

## COUNCIL MINUTES

JUNE 19, 2024

The City Council held a meeting on Wednesday, June 19, 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; Executive Assistant Natasha Nava; Finance Director Jason Norris; City Engineer Kent Fugal; Police Chief Darin Adams; Assistant Attorney Brittney Park; Fire Chief Mike Phillips; Leisure Services Director Ken Nielson; Public Works Director Ryan Marshall; Economic Development Director David Johnson.

**OTHERS PRESENT:** Daxton Anderson; Bella Brooks; Sloane Behunin; Dane Boles; Ann Clark; Blaine Hofeling.

**CALL TO ORDER:** Councilmember Riddle gave the invocation; the pledge was led by Randall McUne.

**AGENDA ORDER APPROVAL:** Councilmember Phillips moved to approve the agenda order; second by Councilmember Melling; vote unanimous. Councilmember Melling moved to elect Councilmember Phillips as Mayor Pro tem, Councilmember Wilkey seconds. Vote unanimous.

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

**COMMENTS:** ■ Mayor Green we're honored this evening to have Mr. Kent Fugal as our new City Engineer, he's a northern Utah boy but he's been in Idaho Falls for a very long time. He was the City Engineer in Idaho Falls. Kent comes with a lot of experience in roads and traffic, and skills that we can use. **Kent** I'm happy to be here. **Phillips** welcome, we are happy to have you. **Wilkey** how is everything looking upstairs, with furniture and office space? **Paul** always room for improvement. **Mayor Green** he can decide how he wants to organize his department. ■ **Phillips** Youth City Council is here to give a presentation. I've attended the Recreation, Arts and Parks (RAP) hearings. I'm thankful for everyone willing to serve on our various boards. The work they do is extraordinary, the number of hours they spend, and the diligence. They really try to do what is best for our citizens. I wanted to publicly acknowledge all the great service committees we have in the city and the great work they do for us. **Mayor Green** I'm very grateful that our citizens approved the RAP tax last November, this would have been a very frustrating day today if there wasn't \$360,000 to further the Arts and Recreation. **Riddle** whether it goes to the Arts or Recreation, it benefits everybody. **Mayor Green** thank you for your service, Councilmember Melling and Councilmember Riddle who serve on those committees. ■ **Wilkey** where are we with the Cedar Canyon Well? Can you give us an update with Right Hand Canyon. **Paul** the well is drilled to depth. **Mayor Green** we hit bedrock at about 180-feet, and we drilled on down thinking maybe we'd get through the bedrock. We decided not to go further than 210-feet. **Paul** it's drilled and cased. When they finished the casing there was a lot of infiltration of drilling mud. We've ordered a chlorine solution that's approved for municipal aquifer, it's a special grade. They're going to clean that well up, and swab that chlorine solution down there. It breaks up the particles, cleans the well, and gets all that drilling fluid out of the well.

**Mayor Green** we've done some test pumping, but it didn't produce as much as we had hoped. We still hope to get 200 to 400 gallons of water a minute, that was all we ever anticipated in these shallow wells with all the alluvial. This tar that's down in the well needs to be broken up to get the flows working better through the alluvial soils. We've consulted with good well people, who say this is a good solution. It cleans it up and allows the water to flow through there better and faster. We believe we're going to reach that volume and will have a pipeline to put it into and power to hook it up to, and water rights there on site.

■ **Phillips** where we are with the South Main Street lighting project? We still do not have streetlights. **Paul** we'll have to research that and get back to you. ■ **Chief Adams** this is Daxton Anderson, he graduated last week and started his field training this week. He's replacing one of the few that we have lost and there'll be more to come. He's a great officer and we are excited to have him. **Daxton Anderson** I've lived here for about three years with my wife, we moved down here for school, we liked it so much we decided to stay. We're from Delta.

Swear in Patrol Officer I, Daxton Anderson. Chief Darin Adams - Mayor Green administered the Oath of Office. ■ **Randall** introduced our new Assistant Attorney Brittney Park. **Brittney** thank you for the opportunity, and I will do my very best to do right by Cedar City. Born and raised here in Cedar City.

**Bella Brooks** the Youth City Council (YCC) hosted a skate night on June 11<sup>th</sup> at the skate park and it was a success. We had about 100 people. A gentleman playing pickle ball said there was three times the amount of people usually there. He commented it was a success. We provided refreshments and had an impromptu skate competition. We had a raffle drawing. I think it was a positive event and people enjoyed it. We hope to have more events like this for the youth in our city. We can use more sponsors for future events. **Phillips** did you have any comments from the skateboarders? Did they enjoy it, did it matter to them? **Bella** I made up a survey to try and collect feedback for future events, we only received five responses. I think we can promote it better in the future, but I think everybody that responded said they enjoyed it. **Wilkey** do you have volunteers for the July 4<sup>th</sup> parade? **Phillips** we need more volunteers than just the Youth City Council. **Bella** I will work with the YCC on that. **Wilkey** the decorations and flags have arrived. **Phillips** the banner has been ordered. We need volunteers.

