask for any. Governing documents don't put a limit on debt, but we will. **Wilkey** - when a buyer goes to escrow, the title company will send the money to get it paid. **Tyler** - the title company will send it to the Board, and they will send it to the bond. Mr. McUne had concerns with impact fees, there is language in there that we can't double charge. **Randall** - if nothing is going to impact fees that would be easier. The developer can charge impact fees, but I don't know. If they don't intend to do that, we would rather just state that it will not have an impact fee. What constitutes public improvement, we won't see those, it is limited to what they make is public infrastructure, they have to follow State Statute. I am not concerned since they are not taxing, if those paying the bonds think they are fine I am not concerned about the lack of taxing. The buyer will pay the same amount. **Dane Leavitt** - it is important that it meets the requirement to be a municipal bond and must be consistent

with internal revenue code and bond counsel. **Randall** – even if they meet all conditions, you can reject it, I am not asking that. There is a reference in the governing documents saying if there is a conflict in the Resolution and the Governing Document the Governing Document rules. A lot of these when they do the boards is at a 33%, this one is at 50%, you are talking 1400 acres, so you won't have a community board until around 700 lots are sold. **Melling**- you are releasing people as they purchase. **Paul** – you see this language in an HOA the developer is the HOA. **Dane** – we hope to wrap up the bond long before the 30 years. **Cox** – are you putting trails in this? **Tyler** – yes. We have a park layout, and we are meeting with city staff to talk about this. **Wilkey** – we talked in other PID's to see if we were getting other amenities. **Paul** – we are getting a big road to Cross Hollows. **Dane** – we are working with the city on water issues, there are areas we have for a tank location. We have been installing infrastructure to support areas outside our development. **Phillips** - if this goes through is SITLA involved in the process. **Tyler** – they are not involved, once the sale goes through, we annex. **Phillips** – if there is a dispute the city doesn't get involved? **Paul** - no. **Randall** – only if they redo the boundaries. The legal description is missing some road right of ways. **Wilkey**- I prefer this type of PID over the other.

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

CONSIDER THE REQUEST TO MOVE ACCESS DRIVEWAY AND TO AMEND/TERMINATE LEASE AGREEMENT WITH DAN ROBERTS FOR THE COLDWELL BANKER ADVANTAGE PROPERTY LOCATED AT 26 N MAIN. GO CIVIL/RANDALL MCUNE:

Dallas Buckner, Go Civil – we are working on a tenant improvement plan and are asking to move the driveway from its current location. We had a powerful discussion with the Chief, Engineer and City Manager. We did a survey to meet current parking requirements. We are asking to close the driveway, stripe two additional stalls and a 24' driveway location. There is a lease agreement when Dan Roberts purchased this, there is a 20-year term in 2002, and he finished paying off the property. Cash Valley Bank would like to terminate the agreement. The request is to terminate the agreement and move the driveway location. **Phillips** – we own inside the landscape? **Paul** – no, back of the sidewalk. **Dallas** - there was a site plan that showed we owned the back of the stalls and sidewalk. **Phillips** – where the roll off dumpster is, will it become landscape? **Dallas** - yes, we are moving it because of the teller piles, there is not parking. **Phillips** – where will the dumpster go. **Wilkey** – were there concerns for the police? **Dallas** – it was not to impede flow. Cache Valley Bank is a commercial bank, so it doesn't have as much traffic. There will be 1-2 cars per hour, in the beginning, when established about 4-5 per hour, we don't feel there will be back up. The columns are going to be opened up. **Phillips** – we need to make sure we can keep Candy Cane Lane; I think we can. In order to get this, I want a very large 40'-50' Christmas tree on Cache Valley Bank. Does the city have any heartaches, I don't see a problem. **Jonathan** – we have looked at this closely, Dallas has worked with us, and shown it would not provide backup. It is not perfect, but we feel that with the number of cars shown it will work. **Dallas** - we have to install right turn only signs exiting on Main Street. **Phillips** – this is an important part of downtown. **Dallas** – we are ok with the change in the driveway and the termination of the contract. **Randall** – Dan said if he sold it, the agreement would run with the land, this includes the façade of the bank building, it was not included in the contract, it was the intent. Consent.

CONSIDER A LAND TRADE WITH STATE INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA) FOR PROPERTY IN THE VICINITY OF MAIN STREET & NICHOLS CANYON ROAD. PAUL BITTMENN:

Paul – this is a 42-acre piece of property we obtained from SITLA, we are giving it back and will in exchange get the property on the west side of Main and the majority on the east side. We had appraisals and they are more valuable than the one

we owned, it doesn't have utilities and only dirt roads, no sewer, water, gas or fiber, the lots on Main Street are stubbed out or adjacent to utilities. There are things we will have to do on our part. The little blue piece SITLA will keep on the corner and the one on the back, (see Exhibit "B"). Running through the property are remnants of old storm water drainage, but it is still on FEMA flood maps. SITLA has hired engineering firms, they will show what we have to do to get that property out of a flood zone, SITLA will apply for a conditional letter of map revision (CLOMR), once done the city will haul dirt and do what we need to get out of the flood zone and then SITLA will send to FEMA a request for map revision. We don't want to wait for FEMA, SITLA is willing to give it to us up front, once FEMA is done, we will take title to the green portion across the road. SITLA wants access off Fiddlers Canyon Road and wants us to work with them as they approach UDOT for some sort of access off Main Street. They want easements through the dark shaded line (see Exhibit "B"), right now it is a dedicated public street. On the property we are giving back to SITLA, we will be relieved of the responsibility to build a road to that property. In exchange for that, when the road develops, they will come to the city and we will stub in a 66' road that is 50' deep and it will include asphalt, curb, gutter and sidewalk, step outs for all of the utilities. **Wilkey** – we are on the hook when? **Paul** – when Canyon Ranch Road is developed and paved beyond that point. **Wilkey** – what if SITLA transfers that to another entity? **Paul** – we will still have to do it. **Paul** – we traded for the property across from the Fields at the Hills and there was a lot of lava there. When we close the contract SITLA will transfer the property. The stuff in the flood plain is south of the channel that is on the property we are trading for; we will develop the park north of it. There are timelines, we have to put a park within 10 years. **Mayor** – SITLA property B, will we have to wait for the LOMR. **Paul** – SITLA has already hired their engineer. **Mayor** – we will want to get it done, they will be flat and on two corners of a traffic light. **Melling** – is SITLA's engineer FEMA approved. **Greg McArthur** – they are. **Wilkey** – what is the estimated timeline to wrap things up? **Paul** – Greg has to take it to the Governor, it is hard to get his attention this time of year, they will do it as soon as possible. Consent.

