

**COUNCIL MINUTES**  
**JULY 31, 2024**

The City Council held a meeting on Wednesday, July 31, 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; Carter Wilkey.

**EXCUSED:** Councilmember Ronald Riddle.

**STAFF PRESENT:** City Manager Paul Bittmenn; City Attorney Randall McUne; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Kent Fugal; Police Chief Darin Adams; Fire Chief Mike Phillips; Public Works Director Ryan Marshall; Economic Development Director David Johnson.

**OTHERS PRESENT:** Ann Clark, David Hopper, Brett Taylor, Heidi Rugg, Mike Smith, Roger Thomas, Tyler Romeril, Ryan Bjerke, Tom Jett, Wendy Green, Heidi Hailstone, Annie Gibson, Dalla Buckner, Sara Penny.

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

**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:** ■ Mayor – we had a good meeting Monday with SkyWest Airlines, they will be bidding on the Essential Air Service (ESS) for two flights, for a morning and evening flight, they are due tomorrow, we were assured it would be a better schedule. As far as a third flight we will have to negotiate, I would like a nod that Mr. Phillips and I can negotiate a third flight and it will involve money. **Phillips** – their bid is 12 flights a week. We talked about 3-4 months a year depending on the load factor for the third flight. We want to know if there is an appetite to look at that. **Cox** - at what cost? **Mayor** - we don't know. The pilot situation is changing, and they seem interested. **Wilkey** – is there a way to get the 3<sup>rd</sup> flight to go somewhere else. **Phillips** - it won't be Las Vegas. **Mayor** - it could be Los Angeles. It will have to be where Delta is a hub. There is a lot to it, we will have our ESS. I also looked at the construction, they are putting big bolts in the ground, it is mostly excavation and footings at this time. I sense that we should proceed. **Mayor** – I would like to comment on the Osmonds July 24<sup>th</sup> presentation, the place was packed, they were sitting on the grass and standing, it was an amazing evening, there was a presentation of the history, my son said he learned more about Cedar City than he ever knew. There was a firework show at the end. They will be back next year. It is an expensive show, the Osmonds know how to entertain. **Cox** - it was phenomenal, it spotlighted Cedar City and Utah in general. **Mayor**- when they talked to me, I told them we didn't want a Washington County show in Cedar City. On another note, some have been in the American Prep Academy, the inside is done, they will be encouraging people that want to see what happened to a sheep shed to come and tour and see what happened, the floor in the gym is not done, the building is not square, plumb or level, I took Scott and showed him everything in the walls, there are 5 miles of computer cables in the building. The school people are setting things up but come and see what they did with the

sheep shed tomorrow from 1-6 p.m. School is starting late, the employees will come on time, but they will go to Salt Lake to see how it is done, and then the school will start a week later than public schools. They have 9 classrooms, a gymnasium, 2 outdoor basketball courts, playground equipment and artificial grass. ■ **Phillips** – there are a few properties in Cedar City that need attention, the Annie Apartments, they cut down the trees, now all the succor trees are coming up, the lawn is dead and looks terrible. Also, 1550 W 200 N, across from the Ramada Inn, a few neighbors have called me, the property looks horrible. My second item is the south main streetlights. **Kent** – the problem they are working through is the light fixtures are not going to work in the proximity to the power line so they are working on an alternation and different equipment to the poles to pull it away from the wires. **Phillips** - it won't be the same pole. **Kent** - they will be a little different, they are working to overcome the issue, there are code requirements that are driving the change. ■ **Wilkey** – we had a minor earthquake; do we inspect our buildings such as the parking structure? **Paul** - there is not any visual damage, we don't have set protocol, we have managers of each building, and they are expected to look around and if we need a structural engineer to look at a building we will. **Wilkey** - where are we on Right Hand Canyon well and out north? **Mayor** - Right Hand Canyon, they will put a pump in this week and pump for 3 days to see the volume, we haven't done quality or volume yet. Out west, they changed the rig, it is massive, it is 33-36 casing and a 24" hole going 620 feet, the further we go down the more arsenic. There are 200-300 feet of screen, they are drilling and getting 100 feet a day, they will start test pumping within weeks, they go faster than Jay, this is Mud Springs. I left before I heard about Iron Springs. Nothing new on Iron Springs. ■ **Paul** - the week of September 9<sup>th</sup> this meeting will have to move to retrofit the sound system, normally we go to Festival Hall, we will work with Jason and let you know. ■ **Patrol Parking Expansion**. Chief Darin Adams: **Chief Adams** – this was approved in the budget, as we grow, we find it harder to have parking for on duty officers, the proposal is attached as Exhibit "A". We will remove concrete that is chipping away and add a 6<sup>th</sup> spot and then 3 parallel spots and leave a sidewalk for pedestrians. The motorcycles will be able to park there also. We will take the curb on the other side and follow the sidewalk also. **Phillips** – will the sidewalk still align to the walk to Main Street? **Darin** - yes, we will cut the seam and put in a new curb. Each stall will say on-duty police parking. **Phillips** – this will fall within budget? **Darin** – yes. **Melling** – I like not putting curb and concrete in front of that parallel parking. **Wilkey** - will they use the spots to back in before the parallel spots? **Chief** - it is more convenient and would be the preference. On Thursday's and Friday's, we have 8-9 officers on duty. **Wendy Green** - during election will the parallel parking be open for voting. **Paul** - the County Clerk is working with Jason Clark at Heritage to move elections to the lobby of the Heritage Center.

