

COUNCIL MINUTES

APRIL 3, 2024

The City Council held a meeting on Wednesday, April 3, 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; Police Chief Darin Adams; Golf Division Head Jared Barton; Leisure Services Director Ken Nielson; Cross Hollow Event Manager Scott Christensen; Public Works Director Ryan Marshall; Economic Development Director David Johnson.

OTHERS PRESENT: Rob and Enid Ferraud, Marilyn Wood, Georgia Johnson, Wendy Green, Dan Kidder, Tom Jett, Kristy Spencer, Kirby Stratton, Payten Crawford, Dallas Buckner, Alysha Lundgren, Bob Platt

CALL TO ORDER: Reverent Tim High of the Community Presbyterian Church gave the invocation; the pledge was led by Tom Jett.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■ Proclamation declaring April as Autistic Awareness Month. Mayor Green read the proclamation; it is attached as Exhibit "A". **Tanisha Wittwer** – this meant a lot; I am a mother of an autistic child. I have advocated in our community for more than 5 years and for you to recognize this means a lot. I believe in our city; a lot can take place to help my daughter and myself feel more included. ■ Proclamation declaring April as Parkinsons Awareness Month. There is an event on April 9th also. Mayor Green read the proclamation, and the event information, it is attached as Exhibit "B". **Dan Dial, Kristy Spencer, Steve Wise** – read page 3 of Exhibit "B". **Phillips** – I appreciate both organizations coming to speak to us. I can't imagine anyone in the room that does not know someone that has been stricken by one of these. I am gratified by your courage and strength, and we will do our part to enumerate as much as possible. **Cox** – Kristy is my aunt and cared for my uncle for many years. She has a firsthand awareness of taking care of my uncle, it is quite a challenge. ■ **Phillips** – we are all surprised and stunned by the resignation of our City Engineer Jonathan Stathis. He carries a huge load in the city, and we recognize it. We see all the information that is in our packet each week. When we move forward finding a replacement or replacements, I am concerned about continual engineering standard changes. We have just moved to a new subdivision process by State Law, and it puts a lot on our staff. I would like to have a discussion on the best way to proceed, we are looking at least 60 days before we have a replacement, and I am concerned. **Melling** – we may not want to look at complex changes, but change is something we struggle with. I wouldn't rule out all the changes, but if it is a lot of burden on staff yes, but look at it on a case-by-case basis. Maybe we need to look at administrative direction, but shift more burden, especially design work back to the private sector, it doesn't meet standard, this is what it doesn't meet, you figure it out and give staff permission to push that back. **Phillips** – my thoughts are not to slow down the processes of

subdivision approvals, but if we are looking at changing a manhole requirement or sewer size, that has got to wait. I am concerned about the ability for limited staff to complete that. **Wilkey** – with us now having the window to sign off on the subdivision ordinance, how does that work, do we have someone that could sign off. **Jonathan** – we have one engineer on staff that is licensed, I have not talked with her. **Paul** – Jonathan has a heck of a workload an unmatched work ethic, he will be hard to replace. We have ideas formulating in the short run and on replacing him. We may slow down on some amendments, on the hierarchy on keeping up with subdivisions and design work, amending the standards takes a lower rank on the totem pole. It doesn't take formal action from the City Council to put that in place, it will just happen. We will have our staff continue on and make sure we get subdivisions approved, commercial and residential projects through and the design work done. **Mayor**- we are taking steps in designing the department a little different in hiring and we will do that as soon as possible. **Phillips** – we are having a hard time filling our assistant City Attorney also. **Paul** - we have a struggle to hire certain jobs, sometimes police, sometimes backhoe operators, but we have always struggled to hire engineers. **Phillips** – I will take your word that staff will help so we don't fall behind. **Paul** – if you hear we are behind, please tell us. **Phillips** – Jonathan, congratulations on your new position. **Wilkey** – Jay Grimshaw drilling working up the canyon is that the one working up at Martins Flat. **Mayor** - that is the same Grimshaw that is doing both. They are done with Martins Flat for now, they are doing the one by Milts, when they are done, we will go back to Martin's Flat, and we will work with the State on water rights. **Wilkey** – I thought the award was to Grimshaw Drilling for right-hand and Jay Grimshaw for Martins Flat. **Mayor** – same company, there is another Grimshaw that drills also. **Wilkey** – on item #12, have we heard anything on the quality of water at Mud Springs. **Mayor** - we took a gamble on LeBaron well, it was about 560 feet deep, it was supposedly drilled to municipal standards, it was a very thin casing, we wanted exploration and knowledge of the quality of water. As we pumped that with Anzalone for 5 days it was very murky, but it did clean up over time, but it was very salty. The opinion of the people we were talking to is that it was compromised. It didn't turn out to be a well we were interested in. We pumped 800 gallons a minute for 5 days, the water was coming from the upper areas, and it is a salt basin. We are planning to drill at the WWTP site, I am anxious to see that it will be 1200 feet deep. We will case it and drill; we think there is a lot of water and we hope it is a good productive well. I hope to put in the money to bring that water to the Water Conservancy District's pipe who would allow us to put it in their pipeline south of the WWTP to Mellingville, then to Gemini Meadows and allow it to feed the north end of Cedar City and any left will go to the tank on the North. It cost us \$20,000 to find out about the LeBaron well. **Jonathan** – we are going to do the traffic study at 200 N 4200 W, we won't do it this week because it is spring break, we will put the counters out next week. **Wilkey** – I am anxious to see, it probably won't qualify, but sometimes we have to look at other things. **Riddle** – sometimes we have to look at common sense.