CONSIDER THE ALLOCATION OF RAP TAX DISTRIBUTIONS. PAUL BITTMENN:

Paul – we gave you a lot of numbers to show what it would look like in the past 5 years, we showed with 20% preservation and restoration, from 1/3, 1/3, 1/3 and 60/40% Arts get 7% more and parks 7% less. If you move from 10% to 20% the difference is magnified, after you take the additional 10% off the top and split it with the same formula, each sector restoration and preservation was interesting. It is the council's decision. **Phillips**- read attached Exhibit "C". **Paul** – we have numbers to 2006, \$413,764, 2023 \$1,152,157, the pie has grown a lot over the years, but so have expenses. When we started and 1/3, 1/3, 1/3 was broken up it was recreation, arts and parks, that is how it happened. The Arts have asked more for a lot of years. Parks and Rec get more but what they do costs a lot. **Wilkey** – after Arts takes 33%, do then take the 10% out of that. **Paul** – RAP comes in and Jason takes 10% off the top and then, 1/3 to arts, 1/3 to parks and 1/3 to rec, it is for preservation funds for arts and parks and rec. **Jason** – we set aside the 10% and the committee may recommend that year using money for preservation that same year. If the 10% is the ice cream budget the committee says we want ice cream today, so we are not carrying the entire 10%. In most years we set aside, and the committee recommends projects that qualify for the 10%, so generally each year 100% of the RAP tax is expended. **Wilkey** – so the skate park upgrade qualifies. **Jason** – yes, and in no way is that a bad thing, these are amenities they use. Arts recommend lighting or microphones at Heritage. **Wilkey** – going back to the retreat and the letter read to us, we had a good discussion about potential plans for a remodel at Heritage, even with 10% it would not make a dent. **Melling** – if we are counting on a named sponsor, we have been waiting since we built it. We have 4 lots across from Veteran's Cemetery, we are horrible at selling them, that is how government is, we aren't the private sector. I think we need to consider if we update the Heritage Center, we should start putting

money away for it. **Mayor** – I agree, I am planning on that and seriously considering a council assignment to help us figure that out. I don't see it in the near future, but we need to see what is available and some funding. I plan to put some money in the budget. **Paul** - \$140,000 won't fix the roof. If the City wants to increase the subsidy to Heritage by creating a sinking fund, we can do that, the current subsidy is about \$450,000. **Wilkey** – what if we took the 10% of the Arts and make that the sinking fund. **Melling** – it is only \$30,000 a year. **Riddle** – there is often microphone and lighting issues that need to be addressed. **Phillips** – remember that in the budget. **Riddle** – in the deal with Joanne, they would receive more money even if we took the 20%. **Phillips** – I think there are 21 groups applying, but for P&R **Paul** – that is because the State requires it be for publically owned facilities. **Riddle** - there are more people that use the parks and rec amenities. **Cox** – if we remodel, the arts benefit. **Melling** – if we take the 20% off the top for preservation and we give more to the arts than parks, then Arts would end up with more and some money for Heritage, but Parks and Rec loose. **Wilkey** - the 33% with 10% taken off, if we do it this way there is just over 30% for arts. **Melling** – compared to what Arts are getting now it is a 62/30 percent increase. **Wilkey** – I don't think it is a permanent change. I hate to take from recreation and parks also, but Arts doesn't get impact fee money. **Paul** – impact fee money can't pay for a lot of projects RAP pays for. Taking out a 1932 metal slide and putting in a new pirate ship doesn't qualify. **Phillips** – P&R has funds from the budget, impact fees and RAP. **Paul** – the other organizations are not city, they are private. **Cox** - I am in favor of raising the 10% to preservation. **Phillips** – I am not. **Ken Nielson** – a background with things in my time, renovating the golf course irrigation, arena, playgrounds, parks, a wide variety of amenities, skatepark, pickle ball, we spread it around among all of our users. Think of the folks that use the facilities, it is a lot. We try and be good about all of our departments, we have done parking lots, and we look for different sources of funding, but RAP tax is essential. I use it in combination with grant money, I try not to hit the mayor up with all the projects, RAP is a big portion. **Cox** – do you have a recommendation. **Riddle** – I have watched what RAP has done in P&R, when I watched the last two years, everything the P&R got they were appreciative, it made it easy to do their job. I have a sister that chews me about Arts stuff, they are appreciative also. This last year it seemed they were grateful for what they got. They are important funds, and I didn't hear whining and crying from the P&R people. **Ken** – some things would not get funded without RAP, the Skate Park would not have been done. All the projects we have funded, we are grateful for admin. and staff, also, all of our projects get completed. The Skate Park is coming on March 8th. We are making huge improvements to the community. **Riddle** – I think Arts are very important. **Phillips** – the Arts people are grateful for RAP tax. **Ken** – I do like preservation funds. **Cox** – more of the citizens benefit for what you have done, we are serving all walks of life, arena, aquatic center, parks. **Ken** – we spent millions on the irrigation at the Golf Course and I told Jared you are done for a minute so we could spread it around. **Phillips** – it is also important to know that I support parks and recreation. **Ken** - I know that. **Cox** – my approach is not one against the other, but what is best for the taxpayers, that is why I want more for maintenance. **Ken** – I applied for a county grant to put a new restroom at Veterans Little League Park, we will use the grant and RAP to fund it. **Riddle** – how are the restrooms coming at the arena? **Ken** – they start next week. **Riddle** – you can't believe how many people call me. **Phillips** - look at article 39-1, communication, social media, I would like to have signage that the project is funded by RAP tax funds. **Melling** – I think it is important to allocate to Heritage remodel, there is very little appetite for bonds. If we take the 10%, and additional 10% for a sinking for Heritage that would have raised a half million dollars over the past 5 years. the impact to parks and rec for 5 year and do a 60/40 split of the remaining, instead of \$3.28 million to P&R would be just shy of \$3 million. Arts would receive an additional \$20,000 a year over 5 years. **Riddle** – you are saying take 20% and then put the extra 10% to the Heritage sinking fund? **Wilkey** – the P&R is getting double whammy, so why not leave the 1/3, 1/3 1/3 after the sinking fund. **Mayor** – arts would take a cut and a lot of that money goes back to Heritage. They