**PUBLIC COMMENTS:** ■ **Tom Jeffcott** – Pastor of Valley Bible Church, we are thankful to have a building after the fire last Sunday. I was so impressed with all the men and air support. I did not understand all the people there. **Chief Phillips** - we had the Cedar City Fire Department, State Forestry, BLM and Federal Aerial Resources, UHP, Sheriff Office, Enoch City Police and Enoch Public Works. **Pastor Jeffcott** – read Exhibit "B" and presented it to Chief Mike Phillips. ■ **Heidi Rugg**, State Program Director for Youth Futures – we are a non-profit here in Cedar City. We provide safe shelter, collaborative resources, respectful guidance, and diverse support to homeless, unaccompanied at risk and runaway youth. Our program currently provides services for 16 youth in our home, we have a 12-bed shelter, and a 9 bed transitional project for our kids. We provide shelter, food, hygiene, clothing, resources, case management, transportation, therapy including individual and family. We

provide comprehensive life skills, and it just added a healthy relationships course to help prevent out of wedlock pregnancy. We also encourage drop-in services in ongoing after care. Some members we have been able to provide here in Cedar City, in 2023 we were able to support 104 youth in town with 2,400 nights in our shelter. We served 2000 meals, 18 of our kids of that 104 reported being trafficked for either sex or labor, and 39% or 39 of those kids' reported suicidal. In the first half of 2024 we have been able to serve 55 youth at a total of 900 nights, 1,200 meals have been served so far this year. We have provided 527 kids with drop-in services every day and 161 life skills in groups to those kids. 36% of our kids this year have reported being trafficked and 30% of them with suicidality. It is a big job; it is a big deal. 23-24 school year in Iron County the number has gone down, there is 365 kids registered as homeless in our school district. The State of Utah this last year gave us a number of just over 15,000 students statewide registered as homeless from kindergarten to senior. We are currently not qualified for the city mitigation funds, we would have to have 25 beds available for our homeless services, we have 12 here and then our nine-bed transitional. I am here to ask the council to consider an immediate donation of \$25,000 to keep our doors open as we wait for our state funding to come through in another 3 weeks. I currently have 16 kids that I don't want to put on the streets. **Phillips** – you are saying funding will come through? **Heidi** – yes, it will come September 1<sup>st</sup>. We have been bridging for two months, it has been a slow run, it was supposed to be available July 1<sup>st</sup>. **Phillips** – I know firsthand working with the Homeless Council the great work you do and the services you do provide and I appreciate that very much. I don't know what we can do, our budget year has already started, we will have to look into this. **Cox** – how can the public contribute? **Heidi** - Youthfutures.org, we have a Venmo under @youthfuturesutah. **Phillips** – it would go to this shelter as opposed to the one in Ogden. **Heidi** - we have Ogden and St. George, but this is just for this shelter. **Cox** – there is one here in Cedar? **Heidi** – yes, we purchased the Anniversary House and have a location off 100 West in Cedar City. **Cox** – everyone is in a budget pinch, there is a lot more need, so we are really looking to the community to help in that regard. There is a fundraiser gala. **Phillips** – there is a GALA in September and a golf tournament for Iron County Care & Share. **Wilkey** - how much did we include in our FY 25 budget to give to Care & Share and Children's Justice Center organizations? **Jason** - \$15,000 each. **Wilkey** - we need to see if we can add this organization. **Paul** - Canyon Creek, Care and Share, CJC, Scholarship fund at Southwest Tech and Family Support Center. **Heidi** - we provide services to all of those. **Paul** - you need a bridge for a month. **Cox** - is there anything people can do other than money? **Heidi** - perishables foods, milk, eggs, butter, fruit, etc. we have staff 24/7 to accept donations. **Wilkey** - had this been 3-4 months ago we would have tried to include them in the budget, can we do anything. **Paul** – we have to amend the budget which requires a 14-day notice which is in late August, I don't know if that would meet your needs. Aug 28<sup>th</sup> would be the quickest the money would be available. **Phillips** – the money for the other organizations is an annual thing. **Wilkey** - this would be a one time and then annual. **Mayor** – if this was on the agenda, we would have more discussions. **Cox** – I think we can get some public support in the meantime, I will give \$1,000. **Mayor** - I will also. Roger Thomas will give \$1,000. Others in the audience committed to give \$1,000 and \$2,000, Phillips will give \$1,000, Carter did \$500. VENMO @youthfuturesut, that goes to the central office, put a note go to Cedar City. ■ **Ann Clark** – the Pioneer Day Celebration was fabulous with the Heritage; this is why we need to protect the history. Our general plan is the job of the City Council and County Commission to protect the historic districts. The problem has been years and many councils without a backbone or political will. Look at the Maverick on Main Street and the SHD zone. We need to do something now. We are coming up with these