PUBLIC COMMENTS: **Dan Kidder** – Executive Director of Friends of the Iron County Sheriff, we are a 501(C)3 to support all first responders. I have shut down my business and took a full-time job at Ace Hardware. Chief Phillips came in looking at these since they are having a problem with gas saws. These help cut cars for extraction. Hurst made this available at cost so I would like to donate it to the Fire Department so those who put their lives on the line have the tools they need. **Marilyn Wood & Georgia Johnson** – representing the Wood Family Legacy Project, it has been formed to gather community donations for the George A Wood statute to be placed in front of the Union Pacific Depot by the 5th week of

October, 2024. All the contributions collected will pay for the sculpture statue, the historical marker, and other required structures needed for preservation. They are getting donations from local businesses within Cedar City and Iron County. George A. Wood was instrumental in building, constructing and designing a major portion of the historical buildings in Cedar City from 1909 to 1960. George A. Wood statue will represent historically the contributions he made as a business leader in this community, as a business community builder, an architect, an economic innovator and community advisor in Southern Utah, Cedar City and the surrounding states. The Wood family has had an impact on the development growth of Cedar City from its settlement in 1851, and George Wood was integral in establishing Cedar City on the map of Southern Utah by bringing the outside world to its Main Street and beyond in framing Cedar City as the "gateway to the parks". Many people have said a lot about him. George A. Wood was the contractor, he was hired by the Union Pacific Railroad when he brought in from Lund the rail system. He switched out the Union Pacific Depot for building it to renovate and maintain the Escalante Hotel and he helped with the financial preservation of those people who went through the financial losses, and he made sure they got 80% of the losses back, and he carried quite a bit of the money and the cost of the Escalante Hotel as well as the Union Pacific Depot because he switched it. He was also hired by Union Pacific, he was the contractor working with the architect Underwood, and he built Zion, Bryce Cedar Breaks and the North Rim of the Grand Canyon and all of the lodges. We have been talking about infrastructure here in this community, the water system, he did that, those little pipes you have up the Canyon, out in the valley, he brought in communication for the phone system, he brought in the light system, he built many road structures that we have still in Iron County and contributed much to the University and its growth as well as up on the mountain by giving property to the University. We are asking the City Council to support this project in any way, and all ways possible, we are still seeking \$15,000. **Paul** – on the bronze statues, there is a QR code on the statues, the University put those in, so talk with them. **Phillips** – may I suggest that you come to the Historic Preservation Commission, there are guidelines we follow, and we want consistency in the historical markers and statues. **Georgia** – we have support of the county, and we have permission to put it on the Town and Country property. To contribute, make checks to the Wood Family Legacy and you can give the checks to Marilyn or myself. **Marilyn** – Jacob Dean is the architect. **Rob Ferraud** - I live on West 1600 North, I was here about 6 months ago in hopes of improving the speeding problem on 1600 North. I realize there are a lot of other streets with similar issues. The Police Department started showing up after that. I realize they are super busy, and it has thinned out. I sit in my office and an average of 60 cars, and 7-10 are speeding more than 10 MPH over. I invite anyone to come sit with me on my porch for an hour any day. There is probably something that can be done, you probably have an urban planner, or engineer. If you turn at 1600 N from Lund, there is a speed limit sign 25 feet off the pavement and you drive right past it, that is the only one until past 3900 and then it turns to 40 MPH, 25 is hard to go on that road, I have been pulled over twice. If we could do something to develop more awareness, move the signs closer to the road, put more signs, maybe some patrolled by radar signs would help. **Cox** – I agree, I have had people tailgate me and pass me. For the width of the street 25 MPH is too slow, it should probably be 35 MPH, it is crazy. **Rob** – I have also, they give me the California howdy. **Darin Adams** – we are aware of the issue. Eric Witzke of the Street Department takes care of the driver feedback signs, we move those around, and it does help. Officer Hill is aware of that also and has issued a lot of citations on that road. Typically, when we stop people they think it is a higher speed limit, but it is a residential area that is 25 MPH. **Cox** – the setbacks are so great I think we could have a 35 MPH rate.

Wilkey – I live in Hunter Glen, part of the problem is it starts out one width, then it gets skinnier and then wider. I have a friend in Equestrian Pointe, and 25 feels so slow. **Jonathan** – it is a 66' road. **Wilkey** – I have not seen an officer, but I think the feedback sign would help. **Chief** - we could look to put one each way. **Wilkey** – one side of the road has 5-acre lots the other side is 2.5 acre lots. **Phillips** – we should look at adding one or two speed limit signs. **Jonathan** – we could have more signs put up. We could put the cables down to check the number of vehicles each day. **Shawn Flores** – I am here for a suggestion, a numerical system for the DMV across the street. When you go the DMV there is no numerical number. **Paul** – that is run by Iron County not Cedar City **Shawn** – just take into consideration that you walk in and no number, everyone is looking at each other and it has caused me problems.

CONSIDER SINGLE EVENT ALCOHOL PERMITS FOR A BEER GARDEN AT THE SPRING FIESTA ON MAY 3RD AND A BEER GARDEN AT THE JULY JAMBOREE ON JULY 13TH. PAYTEN CRAWFORD, WAREHOUSE BAR & KITCHEN/CHIEF DARIN ADAMS:

Payten Crawford – we want two more beer gardens. **Wilkey** – those of you that don't know, the wings this place serves are great. **Phillips** – why don't you do a wine garden? **Payten** – it is more work from the State. **Chief Adams** – we give a positive recommendation. Consent.

CONSIDER A DEFERRAL AGREEMENT FOR FRONTAGE IMPROVEMENTS IN PASTURE LANE SUBDIVISION PHASE 1. GO CIVIL/JONATHAN STATHIS:

Dallas Buckner, Go Civil – this is on 3900 West adjacent to Point West subdivision, it starts on Lund to 3900. With Point West Phase 2 it necks down, and we purchased property from Cox and Holt, there was a private agreement. Kimball Holt, owner of Pasture Lane owns a lot, there is a future road, Point West has not moved as fast as Kimball has, so we talked with Point West and Kimball and Point West has agreed to dedicate the roadway that will be in the future. The deferral is they agree to dedicate the roadway for Kimballs access, and they will further dedicate with their next phase, the next phase has to have a secondary access. We have worked with the Engineering Department and Randall. When Point West develops, they will dedicate and improve the road. **Melling** – we are covered on both. It is to let the 3-lot subdivision move forward while they wait for Point West to get their funding. **Dallas** – the road will take some time. **Melling** – the improvements will be going in. **Phillips** – the road will go in for this subdivision? **Dallas** – the Developer of Point West will dedicate, and Kimball will do partial improvements and when Point West goes in they will do the entire improvements. We are only doing 3 lots now. **Cox** – why not go to the property line? **Dallas** – working with Point West, there is temporary road construction, in order to move forward for Kimball, we will do it to the intersection and when we get moving on Point West, we will do the improvements. Point West has agreed to do all the improvements at a later date. Kimball doesn't have to improve it. **Phillips** – what if Point West doesn't go in. **Dallas** - it is a remainder parcel, if nothing ever happens, he will have 8 acres. **Randall** – he won't be able to build on that corner until the road is in, so if he develops first, we will have to amend this. **Cox** – what if someone wants to build between the two. **Paul** – if someone wants to build, they are held to the same standard as everybody else. **Cox** – who is responsible for the undone road in between where he is ending, and the next property starts? **Randall** - you are if you want this put in by them. **Cox** – that is not how the city standard works, if you go to the full end of your property line, that is what I am asking. **Jonathan** – that is why they are asking for the deferral. **Dallas** – our subdivision phase boundary, the way the ordinance is written, you are supposed to improve to your phase line, but there are issues with how 3900

is with how 3900 West is constructed and changes the road grades and then put in the storm drain and sewer. **Cox** – but if that never develops and someone down the road wants to develop, he should be responsible to go to the property line, no matter what the deed is. **Dallas** – someone would have to purchase the Point West property and then do additional dedications, it could turn in to a T intersection or a four-way stop, with the current plan it is projected to go to the east, but to do that someone would have to purchase Point West property and do additional dedications. Right now, the road is ending. If we extend it any further, we have to put in temporary cul-de-sacs, and who does that impact. The intent is that Point West is going to move forward. **Wilkey** – one question I have, on item 4 of the deferral agreement it says “If the citizen does not improve the said property within the improvements outlined under term 3 then the city can go in and do it and do a lean, but it doesn’t give any kind of a timeline. If Point West never does it and Kimball never does it, we can put a lien and do it ourselves, but it doesn’t say when we are allowed to do it. **Dallas** – someone would have to purchase the property. There is a maintenance easement. As soon as someone dedicates the road they are required to put in the improvements. **Randall** – there is not a dated timeline, if paragraph 3 happens it triggers paragraph 4. **Dallas** – if it never gets done, what is the point of the improvements. **Wilkey** – if the person in the middle wants to develop, they would only pay to the end of his property, who does the portion between him and Mr. Holts road. **Dallas** – neither Kimball nor Robert owns that property, he would have to develop some type of road. All the roads are on the SW parcel. For now, there will be a chip seal until the road is reconfigured, it is more the Point West. **Wilkey** – Point West will redo the sewer. **Dallas** – the sewer is in; it is the laterals they will have to do. None of the water or storm drain is in. The road is completely on their property, they are willing to dedicate the portion for Kimball and when they come through, they will dedicate the rest of the right-of-way and put in the improvements. **Cox** – there is an agreement, but no date. If they go flop there is still a hole and we have an agreement, I don’t think I would have to dedicate it in front of my property. **Melling** – why do a deferral if the subdivider doesn’t own the property for the road. **Paul** - the access and sewer lines or storm drain is off your property you have to work with the neighbor for off-site improvements. Mr. Holt fronts this piece of the infrastructure, and the ordinance requires him to put in his frontage. **Melling** – what if we put a 5-year trigger on. **Paul** - then the city puts a lien on the property, and does it? **Melling** – then the developer which would be Kimball Holt would need to do that portion. **Riddle** - Point West owns that portion. If we are forcing Kimball we would have to come back north. **Dallas** – yes, it is all on Point West property, this is an off-site road. The water loop is with Point West and they have already put in 80 units so they will be required to have a second access with the next phase. **Randall** – do you want the 5-year timeline in? **Council** – yes. Action.

CONSIDER FINAL PLAT FOR PASTURE LANE SUBDIVISION PHASE 1. GO

CIVIL/RANDALL MCUNE: Dallas Buckner, Go Civil – this was discussed with the previous item. **Melling** – any other issues? **Randall** – one, I haven’t seen a title report on CW’s property. Action.

REQUEST TO RE-CONSIDER STAFF INTERPRETATION OF MASTER-PLANNED ROAD IMPROVEMENTS IN DIAMONTI SUBDIVISION PHASE 2. PLATT & PLATT/JONATHAN STATHIS: Kirby Stratton & Bob Platt, Platt & Platt –

we are close to phase 2 finalized except for this issue, we are coming off Hwy 56, we will put a temporary cul-de-sac or turn around. The adjacent property is the Kerksiek’s property, they