**PUBLIC COMMENTS:** ■ **Sloan Behunin** I'm here representing RCS Rocket Motor Components; I would like to invite you to participate in our grand opening. RCS is honored to be a member of the Cedar City community. **Phillips** we we're honored to attend the groundbreaking, and now we have the ribbon cutting and grand open. How exciting! **Dane Boles** RCS is the largest producer of solid composite propellant model rocket mid- power and high-power hobby rocket motors in the world. Our industrial solid propulsion division has become a premier supplier of small solid composite propellant propulsion systems to the aerospace and defense industry. When I joined the company about six years ago, we had 17 employees. We just hired our 39th employee, and we're anticipating 45 very rapidly. Given the current state of the world our hobby business is doing great, but our aerospace business and defense business has taken a very rapid steep climb in growth. One of our significant achievements over the last several years is that we are the premier supplier of the propulsion system for the raytheon coyote system which is America's first drone swarm killer. She kills not just swarms of drones, but individual drones. We were informed two weeks ago by the

folks involved with Cody Black 2; this program has become a line item now for raytheon. They have experienced one of the most successful outcomes in a new weapons program in the history of raytheon with coyote. And it's all based right here in Cedar City. We are a prime supplier of the rocket motors used in the Ensign-Bickford mine clearing device, which we have been making for years. Given the current state of the world we are now making those in numbers that we have never seen previously. As I speak our President Gary Rosenfield and Vice President of rocket motor development Carl Balman are at Spaceport New Mexico, we have become the primary sponsor of Spaceport. Where 142 of the 300 collegiate rocket teams around the world are participating and have become the largest graduating senior collegiate aerospace job fair in the world. ■Ann Clark I must stand for the families and the neighborhoods that are not being protected by our city. Specifically, from Cedar High to 200 North, what I consider the heart of our city. The city came in and put an overlay zone change for the SUU Housing District zone (SHD) in that area and since then it's been a destruction of the neighborhoods. I think that's why the people got so upset, because they knew what was coming. I remember Terri Hartley saying that there's only a few developers that can build buildings that big, so it probably won't happen very much. Now I look and I see what's happening. If we don't have the political will to fix it, the history we have remaining will be gone. A month ago, I was at Planning Commission and Jim Lent said, "I looked over that overlay map and realized that every street that is not part of an SHD zone starts with an SHD house, the first house is an SHD." It feels like a setup. The people were upset so we placated them and said we won't go out of the SHD zone. Which they have on 400 North and on the church tear down. This was a setup because now a developer can come in and buy the first house, then the next house, and so on. And then come to City Council when they're all connected and say we need this for our next big project. We must have the political will to do something, the SHD zone feels like a scam to me. I know it wasn't, but that's how it feels. Especially when you see how it was set up to destroy those neighborhoods. We now have the problem with the Maverik gas station, if we don't have the political will to do something to save our town all our history will be gone. We'll be sorry when our history is just pictures on the wall. We can stop this if we dissolve the SHD zone. My son lives in San Clemente, and they said that all the buildings that come in there are going to look Spanish even the Chick-fil-A. It can be done, if we want future development to look like our Historic Downtown. This is a destination spot right now, but it won't be much longer.

**CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED MAY 29 & JUNE 5, 2024; (2) RATIFY BILLS DATED JUNE 7, 2024; (3) APPROVE APPOINTMENTS TO THE FOLLOWING BOARDS: BOARD OF ADJUSTMENTS, DOWNTOWN PARKING AUTHORITY, HISTORIC DOWNTOWN ECONOMIC COMMITTEE, LIBRARY BOARD, LEISURE SERVICES ADVISORY BOARD, AND PLANNING COMMISSION. MAYOR GREEN (see Exhibit "A"); (4) APPROVE THE CERTIFIED TAX RATE OF .001607. JASON NORRIS; (5) APPROVE DEFERRAL AGREEMENT WITH LSR INVESTMENTS, LLC, DEFERRING PUBLIC IMPROVEMENTS ALONG 100 EAST FOR PROPERTY LOCATED AT 2700 NORTH 100 EAST. PLATT & PLATT / RANDALL MCUNE; (6) APPROVE DEFERRAL AGREEMENT WITH PHIL E SCHMIDT, LLC, DEFERRING PUBLIC IMPROVEMENTS ALONG 800 NORTH FOR PROPERTIES LOCATED IN THE VICINITY OF 600 NORTH AND LUND HIGHWAY. PLATT & PLATT / RANDALL MCUNE; (7) APPROVE AWARDED THE BID FOR AIP 050 TO STRAIGHT**