guys to the north, they are amending the general plan, you do that for developers, but we don't do much to preserve the historic downtown or neighborhoods, has the SHD zone done what we wanted. We spent a lot of money to do what the public wanted, and we aren't doing that. I am begging you to come up with more than let's be good neighbors and think of what we can do to protect. We will have to change some ordinances and I know we have to change it sometimes. ■**Kevin Rowley** – we have trouble on 1400 West with speeders, Moreton Metal, people driving like they are going to a fire, we need someone to stop them. We have a bunch of little guys that play in the street and one of them will get killed. **Phillips** – is this on the street itself? **Kevin** - yes. I tried to talk to Darin, he has been too busy, we need a cop down there for a week. These people work at Moreton Metal. ■**Jessica Michael** - I live on 1400 West, I have almost got hit taking my garbage cans out. We don't have sidewalks on my street. It is a danger zone for our kids, there are a dozen kids on that one street. It is usually during shift change. We holler at people to slow down and all we do is get flipped off. **Phillips** - has anyone spoken to Moreton Metal? **Wilkey** – it is Align now. **Gary Harrell** - my son goes to school and almost got run over. I chased a kid down the road, he was sideways going around the turn. The street is narrow. The rumble strips on the highway, I will pound them down in the street if someone would provide them to me. **Chief Adams** - me and Mr. Rowley spoke, we have made some effort, we put a speed trailer down there. It has been a year since Officer Hill was down there. We will reinforce those efforts. We will find another trailer or an officer speed back sign. **Mayor** - I will talk with Cory Judd, the CEO of the company. ■**John Medinas** –I am on 4200 and Center, the Iron West area they opened the street, a lot of kids playing, there are quads and motorcycles in the fields that come out and speeding. Can you put speed bumps, or a 3-way stop, kids are playing and having fun. There is an open field where the kids play. The motorcycles race on that street. The soccer field will bring a lot more vehicles out there. **Paul** – Kent will look at the area. ■**Dan Camp** - 443 S Glen Canyon Dr – I am a lifetime resident, I have been in public service for 20 years at the State level, and I want to thank each of you for your service, because I know sometimes it's just thankless. I notice many improvements to Cedar City, recreational opportunities at the Lake on the Hill, improvements to infrastructure and I'm sure there have been many more that I have not seen. In 2019 I purchased 2 lots on Cody Drive directly above my current home, I immediately cleaned up the lots, sprayed for the weeds and built bike trails for my kids to play on. In 2021 a devastating flood hit Sunset Canyon, this destroyed my family's work on the lots and ruined the front landscaping of my home, but this was so little compared to many others. The community and local officials came together to rebuild what had been broken. In 2023 the city decided to upgrade the drainage on Cody Drive, this update was very appreciated. The construction caused endless dust, the constant noise of heavy equipment and no communication from the contractor or the city about closing down my sidewalks and access to my property. It was frustrating, but being involved with construction my entire life I asked my family, we need to be patient as this is going to be for the best. Soon after construction started the properties above my home began to be used as a staging area, and the sidewalks and heavy equipment and dumpsters parked on them and dragged on them was just constant. The sidewalk and curb began to crumble and crack beneath the stress of improper use. The concrete was not designed for this heavy use, I poured concrete for 15 years, I am very aware of what it can withstand. Having concerns I reached out to the Mayor and City Manager on May 19, 2023 and have not received a response, and more damage and zero communication continued. I talked with a man towards the end of the project that claimed to be the owner of the company working on the project, he said they would make it right, I have not spoken to or seen that contractor again. This is one