would like the sinking fund. **Paul** - the groups think the Heritage is the city's and should come out of the general fund for an update. **Mayor** - the Theatre is 20 years old and needs a good remodel. We are putting money into parks at Burgess and Fiddlers. I think the sales tax has been up and down, it won't be a 15% increase, and that is a significant funding mechanism for the city, it will be flat and that is employee wages, etc. **Wilkey** - does Arts use 10% of the money every year? **Jason** - See exhibit "C" the calendar based RAP, the 2023 column, the \$1,152,157 divided in 1/3's, if you change it from 1/3 to 30/30/40, arts goes from \$384,000 to \$460,000 which is \$760,000 a lot of money over 10 years, if you think of one capital project, the lights at Iron West will be \$1 million, so you are saying you don't want that or the basketball courts, see how you want to put that money. **Phillips** - the dollar amount will fluctuate every year. **Jason** - yes, but it is a lot of money. **Cox** - I would say 20% and then 1/3, 1/3, 1/3. **Paul** - don't change anything but take 10% off the top for Heritage sinking fund, parks lose some and we write in ordinance the 10% can't be changed until the remodel and Parks needs to work of less. **Riddle** - what does Heritage do if they need lights. **Paul** - it would come out of the general fund. **Phillips** - it will take 10 years to get to a million dollars. **Paul** - everybody gets something, nobody gets everything. **Phillips** - look at the Arts getting 33% and the others getting less. **Paul** - we have in the past when the council didn't gel and offered staff before next Monday email me what you want, and I will find a consensus and make a presentation next week. **Cox** - who is willing to take 20% off the top? **Phillips** - I am ok if you change it to 60/40. **Wilkey** - then parks get hit hard. They will get the 10% off the top for Heritage, then they get 10% of the 40. Action.

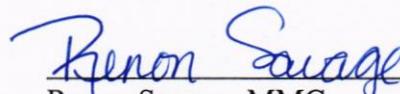
Councilmember Phillips moved to go into RDA meeting at 9:04 p.m.; second by Councilmember Wilkey; vote unanimous.

CLOSED SESSION - REASONABLY IMMINENT LITIGATION & PROPERTY

NEGOTIATIONS: Councilmember Phillips moved to go into closed meeting at 9:10 p.m.; second by Councilmember Riddle; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE
Ronald Riddle	-	AYE
Carter Wilkey	-	AYE

ADJOURN: Councilmember Phillips moved to adjourn at 9:32 p.m.; second by Councilmember Melling; vote unanimous.