own Lady Bug Nursery. A few years ago this master planned (MP) road was further south and it got changed to this alignment. It doesn't quite touch the Diamonti property, the issue is participation in the future road, who knows when, you would have to cross the drainage channel from Westview and it would not do him any good. If it goes further south there are lots that would front, then the road would make more sense. We would like the alignment moved further south, not necessarily back to where it was, but further south. **Kirby** – my issue is the way you have it now, for me to move forward with phase 2, which I am ready to do, you want me to sign a deferral agreement saying that when the city crosses the channel, and at this time there is no plans for that, it could be 10-20 years, you want me at that point to do the frontage, curb, gutter and sidewalk and half the road. It doesn't benefit or service my subdivision, I had to get an easement and put in 3,000 feet of sewer through someone else's property, all the water comes off Hwy 56 and my property line ends. **Wilkey** – you won't have access to this road. **Kirby** – the way it is drawn yes, we enter the property line, so when the city does take it through, they can tie into it. We come in off Hwy 56, and we don't need a second access not until the city crosses the channel, we have a portion to attach. **Phillips** – when we do a MP road it is just a broad picture of where the road might go. How confident are we that in 10-20 years where might Center Street really end up. **Jonathan** – it will depend on where the culvert or bridge goes in over the Quichapa channel. We had discussions about a deferral agreement and what the trigger would be in that agreement, and when the bridge goes in, that would trigger the improvements. There are some areas already dedicated going over to Ladybug Nursery. Several years ago, Steve Armburst asked to move it to the MP road be moved to the north so it would come off Cross Hollow Road and come up over the top and hit Westview Drive and be a continuous loop through there. We took the information from Watson and put that in based on that location. There is no road there currently, we are often following an old county road, in this case there was nothing to go by other than what was given to us. As we were reviewing the subdivision, we found the MP road. City staff are saying they will improve the portion or defer it to a later date. **Cox** – who does the liability shift to and from when it is done? If it remained, was it those that made the change? **Jonathan** - no. **Wilkey** – is it possible to say it could be 50 or 100 feet to the south and then it wouldn't be a question, this one was just drawn in. **Jonathan** – yes, the staff is saying it has to be done. **Wilkey** – if the city puts in a road how long does he have? **Kirby** - 80 days. It is not on my property; the road is off my property. That is the back of a lot which would be a fence. **Randall** – it fronts it. There is no exact marking when they made the change and staff tends to put it at center line of the property, but we didn't do the design. **Jonathan** – it was Watson, we try and split to go half and half, but there was not existing road there, so we did the best we could. **Phillips** – you would think it is a trail the way it meanders. **Wilkey** – it follows the contour. **Randall** – it is not a decision to move the line, it is to include it or do a deferral, so if you want it different let us know. If you move it, we will have to do an ordinance at another time. **Kirby** – the MP road was not there when we started development. **Wilkey** – you weren't notified, but we changed the ordinance, and you would be notified if it happened today. There is not any action to be taken. **Phillips** – they are asking for a deferral. **Randall** – they are asking to say that the staff is wrong, and they don't need to do it. **Phillips** – it does abutt the road, but it is an imaginary line. **Randall** – when the deferral comes in and if the road goes further south then the trigger never happens. **Cox** – what is the distance? **Kirby** - 2 lots. **Bob** - 500-600 feet. There is nothing to improve that now, you could swing the line and shift it further south, because Jonathan gave direction, we have on Sketch to realign the road. **Wilkey** – can you show property lines. **Bob** – we took the best information from Jonathan's office, it is not quite touching, but it is close. **Wilkey** –

your proposal is it doesn't touch, not our responsibility. The city's position is it does touch and we can do a deferral. **Melling** – we are related so I need to declare that. **Tom Jett** – my position on an ordinance change, if you build 250 feet within a MP road you have to do that. **Melling** – it is a phase of the ordinance. If your property touches the MP road it kicks in, the issue is not the same, this road does not exist. **Tom** – there are other properties I have looked at purchasing on Industrial Road, but it is within 250 feet, and I was told I would have to improve the road. **Jonathan** – this subdivision started before that ordinance change, so they are vested. **Phillips** – we know two options. **Paul** – you can deny the reconsideration and they have a remedy to move the MP road, or they can do a deferral agreement. **Wilkey** – we are determining if it touches or not. **Cox** – it was just a few years ago that it was moved, and the liability shifted to another person. **Riddle** – it is only on one piece of property; it doesn't split property. **Paul** – in 2017 the road was moved at the request of a developer east of the channel and Westview Drive, to accommodate where the road should come through, they moved it on their property as well. Once it crossed the channel the old alignment didn't work, this was an attempt to line them up. **Wilkey** – where the MP road connects it is already done. **Cox** – is that why it bends to the north. **Jonathan** – it was to line it up on Westview Drive. **Randall** – in 2017 the bends were not the same on the maps, it is a MP road, not a precise location. **Kirby** – the deferral agreement was written by Jonathan, and I would like that option if it comes to that. **Wilkey** – if you took lot 7 & 8 out of the plat. **Kirby** – I am not going to do that. I only want it to affect those two lots. Action.

CONSIDER A DEFERRAL AGREEMENT FOR IMPROVEMENTS ON 100 EAST STREET AND A VARIANCE TO THE ENGINEERING STANDARDS TO ALLOW A TEMPORARY DRIVEWAY. MIKE GREEN/JONATHAN STATHIS:

Mike Green - I am helping American Preparatory Academy get their school opened this fall, and one issue is 100 East, it is a dirt road that goes straight into the Forest Service parking lot, and it will eventually turn. We would like to put the improvement in now, but it cuts off access to the parking lot. We want to defer it until the Forest Service gets everything in place for the road, it could be 6 months. **Mayor** – we think we will have a lease from the Forest Service to go through the back end to the BLM property and then we will put the road in. **Phillips** – we are talking a year or less. **Mayor** - we hope. **Wilkey** – who owns the property back there? **Mike** – the city. **Paul** – if the road bumps to the east we will vacate the road and you split the property and revert it to the adjacent property owners. **Phillips** – the temporary driveway, will it be asphalted? **Mike** – we are planning to leave it as is until the road goes in. **Phillips** – do we plow a dirt road. **Jonathan** - no. **Mike** - Southwest Plumbing plows it, but that is not the drop off, the drop off is on 775 North. **Paul** – if you think we will build that road in 6 months, the asphalt plants close in October or November, we won't do a road within the year. **Phillips** – what will we see in the redline? **Mike** – there will be a curb in the parking lot, but not on the gravel road. The Forest Service uses the road every day. **Wilkey** – if we never put that road in then what. **Phillips** – we will put the road in. Action.

