

## COUNCIL MINUTES

MAY 8, 2024

The City Council held a meeting on Wednesday, May 8, 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; Ronald Riddle.

**MEMBERS EXCUSED:** R. Scott Phillips; Carter Wilkey.

**STAFF PRESENT:** City Manager Paul Bittmenn; City Attorney Randall McUne; City Recorder Renon Savage; Finance Director Jason Norris; Fire Chief Mike Phillips; Economic Development Director David Johnson; HR Specialist Natasha Hirschi; City Planner Don Boudreau; Library Director Steve Decker.

**OTHERS PRESENT:** Tom Jett, Alysha Lundgren, Tyler Romeril, Christian Simmons, Cherie Serrano, Joel Hansen, Ann Clark, Nicole Black, Dale Olsen.

**CALL TO ORDER:** Father Montgomery gave the invocation; the pledge was led by Tyler Romeril.

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

### **ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF**

**COMMENTS:** ■ **Mayor** – See the picture (attached as Exhibit “A”) of the cloth pile filter, it comes pre-assembled, it is a gadget, it moves water, you hook a pipe on each side and hook the power and it does its trick. There were three at Central Valley Wastewater Facility that we toured, two were running, and they convert the wastewater to type 1 effluent. They then run it through ultraviolet light and create type one effluent. We had a good discussion, Eric Bonzo and Jeff Lennert from the Treatment Plant, Paul, Ryan and myself all toured the plant, we had a great tour. We found our new garbage truck in the parking lot, Eric Witzke drove it home. I am excited about the potential. **Tom Jett** – was there a cost per gallon? **Mayor** - we have an engineer, it is not designed, he will do some work with the State. Our intention is to water grass, to bring the water south to Airport Road area where we have several piping opportunities that will allow us to take the water to different locations in Cedar City, preferably to the Lake on the Hill to water the CHS, CVHS, the middle schools, SUU, maybe the grade schools and the cemetery. I would like to mix it with the Coal Creek rights to increase the volume and do as much as we can with it. **Melling** – dollars per gallon is not the easiest way to look at it, the system is about 1/3 the cost per acre foot to buy agriculture rights to irrigate with and use the water, about \$4,000 to \$5,000 an acre foot. The water coming out of the treatment plant is in many ways cleaner than the water we drink now.

**PUBLIC COMMENTS:** ■ **Dale Olsen** – here on behalf of my neighborhood. We have a serious safety issue that we want to bring up. Silvercrest Circle, there are only 6 houses on the street, we exit onto Cove Drive. That empty vacant lot on the corner is highly elevated and has always been a 90% blind corner and a challenge to turn left out of the neighborhood. Over the years Cedar City has grown and there is a lot more traffic, most of it is speeding. In January I called and talked with many different departments, they directed me to the Police Department first to address



the speeding, they agreed there is a problem. They put up some signs and then did a traffic study. Before the traffic study ownership changed and the owners next to it purchased the lot and started to erect a wall and it is now 100% blind to turn left. They did a traffic study, but we have not heard the results. The only visible result we have seen is they have seen some electronic radar signs, but it was put in a place it doesn't do us any good. If you are going north on Cove, you cannot see a car at the stop sign. The place of the radar sign is north of our street, so there is no encouragement for people to slow down. On behalf of the people on our street, everyone feels the same way, everyone has had multiple close calls, it really needs to be addressed. When you are turning, even right it is difficult, unfortunately the speeding continues, and it even includes the school buses. We realize you can't have an officer there all the time. **Melling** – on South Mountain Drive we had an issue where the four-way stop did not warrant, but the site obstruction was an issue. If it is not warranted and we put a four-way stop the city has liability, but seeing this situation, let us look at that. We will follow up with staff and see if it is assessed. **Riddle** – was the wall inspected. **Dale** – Drew Jackson said he knew it was coming. **Riddle** – on a piece of property I had I had to drop it to a four-foot fence with no slats so people could see. It is totally obscured. **Paul** – we will evaluate the wall. **Dale** – a four-way stop is what we need. The best way for you to see is to come out and try and make a left turn. We don't want anyone to be hurt. **Melling** – there are some intersections that are problems, no one speeds down my street because it is 30' wide, but the Fire Department doesn't like it because they can't get down the street. The road is not designed to slow traffic. This is probably the best angle. If this is not the solution let us look at other solutions. **Dale** – I know one of the gentlemen in engineering left, but is coming back.

**CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED APRIL 17 & 24, 2024; (2) RATIFY BILLS DATED APRIL 26, 2024; (3) APPROVE DEDICATING A TWENTY-FIVE-FOOT-WIDE PUBLIC UTILITY EASEMENT LOCATED ALONG THE SOUTH SIDE OF INDUSTRIAL ROAD BETWEEN 300 WEST TO AIRPORT ROAD. RANDALL MCUNE; (4) APPROVE PROPOSAL FOR DENTAL AND VISION INSURANCE. NATASHA HIRSCHI; (5) APPROVE GRANT APPLICATION FOR AIP 049, AIRPORT TERMINAL EXPANSION. TYLER GALETKA; (6) APPROVE GRANT APPLICATION AIP 051, AIRPORT SNOW REMOVAL EQUIPMENT. TYLER GALETKA; (7) APPROVE GRANT APPLICATION FOR AIP 052, DEVELOPMENT ADDENDUM FOR AIP 039 ARPA GRANT FOR AIRPORT TERMINAL EXPANSION. TYLER GALETKA;**

Councilmember Melling moved to approve the consent agenda items 1 through 7 as written above; second by Councilmember Cox; vote unanimous.

**CONSIDER A REQUEST TO WAIVE FEES AT THE DIAMOND Z ARENA FOR 4-H GROUPS. 4-H YOUTH COUNCIL:** Councilmember Melling moved to deny the request to waive fees at the Diamond Z Arena for 4-H groups; second by Councilmember Riddle; vote unanimous.

**CONSIDER AN ORDINANCE AMENDING THE CITY'S TRAILS MASTER PLAN AND ACTIVE TRANSPORTATION MASTER PLAN AROUND THE IRON HORSE PUBLIC INFRASTRUCTURE DISTRICT, INCLUDING AREAS AROUND CROSS HOLLOW ROAD, IRON HORSE ROAD (1600 S), PROVIDENCE CENTER DRIVE, AND SOUTH MOUNTAIN DRIVE. LEAVITT LAND/RANDALL MCUNE:** Tyler Romeril, Leavitt Land – nothing has changed since last week. Mr. Hansen would like to address specifics of the trail across his property.



**Joel Hansen** – I manage the Bauer Meadows Subdivision, South Mountain area and we are not opposed to having trails, we have always had trails from the north area to the south. I want to comment that as we develop to the west of the Valley Subdivision, what we do with that area may adjust to the actual location as shown. There may need to be some flexibility as to what is shown on the map. I think we need the trails. We are currently working on the property to the west of the valley. **Melling** – as they move forward, my understanding is it doesn't follow an existing road, so they would have some flexibility. **Paul** – we just want it to connect. **Joel** – I have talked with Dane Leavitt and Tyler, as we develop the rest of the area, we have done some construction drawings and we have a 10-foot sidewalk for the trail. I understand having it down the ridge, but I don't know what it will do to the development, no one wants it in their backyard. We will put it in, and it will connect to the Leavitt's trail. **Melling** – to make it clear, these amendments now there is more of a process associated with it, if for some reason if changes we require formal notice, we are amenable if others are as well.

Councilmember Melling moved to approve the ordinance amending the City's Trails Manter Plan and Active Transportation Master Plan around the Iron Horse PID, including areas around Cross Hollow Road, Iron Horse Road (1600 S), and South Mountain Drive; second by Councilmember Cox; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

**CONSIDER AN ORDINANCE AMENDING THE CITY'S STORM DRAIN MASTER PLAN IN THE VICINITY OF 1900 S OLD HIGHWAY 91. PLATT & PLATT /**

**RANDALL MCUNE:** **Paul** – this was to include additional infrastructure and thanks to Mr. McUne he picked up on something not included last week. We asked Mr. Clarke to reach out to Sunrise Engineering to find out the width and depth so before you buy it you know what you are buying. **Cox** – also so the next development knows what they need to do. **Paul** – our engineer needs to show slopes and how to build. **Melling** – one issue I discussed with Mr. McUne, let's table it until we get the data, but I don't want to hold them up either. **Paul** – their first phase is where the BLM land connects with their property by the bike trailhead. They are trying to get the final plat approved. There is erosion on the east side of the bike trail head, the city filled it in and piped it, there is an intersection where it goes into an open ditch, there is other erosion. They have worked with the BLM, we have applied with the BLM to maintain, they will bring up the erosion, they have a plan in place for the first subdivision and I don't think the entire master plan discussion should hold them up. **Melling** – does staff have a clear enough path for the first phase.