Renon Savage, MMC
City Recorder

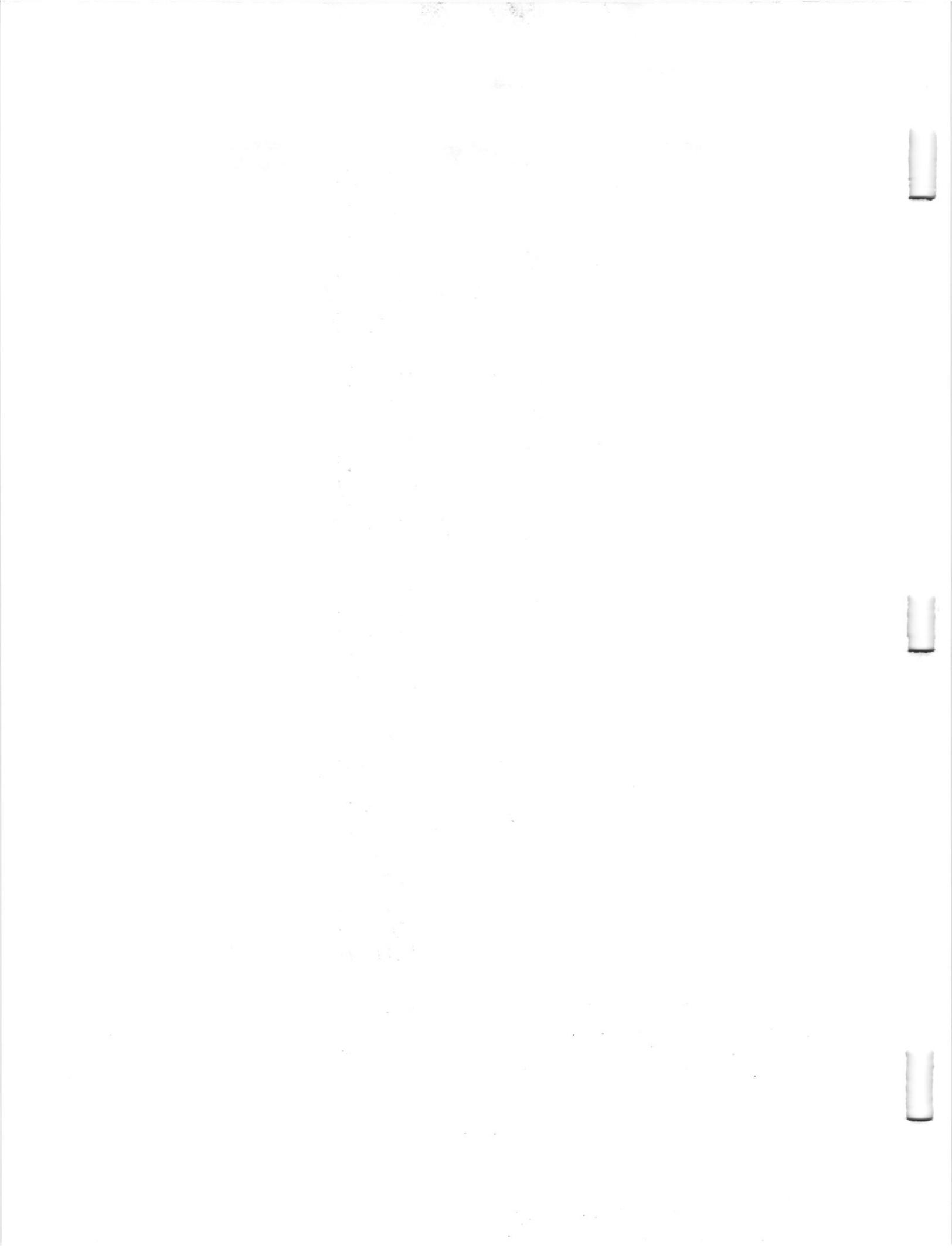
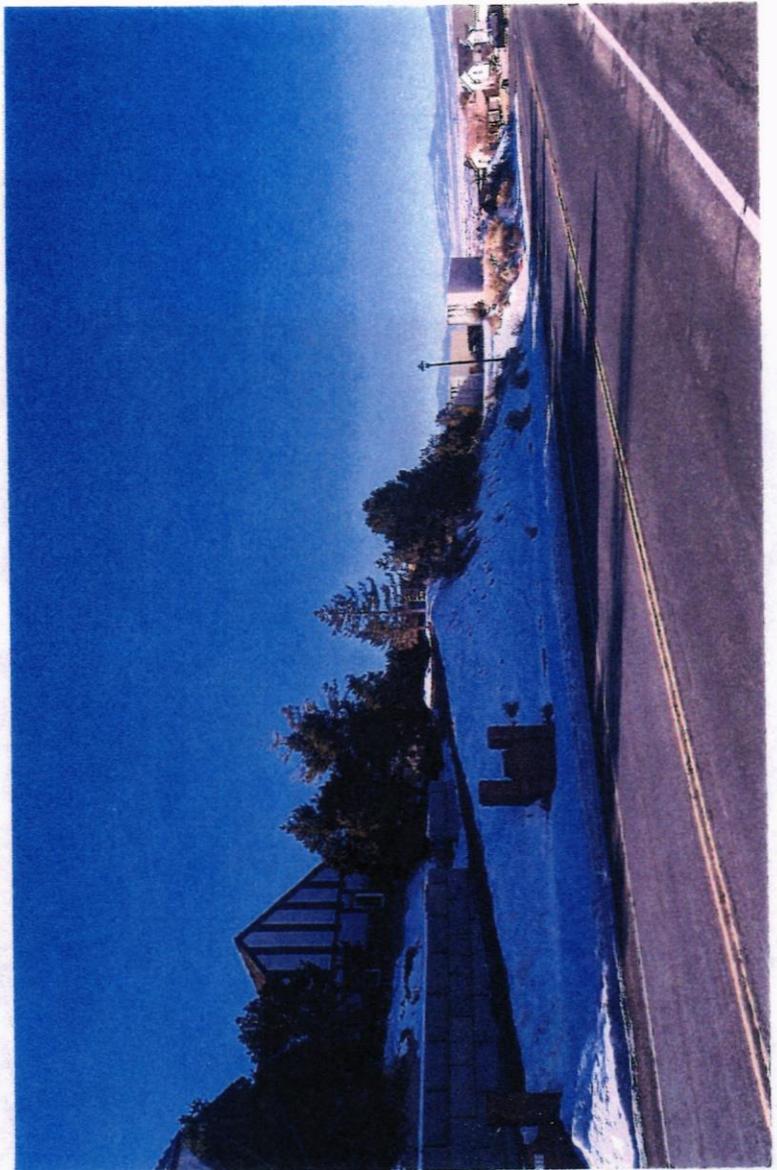
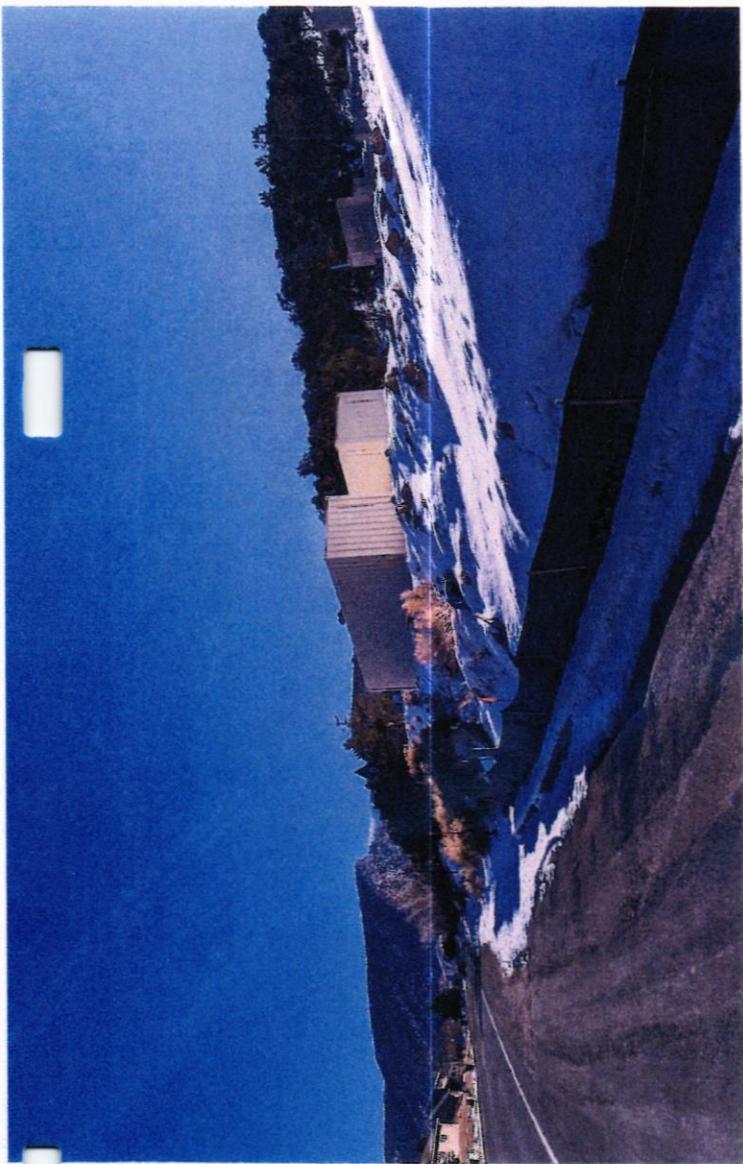