CONSIDER A VARIANCE TO THE ENGINEERING STANDARDS FOR A CURB BULB-OUT IN 775 NORTH STREET. MIKE GREEN/JONATHAN STATHIS:

Mike Green – you have existing sidewalk, curb and gutter. We want to bulb that out for safety, it is a bump out to prevent two lanes from turning out at the same time. The school feels it is a safety issue. There is not an ADA ramp, but there will be one included. The bulb out will have a sidewalk and planter space. **Melling** – is there a sunset clause if the land changes. We probably wouldn't want it with another business, but it is for a school. **Paul** – it is highly

unlikely to do it in a public road, we don't do it for ICSD. **Phillips** – what does UDOT think? **Jonathan** – I asked UDOT, the only concern was the ADA ramp being put in. **Melling** – the School District is not in the business of preserving old buildings. **Wilkey** – how wide does that make the road. **Phillips** – if improved, we need a clause if the purpose changes that the street should be put back to its original state. **Paul** – make it clear in your motion. **Phillips** – there will be a lot of traffic on 100 East. **Jonathan** – the current pavement is 42 feet, that bulb out is about 12 feet, it will take it to 30 which is our standard for a 45-foot right-of-way. **Wilkey** – what if a person wants to turn left. **Paul** - if you want to turn left you will be there an hour and a half. You can make it, but you will wait. **Melling** – you need to make parents aware they need to turn right. **Randall** – if I recall, the bulb eliminates the parking on the bulb, but I think on the south side it is eliminated also. **Wilkey** – on the south side you do signs saying no school drop off, so the kids are not crossing the street. **Phillips** – where is the main entrance to the school? **Mayor** – 100 East. **Wilkey** – how many students are they expecting? **Mike** - 280. **Melling** – we have a State Charter Board that has not approved them and they have approved one here. Action.

PUBLIC HEARING TO CONSIDER AN ORDINANCE CHANGING THE ZONE FROM AT TO R-3-M FOR A PROPERTY NEAR 3400 W SOUTH MOUNTAIN DRIVE. HENTSTRA/RANDALL MCUNE:

Cameron Chamberlain – this is in Bauer Meadows, and it goes along with the master plan. **Melling** – is this the pod? **Cameron** – it is east of the new developments. We want to move forward with the development. **Melling** – it is part of the RDO? **Cameron** – yes.

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

CONSIDER THE DISPOSAL OF CITY PROPERTY NEAR THE GOLF COURSE. DAVE & MICHELLE WIEBER/RANDALL MCUNE:

Randall – we discussed it last year to put out for RFP, this is more the City's need than theirs. We are swapping property, no exchange of money, it is a useful piece of property for them, but not to anyone else. **Jared Barnes**, Golf Division Head – we are great with this. Consent.

CONSIDER A CROSSWALK ACROSS 900 NORTH. JARED BARNES/KEN NIELSON:

Jared Barnes – Jonathan, thank you for everything you have done for us at the Golf Course, you will be missed. For 32 years the Golf Course on 900 North street was seldom been used other than to get to Thunderbird Gardens, it is different now, we did 270 players today, coming off the 18 green, people come flying down that road. It won't solve everything, but it will be a deterrent. **Phillips** – is it really 35 MPH there. **Jared** – it would be a straight shot across the street, there are already curb cuts. Consent.

CONSIDER A MEMORANDUM OF UNDERSTANDING WITH IRON COUNTY FOR THE DIAMOND Z ADDITION. KEN NIELSON:

Scott Christensen, Cross Hollows Event Manager – we received a grant from Iron County from TRCC for \$1 million for the arena. **Melling** – explain TRCC. **Ken Nielson**, Leisure Services Director – it is the hotel and restaurant tax. Every grant we submit for this must show tourism, heads in beds and people in restaurants. We take advantage of the tax for the sports complexes, we have done dugout, shade structures and we get it for the arena. We used Iron County numbers they gave us, when we contacted the Horse Association there was more than the numbers the County gave us. We are grateful for Iron County; we have had private donations from Jean Lopour

and the Livestock Association. **Phillips** – give us some information on the addition. **Wilkey** – this is extending the building to the south? **Scott** - 105 feet by 230 feet wide. The existing south wall will stay, but we are hoping for a window. We have talked with contractors that can do that. **Phillips** – there is a meeting room I assume for banquets and meetings? **Scott** – I have already had people call me to use this. I have contacted other venues regarding the cost, there are a lot of groups such as BLM that need a place to meet. **Wilkey** – how big? **Scott** – 45x75 feet, we will be able seat about 300 people. There are restrooms and a warming kitchen in there. **Phillips** – is there a separate entrance? **Scott** – yes from the foyer. **Wilkey** – what about tables and chairs? **Scott** – we have 50 tables and about 370 chairs. **Melling** - is the room in the corner storage? **Scott** – yes. **Mayor** – what is the cost? **Scott** – the estimate is \$2.2 million. We will have \$614,000 now, we have commitment for more money from individuals. We put it in phases, we will do them as we have the money, the banquet room is the last thing to go in. If we can get it erected and closed up with dirt in the middle will help with my events, especially during the winter months. **Cox** – I really like private/public projects instead of just government doing it. **Wilkey** – what is the other room at the end? **Scott** – it is a wash rack. **Wilkey** – what does this do for parking, do we lose any? **Scott** - not much, it comes about 4 feet beyond the white fence. We will have to move some utilities. **Phillips** – it is a great project. The last payment comes in 2026, will we have it completed by 2026 or do we have problems if not. **Scott** – we will only be able to complete it if we get money coming in. With the commitment from Jean and other entities, I think we will be really close. It will probably be another year before we complete the banquet room. We will lose revenue from not having the banquet room, but not from the events. The County wants to see the banquet room, we made it clear that it will be phase 3. We will enclose it and if we have to raise money to enclose it, we will do that. **Wilkey** – the Chamber has events there, during construction the south entrance will not be available. **Scott** – at the end of the day it will really help the Home and Garden event. **Phillips** – can we put this on consent. Consent.

Marilyn Wood, Iron County Commissioner – the reason we were willing to give that much money to the facility is because it generates the tax money. Scott has done such a great job in bringing in big events, that is why the County was willing to give that much money, it is because of Scott. **Wilkey** – is that one year or a build up over years? **Marilyn** - this year alone there was I think \$2 to \$3 million asked for, we weren't able to give as many as all. **Paul** – we looked it up, the County gets Hotels and Restaurants, they generated \$2.3 million from that tax, we probably do 10-15% for TRT. **Marilyn** – it is a lot, that is why Maria wanted to do it over a 3-year period.

PUBLIC HEARING TO CONSIDER THE REVISION OF THE 2023-2024 FISCAL YEAR BUDGET. JASON NORRIS:

Jason – about the arena, we have a donor donating over a period of time the County over 3 year period, SW Livestock is also a donor, three groups helping. We don't have a literal budget or start date.