Councilmember Melling moved to table this item until the engineers get us the information needed for the ordinance amending the City's Storm Drain Master Plan in the vicinity of 1900 S. Old Highway 91; second by Councilmember Cox; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE



**CONSIDER AN ORDINANCE AMENDING CEDAR CITY ORDINANCES 26-III-2, 26-III-4, AND 26-III-5 REDUCING MINIMUM LOT WIDTHS IN THE R-1 RESIDENTIAL ZONE (DWELLING, ONE UNIT), R-2-1 RESIDENTIAL ZONE (DWELLING, ONE UNIT), AND R-2-2 RESIDENTIAL ZONE (DWELLING, TWO UNIT). TOM JETT / RANDALL MCUNE:**

**Melling** – we are making 200 West legal again. If you had a narrower lot, it would be quite narrow for twin homes, it is now 70' for twin units. I don't think you will see that unless it is rear loaded, we will be working on those. For single families you will see a more charming look with a garage in the back. I prefer that look and it is not an option now. **Paul** – the proposal is to take the R-1 from 90 to 70 feet and the R-2 to 50-foot widths. **Melling** – going to 50 in the R-2 portion, when we look at the flag lots and the old lots in town that are 66' wide, it can be hard even with some accommodations to do that even with 3x12 rods, the 50' would give enough cushion to do that. **Cox** - R-2 will be less restrictive than R-3. I talked to contractors and developers, and it would be unique, you can't do it anyway. I am fine with the 50', I am a proponent of people using their land. We need to do something with R-3, but I am not comfortable with 30 feet. **Melling** – a lot of the changes we are discussing are working their way through will be wise to revisit like the County and Enoch does, give a carrot with quality control items. We can hold a carrot out and if you do some things, we allow it. In the county they have a menu of options, esthetically pleasing, large trees, water conservation, storm drain, community association managed front yards, etc., then you get a modest boost in the unit count. Part is blending in with a certain size house or lot next door you match that in the border and then phase it in, given the opportunity to get the density, but mitigate the negativity, it is better use of infrastructure. **Cox** - so there is more work to do for the narrower lot. **Melling** - depending on how the items go, but this combined with clustering, with RDO's you get a bonus density, this makes it possible.

Councilmember Melling moved to approve the ordinance amending the Cedar City Ordinances 26-III-2, 26-III-4, 26-III-5 reducing minimum lot widths in the R-1, R-2-1 and R-2-2 residential zones; second by Councilmember Riddle; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

**CONSIDER AN ORDINANCE AMENDING THE CITY'S FENCING REQUIREMENTS, INCLUDING THOSE FOUND IN CEDAR CITY ORDINANCES 32-8 AND 26-IV-4. TOM JETT / RANDALL MCUNE:**

**Melling** – I said I would work on this last week, and I had someone text me raising an issue that ties with item #5 that we were holding off on, Fiddlers Cove Townhomes, the difference in grade they have a retaining wall, so the driveway is higher than Fiddlers Canyon Road. The challenge is as vehicles drive down that road northward, they shine lights on the houses; one of the purposes of the fence is to block the light of traffic. The purpose shouldn't be to segregate those in one size house from the other, but it should help screen light solution. because it is a retaining wall, the differentiation there is not site obscuring fence. Some of the intent needs to be clarified, is to add the desire to shield residential properties from late night traffic lights. I think it needs some work, but the first four are ready and that is what is prepared by Mr. McUne. The other thing that comes up is when Travis Towers wanted the fence closer to the street to shield the light for the neighbors, that way if it is an iffy situation staff can address the concern.



Councilmember Melling moved to approve the ordinance amending the City's fencing requirements as outlined, but table the other matters addressed in item 5 until next week's meeting; second by Councilmember Cox; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

**CONSIDER AN ORDINANCE ADDING 26-IV-21 TO CEDAR CITY ORDINANCE  
ALLOWING FLAG LOTS IN RESIDENTIAL ZONES. TOM JETT / RANDALL**