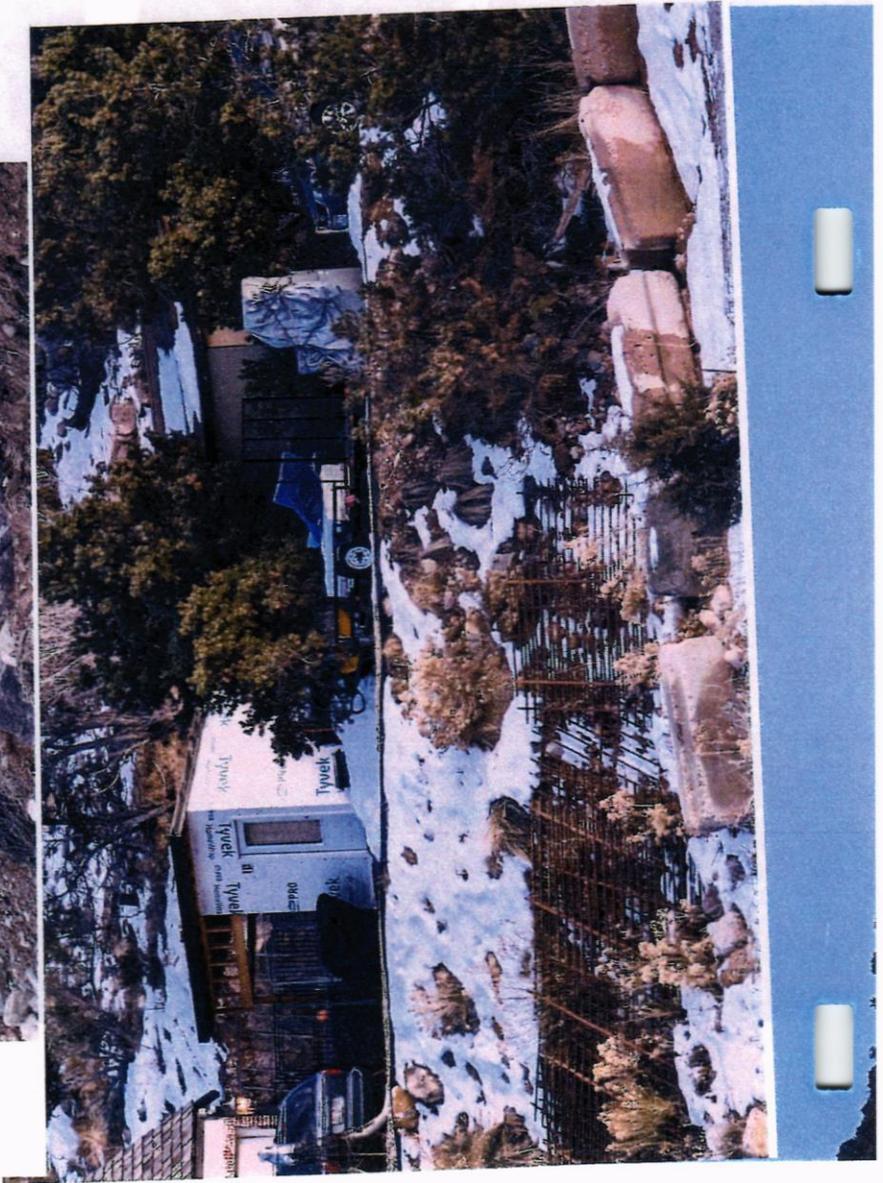
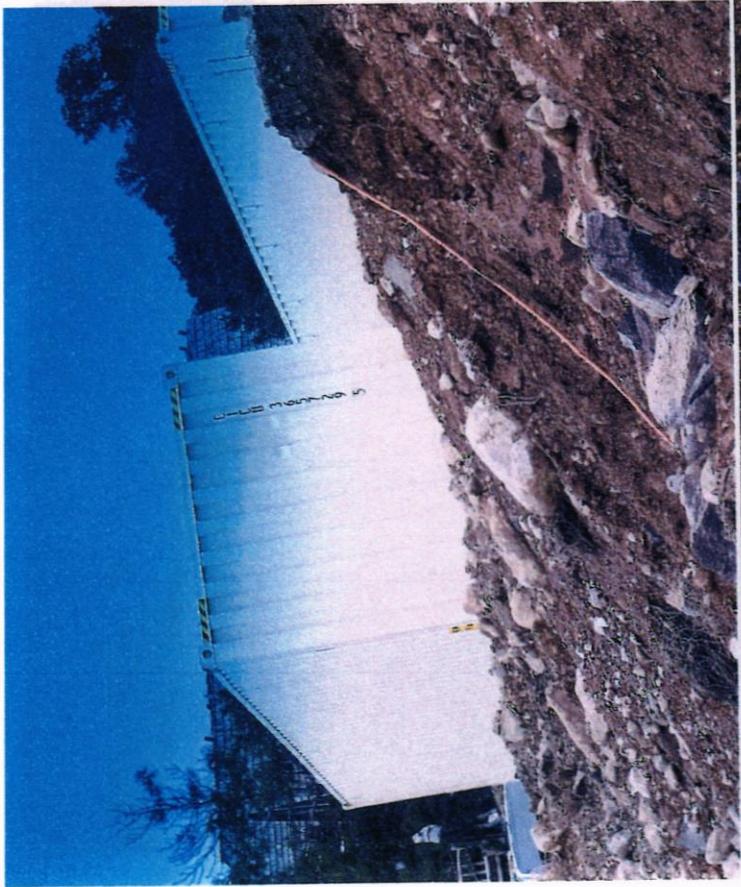
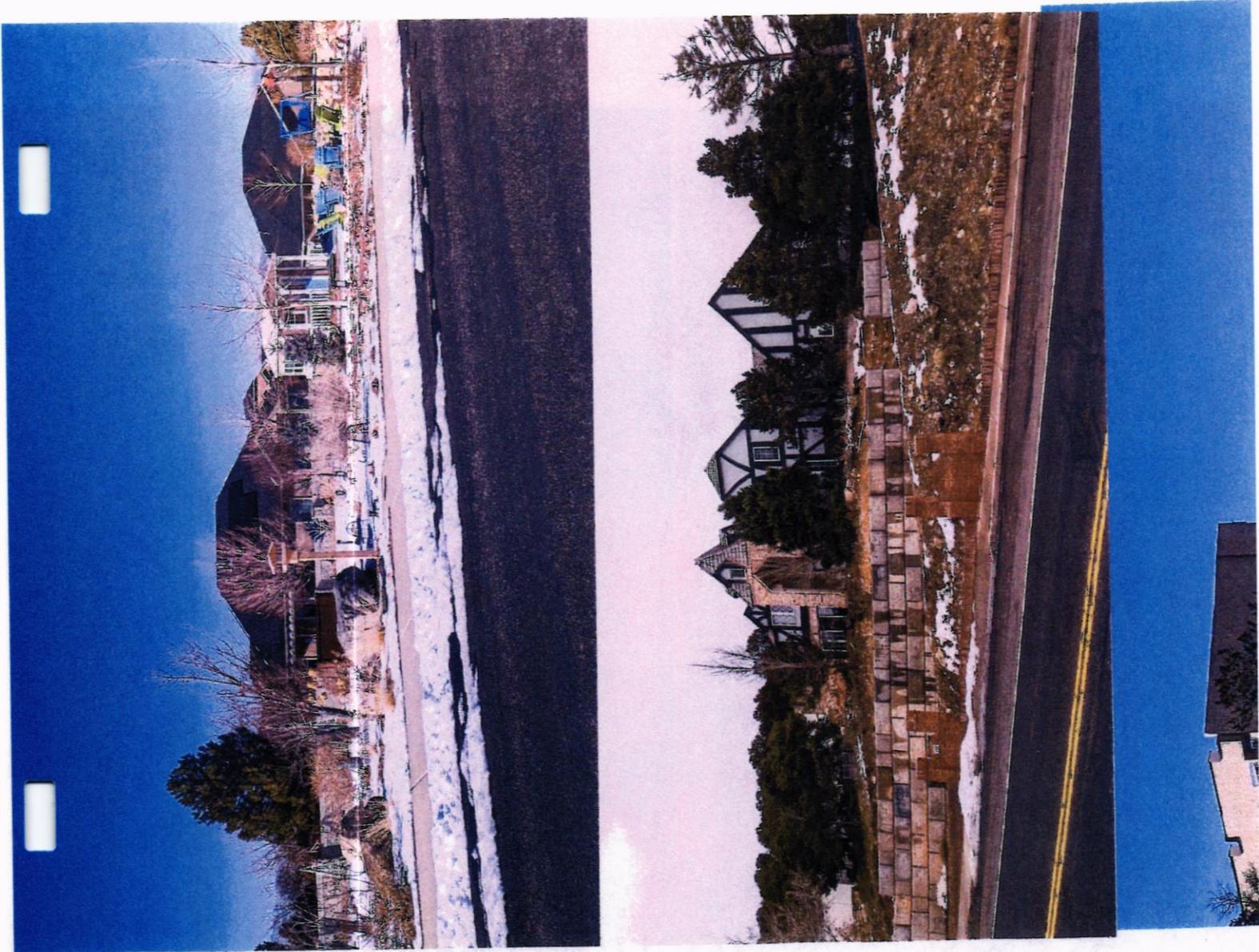