We are revising the budget, the main one is the audio/video equipment, Paul and I talked to you about presenting it to you in the budget, but this system is failing, and we decided to address it now. **Paul** – the request is \$135,000, it covers replacing all the chairs for council and staff, if you want to replace all the chairs in the room it is \$145,000. These chairs were \$900 a pop 20 years ago, the chairs we are replacing it with is about \$220 each. The most expensive part of the retrofit is the sound audio/video, we have it spec'd out it for clearly audio and visual, replace all the screens and microphones, you won't see much of it. It gives

better capability for broadcasting meetings, a different camera system, one on the council side, one on the mayor and staff and one for the podium, you will capture the screen, it will be a split screen. **Wilkey** – our watcher on YouTube will see 4 screens. **Paul** – yes. **Melling** – I am torn on this, for me I don't think I need a better sound system but the public needs to hear better. **Phillips** – it is a lot of money, but it is what it costs, in the theatre we spent a half million on one theatre. **Wilkey** – how long has this system been in place? **Paul** - this is the original put in in 2001. **Riddle** – you can't balance it any longer and that is why you get feedback.

Jason – I will take it out of the capital improvement fund, money we don't have encumbered currently, we do need to change something. We revised the Police for misc. reimbursement, grants, and animal shelter \$34,000. We can receive money, but the City Council authorizes expenditure. We can't spend money people give us until you authorize it. Economic Development has \$3,500 from an EDC Utah grant. We talked about Street lights \$110,000 on the Cody Drive improvements. The Golf Course sewer line in the maintenance building failed, it is \$16,000 for repairs. TRT, we received sponsorships and county grants for tourism \$46,000 we adjusted that into their budget.

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

CONSIDER BIDS FOR THE MUD SPRINGS PRODUCTION WELL. JONATHAN

STATHIS: **Jonathan** – the bids are due on Friday; we will get the information in packets for next week. **Phillips** – are the funds already budgeted? **Jonathan** - yes. **Wilkey** – we know the water is good at the WWTP, if LeBaron was good we were going to do a production well. Was the water in LeBaron good enough to do a production well with this? **Mayor** – it was getting better and better; it was 1,000 TDS and we stopped paying them \$200 an hour to pump. **Wilkey** – should we move forward with production? **Jonathan**- I think if we had pumped longer, it would have been good. We have a drill that drills 1200 feet and allows logging and water samples. We will drill the pilot hole and see if things are looking good, we still have an out at that time if the water isn't good. **Melling** – if we pass sandy formations, what trouble will we have with drilling? **Jonathan** - the hole should stay open during this; it is about 14". The full well is a 24". They will drill the pilot hole first. **Melling** – I was encouraged, the water quality at LeBaron, is you are pumping from the column, but you are pulling from the top and the extremely salty water was diluting the lower water. **Mayor** – Andy was adamant that the top of the well was compromised. **Melling** – it should be the same as at the WWTP. **Jonathan** – along the way if we have a problem we can pull out at that time. Action.

DISCUSS SHORT-TERM RENTALS. PAUL BITTMENN: **Paul** – this was brought up last week by Mr. Jett. This ordinance didn't exist 10 years ago, it was something the city put in place in reaction to a rental in the Leigh Hill area. Many of the things may not be perfect, we can make it better or worse. It is a very emotional and divisive ordinance. This is in business license and constructed it so it is things the business owner would have to do and be responsible for such as notification and to make sure you are registered to pay taxes and the guests don't disturb the neighborhood. The request is to get rid of the provision to notify within 300 feet. **Phillips** – I think it is important, #2 purpose, "*a residential short-term rentals are to be compatible with and not adversely impact the surrounding uses*". A short-term rental is a business, it doesn't mean they shouldn't do it, but neighbors should be

notified. **Melling** – I had one down the street and it didn't change my life. If the goal is to have people licensed and safe, public notification is a big deterrent. At the very least, I would like to see, I have done some research on other jurisdictions, and there have been some federal cases in the past couple years on short-term rentals. One element that came up a lot is owner occupancy, strictly defined violates the dormant commerce clause because state investors, by definition, cannot participate in that market, and New Orleans got in trouble over that issue. If the property has a full-time occupant on site, it is a totally different standard, and we should leave those people alone. If it is investor property that is a different story. **Phillips** – VRBO is different than AirBNB. **Melling** – VRBO is the entire property, or they live here 9 month and want to rent these houses when they are gone. A full-time resident dealing with the neighbors, in townhomes you have several hundred people to notify. **Wilkey** - #5 the 300 feet, it goes back to the other ordinances on master plan changes, it doesn't have to be certified mail, it just has to be proof of mailing. To me the purpose of having this, why notify the neighbors, the complaint they had was so they knew who to call when there is a problem, a property manager or the owner, that was the purpose of the notice. Who do you call if you have a complaint. I agree if the owner is onsite, they know who to talk to, but if it is a side business, it would be nice to know who to call. I would want people to call me before they call code enforcement. I think that is the true intent of the notice. **Phillips** – you have to have someone respond within 24 hours. **Cox** – they will still call the city. **Wilkey** – it would be nice to have them call the owner or manager. **Phillips** – the greater problem I have is with compliance and the sales tax. **Paul** - we get a list from Maria 3 or 4 times a year and Renon contacts the Cedar residents that are not licensed.