**MCUNE: Melling** – the ordinance is perfect for new subdivisions but not for older lots. Yesterday I spent time sending information to Mr. McUne, Mr. Boudreau and Mr. Shurtz. With the 66' lots, if we have a 50' minimum and you require a 26' pole for the flag lot you need a 76' wide lot, I don't think people will be jumping at this, but the approach would be that we create an exception to the standard set for new subdivisions, you still need 10' driveway and 12' of property line to get through, and fire trucks still can't get back there, so fire code requires that the access to the home needs to be within 150 of the public street so the fire department can still get a hose back there if there is a fire and still have enough access to get personnel back there, but cannot get a truck back there. To do that, you would have to meet 3 criteria (1) the lot must be platted or subdivided before 1981; (2) have a lot that is narrower than 76 feet; and (3) you have to have less than 26' available between the existing structure and property line at any point of the property. You still have to meet the minimum requirements, but if you have any extra that is more than 10 and 12 feet but less than the 24 and 26 you then have to give everything that is left in between those. I spoke with Chief Shurtz, but I am nervous that we pass an ordinance that no one uses, so I want to run it by staff to see if it will work and bring it back next week. **Paul** - you should probably run it back through the Planning Commission if you pass this one and then bring it back. If you table it, and add the exceptions, you can bring it back next week.

Councilmember Melling moved to table this item until next week; second by Councilmember Cox; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

**CONSIDER AN ORDINANCE AMENDING 26-I-4 AND 26-IV OF CEDAR CITY  
ORDINANCES PERTAINING TO ACCESSORY BUILDINGS AND SHIPPING  
CONTAINERS IN RESIDENTIAL ZONES. DONALD BOUDREAU/ RANDALL**

**MCUNE: Paul** – subsection C says you can keep the container until 30 days after C of O. **Tom Jett** – there is some move to use containers for residential uses. **Melling** – then it is not an accessory building, you meet the building code. **Cox** – another circumstance, they are being used for people to move, they drop them and then allow people to fill them and then they are picked up. **Randall** – the ordinance addressed this. **Cox** – I talked with the largest container seller in town, and he agrees. **Melling** – I like this, it strikes a good balance, I don't like the only path of prosecution is criminal, I would like a civil citation.



Councilmember Melling moved to approve the ordinance amending 26-I-4 and 26-IV of the Cedar City Ordinances pertaining to accessory buildings and shipping containers in residential zones; second by Councilmember Cox; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

**CONSIDER AMENDING A PREVIOUS ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY AND PROPERTY DISPOSAL IN THE VICINITY OF 140 NORTH 300 EAST.**

**TOM JETT/RANDALL MCUNE:** Councilmember Melling moved to amend the previous ordinance vacating a public right-of-way and property disposal in the vicinity of 140 North 300 East; second by Councilmember Riddle; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

**CONSIDER AN ORDINANCE INCREASING WATER, SEWER, TRANSPORTATION, PARKS & RECREATION IMPACT FEES. PAUL BITTMENN:** Paul – the only change is to correct the error made last week, one fee was increased a lot, we brought it back down to 5%. This will not go into effect for 90 days. **Melling** – there was a temporary discount on a lot of these, hopefully the new study will not take as long as the prior one.

Councilmember Melling moved to approve the ordinance increasing the water, sewer, transportation, parks & recreation impact fees as outlined; second by Councilmember Riddle; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

**CLOSED SESSION – CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL:** Councilmember Melling moved to go into closed session at 6:32 p.m.; second by Councilmember Riddle; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