**STRIPE IN THE AMOUNT OF \$96,472 TO REMARK THE RUNWAY AT THE AIRPORT. TYLER GALETKA; (8) APPROVE AWARDDING THE BID FOR AIP 051 TO M-B COMPANIES IN THE AMOUNT OF \$875,220 FOR THE ACQUISITION OF A ROTARY PLOW (BLOWER) FOR THE AIRPORT. TYLER GALETKA; (9) APPROVE A \$1,000 HELIVENTURES LEASE RENTAL CREDIT. TYLER GALETKA; (10) APPROVE THE DISPOSAL OF SURPLUS BICYCLES. CHIEF**

**DARIN ADAMS:** Wilkey on item number nine, have we gone with that proposal yet, or are we going to vote on it and then Tyler will take it to the tenant? **Ryan Marshall** he has spoken with them, and advised that it will be dependent upon what the Council votes. **Riddle** once we vote, Tyler will take the offer to the tenant.

Councilmember Phillips moved to approve the consent agenda items 1 through 10 as written above; second by Councilmember Wilkey; vote unanimous.

**CONSIDER A ROAD DEDICATION IN THE VICINITY OF 102 EAST PARK VIEW STREET. ADAMS SURVEYING/RANDALL MCUNE:**

**Paul**, I spoke with Jay Adams on Thursday and told him the alternatives the Council discussed, and I have not heard back. The road is paved to about the depth of the existing homes coming off Fairway Drive, but it's dedicated all the way back to our property. Our property is on the north of the road, it's a very large retention base. Doctor Delcore's property borders our property to the very south. Right now he has legal access through our dedicated dirt. The Council outlined the frontage option, doing a variance through the Board of Adjustments. He's going to dedicate about 2/3 or 3/4 of the cul-de-sac, and he's asking us to dedicate the last little part because it would be on our property. That's the proposal in front of the council. **Melling** I'm just hesitant to dedicate a road that we will have to maintain. **Wilkey** I'd like to hear from him if he's open to the other options first. I'm not saying that that's the direction it'll go. **Paul** we'll call him. **Phillips** if the city ever does develop the detention pond for soccer or whatever, would we be able to come back and make sure we have access to that? **Paul** I think the proposal last week was not to get rid of the street that's already dedicated, it was just to go to the Board of Adjustments to get a variance on the frontage requirements. He would take the long lane up the hillside off that dedicated public street. **Melling** I move we table this.

Councilmember Melling moved to table the road dedication in the vicinity of 102 East Park View Street; second by Councilmember Wilkey; vote unanimous.

**CONSIDER A CONDITIONAL USE PERMIT FOR A BUSINESS IN A RESIDENTIAL ZONE IN THE VICINITY OF 218 SOUTH 100 WEST. ET**

**PROPERTY HOLDINGS/ENGAGE/RANDALL MCUNE:** **Randall** we made a few minor modifications to address some of what you discussed, and some other things that Don wanted in there. We were a bit vague on the residential part, which is always harder when you do these. We want to make sure we get the ownership maintained between the two. **Phillips** it's clear language, parking in the rear, and that it would maintain a residential feel. **Paul** Blain disclosed it's owned by different entities, but they're leased to the same lessee. **Blaine Hofeling** they're both long-term leases, the same entity is leasing them. The Planning Commission said we're fine with that if you have a recorded document from both owners saying, we can use the two parking spots behind the one house for as long as the operations continue. **Phillips** we want to make sure that if somebody wants to sell the one, that it doesn't create a situation where they're tied together. You're saying the lease has them tied

together? **Blaine** no, they're separate leases. **Melling** different owners, but same tenant. **Blaine** yes. **Randall** in our ordinance we have a section about allowing off- premises parking, it must be within 400-feet. An interest or ownership can be included through a recorded deed or liken to a cross-use easement. The language we have here would fit our ordinance for that same thing. We can spell that out in more detail, if you wish. **Cox** are the lease terms the same on both. **Blaine** they're indefinitely, as far as time frame. They may have different times. **Cox** we don't want one coming due next year and the other one's a 10-year lease. **Melling** could we make that more generic, so long as the as the same entity is responsible for the operation of both properties. **Wilkey** is the ownership of the company that's leasing them the same ownership of the company that owns them? **Blaine** one is, and one isn't. **Randall** we could word it to say, the ownership in the land or the leasehold interest. **Wilkey** our biggest concern is if it's going to be the office administering the house next door. **Melling** so long as the operation administers the dwellings. **Randall** I have ownership and uses of the properties. We could say ownership or uses shall remain connected. **Melling** I would just say uses. I don't care as much about ownership.