Tom Jett – I appreciate the argument, but if it is a rental do we have to send out notices to those within 300 feet also. How do they contact the landlord. **Phillips** – they sign a rental agreement. **Tom** – the tenant knows, but not the neighbor. **Phillips** – if you have an apartment or duplex you know it is rental, but you don't know that with a single-family home. **Wilkey** – the transient nature you will potentially have more problems. **Tom** – how many complaints do we get about vacation rentals. **Chief Adams** – not any to my knowledge. **Melling** – it goes both ways, I have rented on AirBNB and I get rated by the host, so I am careful. The incentives are better than long-term. They have your credit card numbers. You have payment. **Chief** – if we respond to a noise complaint we don't ask if it is a short-term rental, we just respond to the noise complaint. We get those quite routinely. **Cox** – we have a human issue; it can be your full-time neighbor. **Melling** – I would like to lower barriers if it is a full-time resident. **Paul** – we can have an ordinance to repeal. **Phillips** – why make an adjustment for something that doesn't need one. **Melling** – I have had a few calls, I didn't know I needed a city license, and about sending the notice. **Cox** - then why give a notice to cause a complaint. **Phillips** – it is a watered-down version compared to a lot of cities. **Wilkey** – I would like to glance and section 9.8; we took out the CC&R on fences should we take it out here as well. They should match all others. **Randall** – I made a mistake, all home based that requires a home-based business has to notify within 300 feet. **Melling** – I don't like that. Businesses in the day never started on Main Street, we have pushed small business out and fewer things happen in the home. There are some exceptions, a lot of that is because it is residential, and business is evil in this area. The notification, where it is an administrative matter, should have to notify all of your neighbors and have them get mad at you. **Paul** – would you like that changed to like the one for daycares. **Cox** – take out the notification. **Melling** – this wasn't a thing until 2017 or 2018. **Randall** – the notification was when an accountant that wanted 5 employees in their home, the change was to require the

notification. **Melling** – AirBNB, the daily impact is minimal, we don't need to provide notice. If someone has more than 1 employee notify neighbors, it is a deterrent, so half are not licensed. We should lower barriers. **Phillips** – you wouldn't want to know if there is a daycare next to you? **Melling** – no, I like it, that is more eyes on my street. Action

DISCUSS UPDATED WATER RIGHTS APPRAISAL. PAUL BITTMENN: **Paul** – I emailed this, and Mr. Dotson, Enoch City Manager sent an email with an appraisal from January, the water rights we were concerned about is the older and got two valuations, one less than 10-acre feet and one is 10 acre feet or more, our valuation of for less is \$14,000 more is 12,600. Enoch's appraisal is different with the younger water rights. In January 2022 the city received an appraisal less than 10-acre feet it was \$14,000 and 10 or more was \$12,600, they are the same in the appraisal for Enoch a few months ago. There are some differences in younger water right numbers, typically we were concerned with those, but we really don't care about that now, it is just history. In January of 2022 the city received an appraisal where if we bought less than 10-acre feet of water the appraised value was \$14,000- and 10-acre feet or more the appraisal was \$12,600, the same that we are receiving today. That is the appraisal we use to set our current structure for water right acquisition and everything else. The appraised values that you rejected and did not in calculating your fee schedule came out in July of 2022 if you bought less than 10-acre feet it was \$20,000 an acre, if more than 10-acre feet it was \$17,000 and the council said no. For the water rights, the old ones the value has not changed from January 2022. **Mayor** – no reason to change the acquisition fee. **Melling** – I had a call asking when we were going to update our appraisal since the city had two large purchases. This is a hefty look of comps. Last time we got an appraisal, spring of 2022 the \$20,000 on May 2nd was the most recent completed transaction in the high appraisal. There have been a lot of transactions, and I think it is important. **Paul** - the appraisers now have good data to look at. **Wilkey** - where was the information given on the comps since they happen off market. **Paul** – I don't have the answer. **Mayor** – I am grateful the two lowest were ours.

CONSIDER A WATER RIGHTS DONATION AGREEMENT WITH SON

BUILDERS. PAUL BITTMENN: **Paul** – Son Builders is in the process of winding down their business operations, they have been in conversations with Jonathan and I for 6 to 8 months. They have water right #73-62, it has a bunch of owners, that is also linked back to the parent water rights that have a long history and it is supplemental to Coal Creek water rights and there are a bunch of issues with the sole source value. We started working with Son Builders and Mark Meisner a few years back to encourage them to do a declaration so they could figure out what their sole source value was. They went through part of that process with Lee Sims as their water advisor, and when they told all the other parties the sole source isn't what you think it is, it is less, it wasn't a surprise that no one wanted to sign on to the declaration. They don't want to go through the hassle of the determination, they would rather give the water rights to us. We would receive the water rights, they are old, it would cost us a few thousand to finish the declaration process and establish the sole source. We saw a benefit in accepting it. On the face now it is 17.33-acre feet, but it may only be 8 acre feet, we are still money ahead. Consent.

APPROVE A CONTRACT WITH PERFORMANCE AUDIO. PAUL BITTMENN:

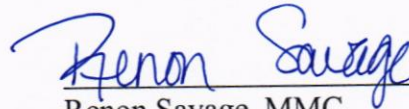
Paul – I put the contract on so if you approve the budget we can proceed as soon as possible, they will require a deposit and buy all the computer gear, some of the stuff they have in their

warehouse. **Wilkey** – as far as the installation, can they get it done between two meetings?
Paul – we will negotiate a very aggressive installation contract. There is a network of wiring under the floor and overhead, and access to the cabinet is very good. They will remove all of the microphones, there is a provision that if they need an electrician to run something else, we will pay that separately, we have money in our operation budget to pay for that. We will make sure they don't interfere with our operations during the installation. Consent.

CLOSED SESSION – REASONABLY IMMINENT LITIGATION: Councilmember Phillips moved to go into closed meeting at 8:28p.m.; second by Councilmember Melling; 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 8:50 p.m.; second by Councilmember Melling; vote unanimous.



Renon Savage, MMC
City Recorder

CITY COUNCIL – APRIL 3, 2024

Cedar City, Utah

Proclamation

Whereas, There is no one way to be autistic – each individual with autism experiences it differently – but together, autistic people make industries, communities, and our Nation stronger. Today, we celebrate the achievements of neurodiverse people everywhere and champion the equal rights and dignity of all those living on the autism spectrum; and

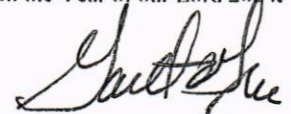
Whereas, Autistic people continue to face obstacles when seeking employment, health care, education, and housing, and the immense contributions of people with autism are often overlooked; and

Whereas, Here in the United States, more than 5.4 million adults are autistic, and 1 in every 44 children has been diagnosed with autism. Yet this developmental disability is still misunderstood; and

Whereas, autism is a developmental disability that can cause significant social, communication and behavioral challenges. Autism is the fastest growing developmental disorder. Research shows that early intervention treatment services can improve a child's development; and

Now, therefore, be it resolved, that I, Garth O. Green, Mayor of Cedar City, Utah, hereby proclaim the month of April as Autism Awareness & Acceptance Month. I call upon all of us to learn more about autism to improve early diagnosis, to learn more about the experiences of autistic people from autistic people, and to build more welcoming and inclusive communities to support people with autism.