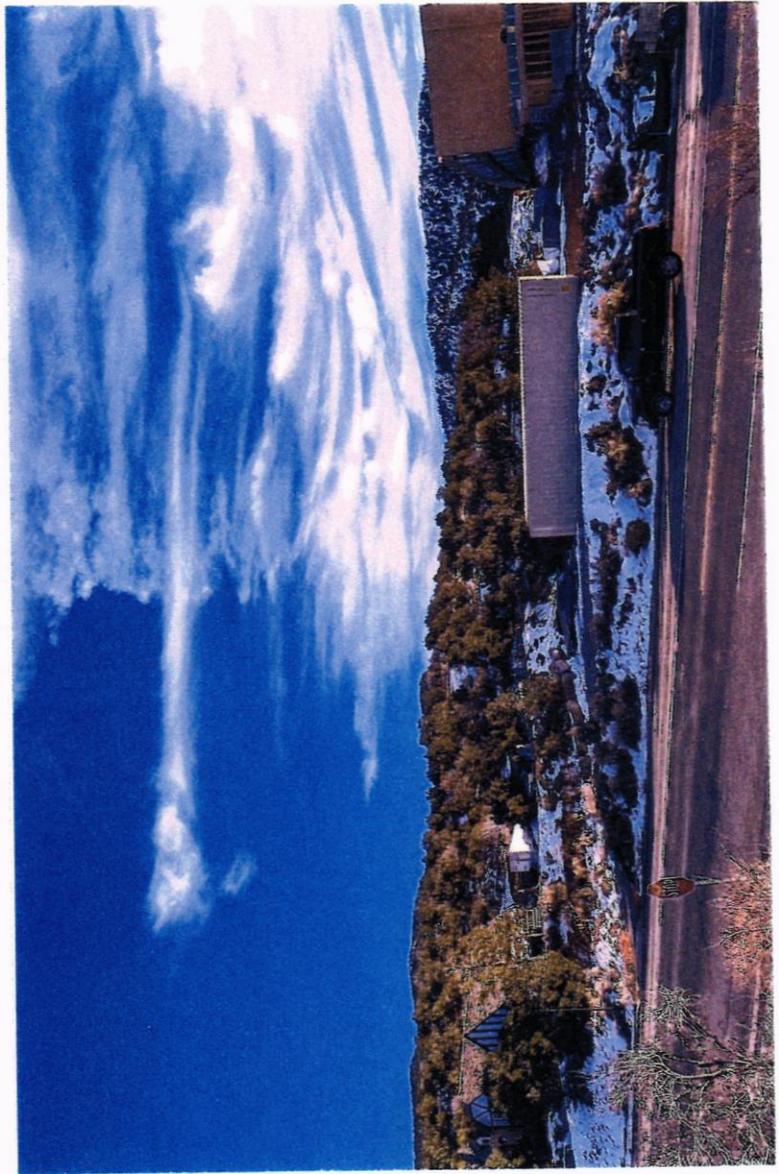
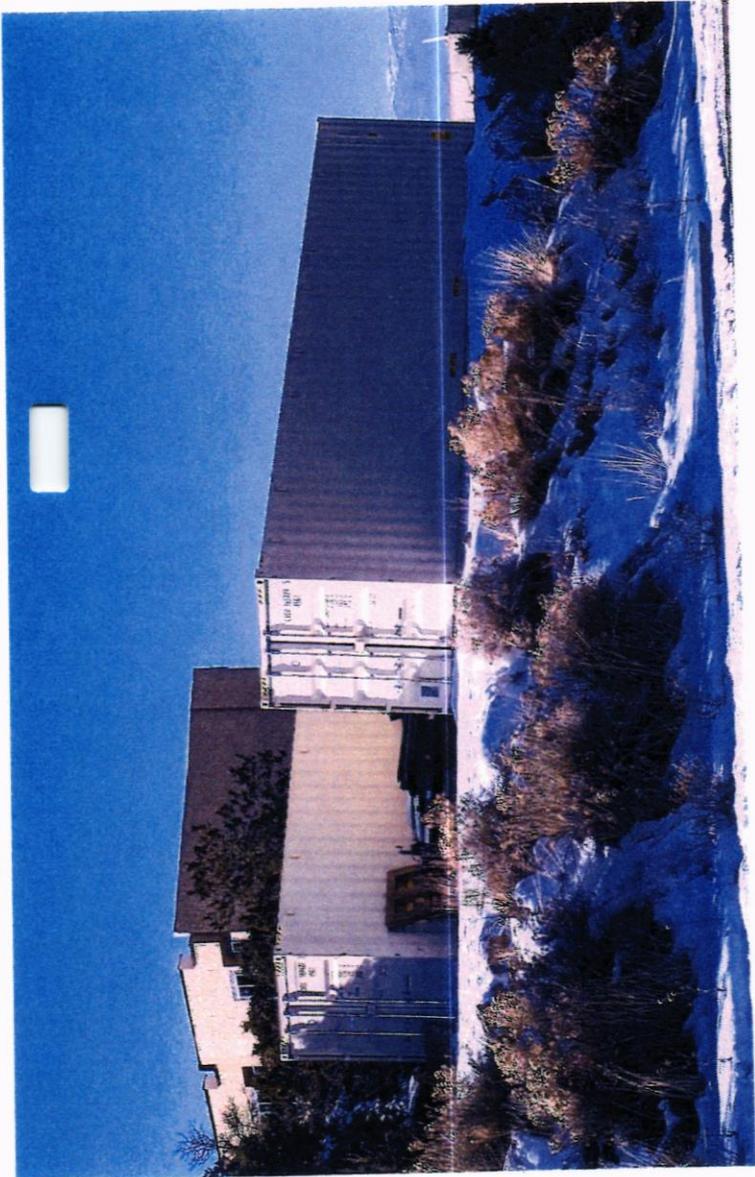
EXHIBIT "A"
CITY COUNCIL – FEBRUARY 7, 2024