**ADJOURN:** the meeting adjourned at 7:30 p.m.

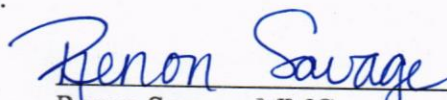
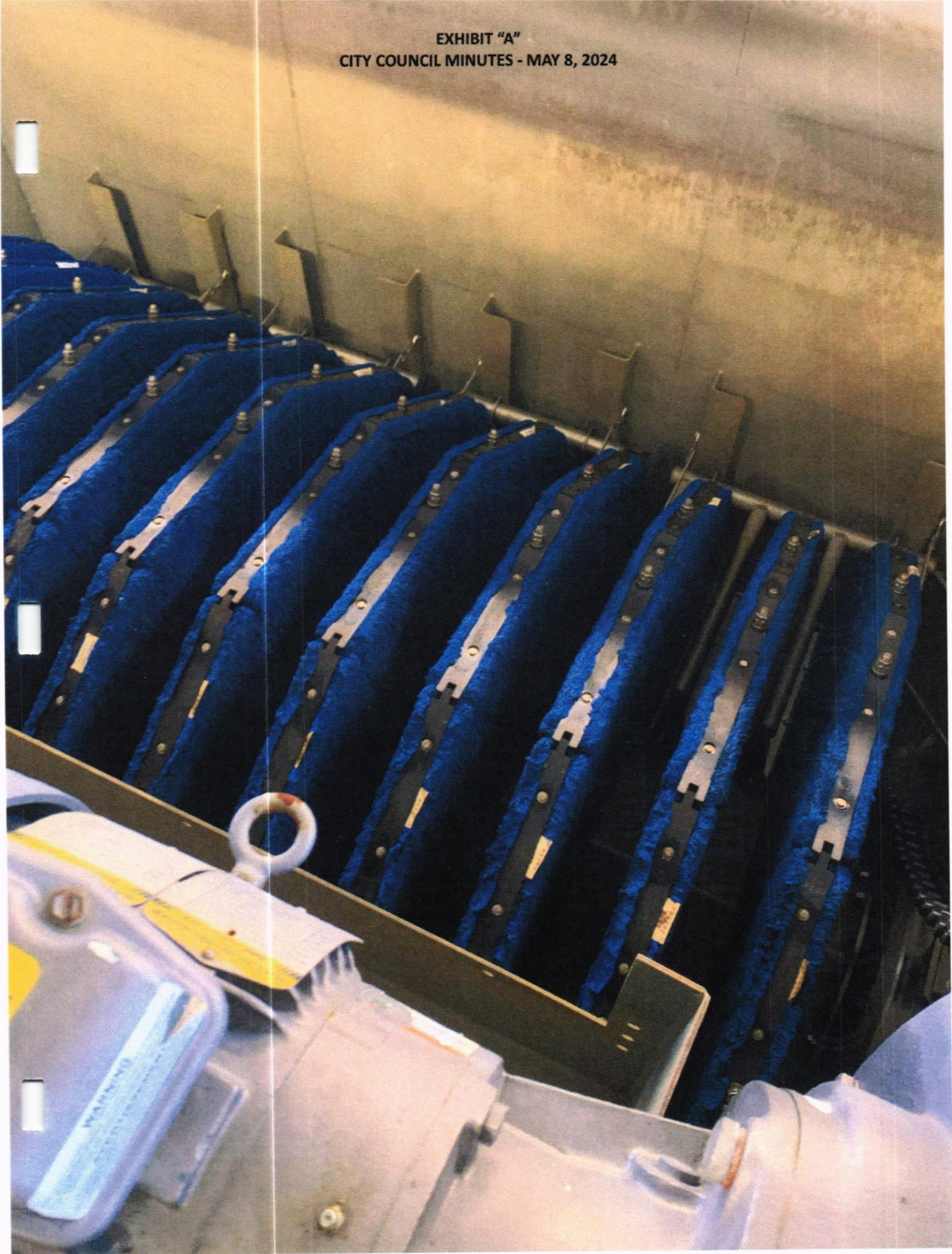
  
Renon Savage, MMC  
City Recorder



EXHIBIT "A"  
CITY COUNCIL MINUTES - MAY 8, 2024





**SWORN STATEMENT**  
**FOR CLOSING MEETING**

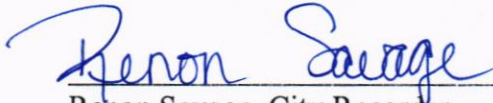
Garth O. Green states as follows:


1. That I am the acting Chair and person presiding over the subject closed meeting.
2. That pursuant to Section 52-4-204-205, Utah Code Annotated, 1953 as amended, the subject meeting of the City Council held May 8, 2024, was closed for the sole purpose of discussing the following:
  - (a) the character, professional competence, or physical or mental health of an individual; or
  - (b) the deployment of security personnel, devices, or systems.

DATED this 8<sup>th</sup> day of May, 2024.



ATTEST:

  
Renon Savage, City Recorder

  
Garth O. Green, Mayor



**CITY COUNCIL CLOSED SESSION**  
**MAY 8, 2024**

The City Council held a closed session on Wednesday, May 8, 2024, at 6:40 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; Ronald Riddle.

**STAFF PRESENT:** City Manager Paul Bittmenn; City Attorney Randall McUne; HR Director Natasha Hirschi; Economic Development Director David Johnson; Library Director Steve Decker; Finance Director Jason Norris.

**CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL:**

**ADJOURN:** adjourn at 7:29 p.m.