Signed on this, 3rd day of April,
In the Year of our Lord 2024.



Garth O. Green
Mayor of Cedar City



CITY COUNCIL – APRIL 3, 2024

Cedar City, Utah

Proclamation

Whereas, Parkinson's disease is a chronic disorder of the nervous system that affects movement for which there is currently no cure; and

Whereas, one million people in the United States are currently living with Parkinson's disease with an additional 90,000 new cases being diagnosed each year; and

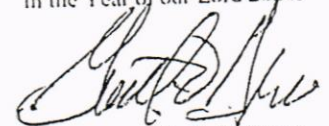
Whereas, according to the Parkinson's Foundation Parkinson's Prevalence project, 1.2 million people in the United States will be living with Parkinson's by 2030. Parkinson's disease is the 14th leading cause of death according to the Centers for Disease Control; and

Whereas, every day the American Parkinson's Disease Association provides the support, education, and research that will help everyone impacted by Parkinson's disease live life to the fullest, through research, patient and family services, education, and more; and

Whereas, increased efforts and awareness are desperately needed to help expedite the research efforts into better treatments, medications and ultimately a cure, as well as enhanced programs and services to help those impacted by Parkinson's disease live life to the fullest until a cure is found; and

Now, therefore, be it resolved, that I, Garth O. Green, Mayor of Cedar City, Utah, hereby proclaim the month of April as Parkinson's Disease Awareness Month.

Signed on this, 3rd day of April,
In the Year of our Lord 2024.



Garth O. Green
Mayor of Cedar City



Parkinson's Disease

AWARENESS MONTH

APRIL 9, 2024

1:00 PM

**489 E 200 S, CEDAR CITY, UT 84720
CEDAR CITY SENIOR CITIZEN'S CENTER**

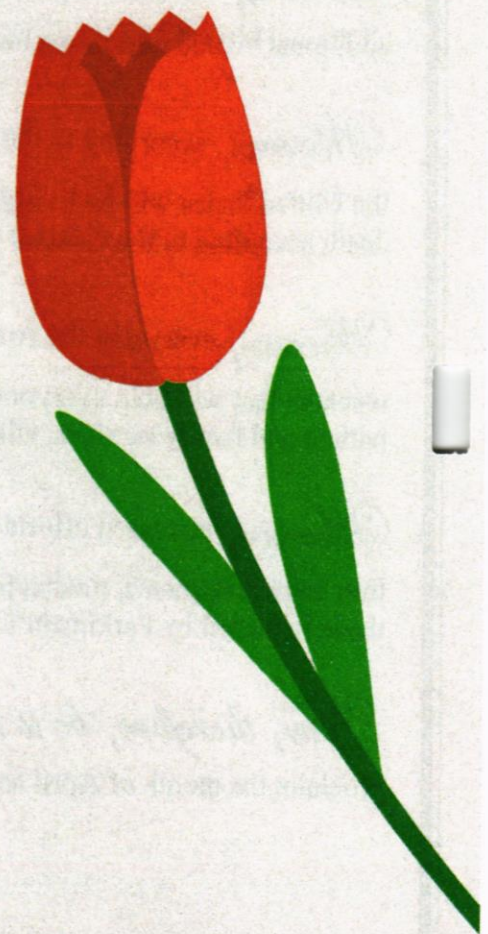
Join us for a special event in honor of Parkinson's Awareness Month. There will be a presentation, discussion and demonstrations of modalities and equipment to prevent and mitigate falls. Whether or not you or a loved one has been affected by Parkinson's Disease, the discussions will offer valuable insights for all. Don't miss this opportunity to learn, engage, and support one another.

DISCUSSION & INSIGHT

- Balance and Fall Prevention
- Physical Therapy & Occupational Therapy
- Exercise and Treatment Options
- Support for Caregivers

QUESTIONS? CONTACT:

STEVE WISE KRISTY SPENCER DAN DAIL
(702) 249-1452 (435) 559-9681 (435) 463-7285



SOUTHWEST PARKINSON'S ALLIANCE (SWPA)

March 3, 2024

MAYOR GREEN, HONORABLE MEMBERS OF CITY COUNCIL,

By formula, about 120 residents of Iron County, most of whom live in Cedar City, will wake up tomorrow to yet another day of engagement in our battle with Parkinson's disease, a crushing disease that has been declared to be the most dangerous of the neurological diseases.

We are willing to carry our own weight, to be valuable members of the community and loving members of our families. You can count on us to do our part. We have no desire to be a burden on the community, Also, we have no desire to represent the unopened present under the Christmas tree or the empty chair at the Thanksgiving table.

We aspire to be the pride of Cedar City and Iron County. There will be times when we falter, times when we may go down. But it is our hope that your signature on this proclamation is your and the Council's pledge to extend a hand if necessary to help us back up to resume our fight against Parkinson's disease.

Sincerely,

Dan Dail, Founder SWPA-Fitness, Consultant, Steering Committee

Kristy Spencer, Founder SWPA-Caregiver's, Steering Committee

Steve Wise, Presiding Officer SWPA Support Group, Steering Committee

CITY COUNCIL CLOSED SESSION
APRIL 3, 2024

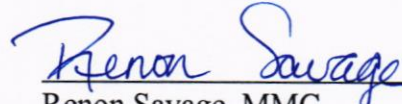
The City Council held a closed session on Wednesday, April 3, 2024, at 8:35 p.m. in the Council Chambers at the City Office, 10 North Main, Cedar City, Utah.

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:

ADJOURN: Councilmember Phillips moved to adjourn at 8:50 p.m.; second by Councilmember Melling; vote unanimous.



Renon Savage, MMC
City Recorder