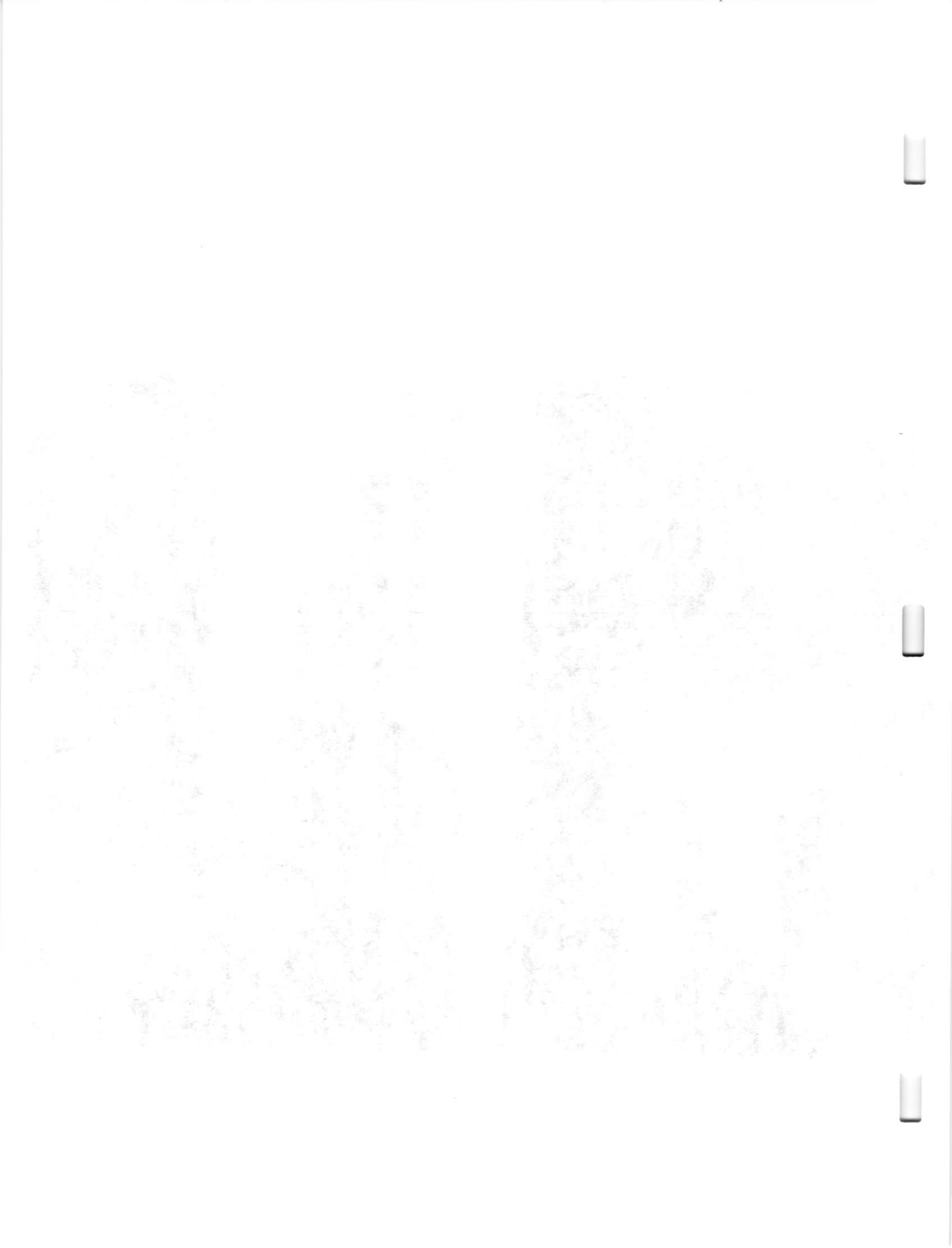


EXHIBIT "B"
CITY COUNCIL – FEBRUARY 7, 2024

EXHIBIT B
 Attached to and made part of that certain
 Exchange Agreement ___ dated ___, 2023