Councilmember Melling moved to approve the conditional use permit as just outlined for a business in a residential zone in the vicinity of 218 South 100 West as just outlined, Councilmember Cox seconds. Councilmember Phillips does not agree.

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

**CONSIDER A RESOLUTION FOR THE ADOPTION OF THE 2024-2025 FISCAL YEAR BUDGET. JASON NORRIS:**

**Jason** – we added the funding for the part-time office staff in the Police Department. Rather than \$10,000 I put \$8,000 into Economic Development for an outside contractor for some labor. **Wilkey** What was the amount for the Police total? **Jason** It was roughly \$30,000 because part of its salary part of its insurance.

Councilmember Melling moved to approve the resolution for the adoption of the 2024-2025 Fiscal Year budget; second by Councilmember Wilkey; vote as follows:

|            |   |
|------------|---|
| AYE:       | 5 |
| NAY:       | 0 |
| ABSTAINED: | 0 |

**CONSIDER A RESOLUTION FOR THE REVISION OF THE 2023-2024 FISCAL YEAR BUDGET. JASON NORRIS:**

**Jason** – no changes.

Councilmember Phillips moved to approve the resolution for the revision of the 2023-2024 Fiscal Year budget; second by Councilmember Melling; vote as follows:

|            |   |
|------------|---|
| AYE:       | 5 |
| NAY:       | 0 |
| ABSTAINED: | 0 |

**CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE**

**SCHEDULE. RANDALL MCUNE:** Randall – no changes. Wilkey please give us an update regarding surrendering in a few months so we can see the effectiveness of the fee increase.

Councilmember Melling moved to approve the resolution amending the consolidated fee schedule; second by Councilmember Phillips; vote as follows:

AYE: 5  
NAY: 0  
ABSTAINED: 0

**CONSIDER MODIFICATIONS TO CEDAR CITY ORDINANCE 26-IX-4**  
**PERTAINING TO NOTIFICATION REQUIREMENTS FOR HOME**

**OCCUPATIONS. RANDALL MCUNE:** Randall – the Planning Commission was recommending notice if there were just five employees, you asked to completely exclude Nursery schools. The exclusion of Nursery schools is in there twice just to make sure there's no confusion. I spelled it out three (3), four (4), or five (5) employees for further clarification. Wilkey any home occupation with three (3), four (4), or five (5) other than a Nursery school must provide notification. Cox yes. Randall we treat Nursery and daycare the same in the Board of Adjustments.

Councilmember Melling moved to approve modifications to Cedar City Ordinance 26-IX-4 pertaining to Notification Requirements for Home Occupations; second by Councilmember Wilkey; roll call vote as follows:

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

**ADJOURN:** Councilmember Phillips moved to adjourn and move into the RDA meeting at p.m. 6:13; second by Councilmember Melling; vote unanimous.



Natasha Nava, Executive Assistant

**EXHIBIT "A"**  
**CITY COUNCIL – JUNE 19, 2024**

**Board of Adjustments**

Releasing – Mark Mumford  
Appointing – Steve Nelson  
Reappointing - Chad Carter

**Downtown Parking Authority**

Releasing – Evan Vickers  
Releasing – Mark Baruffi  
Releasing – Dan Dotson  
Releasing – Nikki Chiaramonte  
Releasing - Cole Chiaramonte  
Appointing – Tyler Romeril  
Appointing – Eric Heaton  
Appointing – Jennie Hendricks  
Appointing – Jaden Reardon  
Appointing – Martine Vickers Barker

**Historic Downtown Economic Committee**

Releasing – Maria Twitchell  
Releasing – David Johnson  
Releasing - Donn Jersey  
Releasing – Nikki Chiaramonte  
Releasing – Jennie Hendricks  
Releasing – Evan Vickers  
Releasing – Mark Baruffi  
Appointing - Kaylee Pickering  
Appointing - Jennifer Wilson  
Appointing - Jessica Kinsey  
Appointing - Jaden Reardon  
Appointing - Mirryn Morrill  
Appointing - Brooke Twitchell  
Appointing - David Whitmore

**Library Board**

Releasing – Mona Woolsey  
Releasing - Heather Mumford  
Appointing - Hannah Melling  
Appointing - Lisa Pellegrini

**Leisure Services Advisory Board**

Releasing – Christy Hugh  
Releasing – Christy Florence  
Appointing – Melina Burgess  
Appointing – Kylee Law

**Planning Commission**

Releasing – Ray Gardner  
Appointing - Wayne Decker