General Depiction of SITLA Property A and SITLA Property B

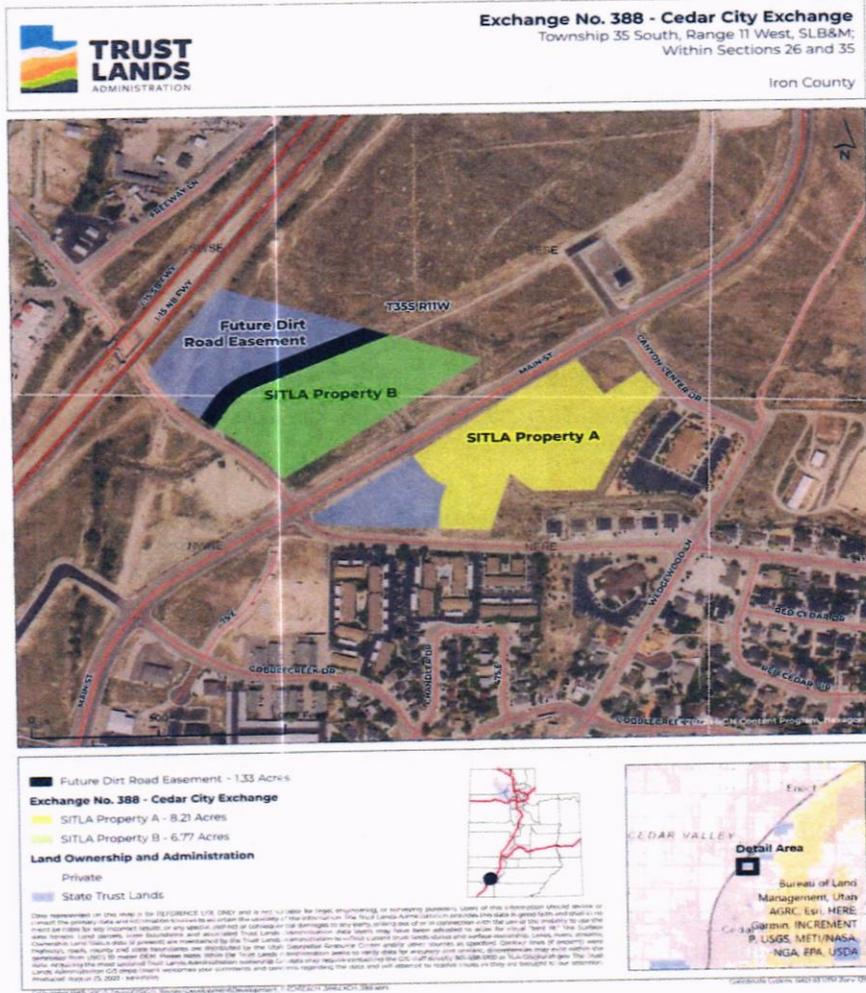


EXHIBIT "C"
CITY COUNCIL – FEBRUARY 7, 2024

TO: Cedar City Council
FROM: Joanne Brattain, Chair of Arts Committee for RAP
RE: RAP allocation

Gentlemen –

Since I could not be there in person, I have taken the liberty of sharing my thoughts about RAP allocation in this memo. It is my understanding that you may be considering two scenarios:

- Changing the current split to 60/40 – 60% for Recreation and Parks and 40% for Arts
- Increasing the maintenance amount set aside from 10% to 20%

Background

When RAP was first passed seventeen years ago, one of the intents was for the funds to foster new projects, whether for Recreation and Parks or the Arts. In 2017, we had a budget of \$192K for the arts with 14 arts groups apply for funding. Fast forward to 2023, where we had a budget of \$341,700 and 20 groups apply.

I would suggest that the RAP tax has been wildly successful in fostering new arts groups and supporting our existing ones. They provide wonderful opportunities for all ages to participate as actors, musicians, dancers, artists and or audience members. Whether you love jazz, classical ballet, musical theatre, art exhibitions, Shakespeare, choral music, or symphonic orchestra, we have it! How many cities of our size can claim such a robust offering?

We as a committee are diligent to ensure that RAP is not the only source of funding. In 2023, the total budget for all cultural organizations applying was \$11,953,169; RAP represented 2.85% of total cultural budgets. Of the 20 organizations, 9 use the Heritage theatre for rehearsals and performances, so much of the money is returned to the city.

Changing the split to 60/40. No surprise – I am strongly in favor of this change. Cedar City has grown dramatically in the last 17 years. I believe our vibrant cultural arts community is part of the attraction and is what differentiates us from other UT communities outside of the Wasatch Front. The change would allow our city to continue to foster new cultural organizations and support existing ones.

Changing the maintenance allocation from 10% to 20%. My question is why? If my information is correct, there is \$140K in the arts reserve fund and we add 10% each year. To date, the Heritage Theatre team has not asked for money every year. Assuming there is a 3 –5-year plan for ongoing maintenance (if there isn't, there should be!), I would hope this would cover the needs of such a plan.

If the intent is these additional maintenance funds would cover the cost of a major upgrade, my guess is that this would come no-where close. A major upgrade would require outside expertise to determine what's needed and associated costs, followed by some form of fundraising with a bond, grants or donations with naming rights. I strongly oppose this change because cultural maintenance should be covered with our current allocation and the proposed change would not cover the cost of any major upgrade.

Thanks for all you do as council members and t hanks for considering my thoughts.

CITY COUNCIL CLOSED SESSION
FEBRUARY 7, 2024

The City Council held a closed session on Wednesday, February 7, 2024, at 9:18 p.m. in the Council Chambers at the City Office, 10 North Main, Cedar City, Utah.

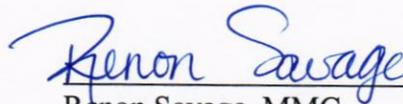
MEMBERS PRESENT: Mayor Garth O. Green; Councilmembers: Robert Cox; W. Tyler Melling; Scott Phillips; Ronald Riddle; Carter Wilkey.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Randall McUne; Finance Director Jason Norris; City Engineer Jonathan Stathis; City Recorder Renon Savage.

REASONABLY IMMINENT LITIGATION:

PROPERTY NEGOTIATIONS:

ADJOURN: Councilmember Phillips moved to adjourn at 9:31 p.m.; second by Councilmember Melling; vote unanimous.



Renon Savage, MMC
City Recorder