reason there has been a delayed response from me thinking something will be done eventually. Now another construction project on Cody Drive, a sidewalk being added, we love it, my neighbors love it, we are very appreciative of the insight of the city to do this, we know that there is a lot of walkers, thank you. In the same area the city is adding a sidewalk, only feet away they destroyed a connecting sidewalk, so my confusion is why the city would work so hard to improve the sidewalk situation on Cody Drive when they just allowed a contractor to destroy what will soon be a connected sidewalk. I have pictures and timelines, I have sent to the City with no response. **Melling** – the contractor used your property as a staging area? **Dan** – yes, and I have pictures. The sidewalk that is torn up is not on my property. We take pictures before and after at the University and then we hold the contractor responsible. **Melling** – I would assume we have a staging area in the contract? **Kent** - it is left to the contractor, but they are supposed to get permission. If we have property in the area, we will volunteer to let it be used, if not, they are left to work that out with a property owner. **Dan** - we were gone for a weekend and came back to the power and water being hooked up to my home. **Wilkey** - who owns the sidewalk? **Paul** - we do. **Mayor** - but the owner gets to repair it, the builder puts it in.

**CONSENT AGENDA (1) APPROVAL OF MINUTES DATED JULY 10 & 17, 2024; (2) APPROVE BILLS DATED JULY 19, 2024; (3) CONSIDER A LOCAL CONSENT ALCOHOL PERMIT FOR PORKBELLY'S, 565 S. MAIN. JAMES & KAREN THELIN/CHIEF DARIN ADAMS; (4) APPROVE A VARIANCE TO THE ENGINEERING STANDARDS FOR ACCESS LOCATION FROM CANYON RANCH DRIVE. MIKE PLATT/KENT FUGAL; (5) APPROVE AN EXTENSION OF VESTING PERIOD FOR SHURTZ CANYON PUD PHASE 1 (TIPPLE ROAD). CHOICE LIFESTYLES/RANDALL MCUNE; (6) APPROVE FILING A DECLARATION OF BENEFICIAL USE FOR WATER USE GROUP 603570. MARK MEISNER/JONATHAN STATHIS:** Councilmember Phillips moved to approve the consent agenda items 1 through 6 as written above; second by Councilmember Melling; vote unanimous.

**CONSIDER AN ORDINANCE FOR A ZONE CHANGE FROM CENTRAL COMMERCIAL (CC) TO DWELLING MULTIPLE UNIT (R-3-M) FOR PROPERTY LOCATED AT 266 N 300 W. GILES/GO CIVIL/RANDALL MCUNE:** Dallas Buckner, Go Civil – this is for a small parcel, and it conforms with the general plan, nothing has changed.

Councilmember Phillips moved to approve the ordinance changing the zone from CC to R-3-M for property located at 266 North 300 West; second by Councilmember Melling; roll call vote as follows:

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

**CONSIDER A RESOLUTION APPROVING THE ALLOTMENT OF RAP TAX FUNDS AS RECOMMENDED BY THE ARTS ADVISORY BOARD. JOANNE BRATTAIN/PAUL BITTMENN:** Councilmember Melling moved to approve the

resolution approving the allotment of RAP Tax Funds as recommended by the Arts Advisory Board; second by Councilmember Cox; vote as follows:

AYE            4  
NAY            0  
ABSTAINED 0

**CONSIDER A RESOLUTION APPROVING THE ALLOTMENT OF RAP TAX FUNDS AS RECOMMENDED BY THE PARKS & RECREATION ADVISORY BOARD. LEN BADERTSCHER/PAUL BITTMENN:** Councilmember Wilkey moved to approve the resolution approving the allotment of RAP Tax Funds as recommended by the Parks & Recreation Advisory Board; second by Councilmember Cox; vote as follows:

AYE            4  
NAY            0  
ABSTAINED 0

**CONSIDER AN ORDINANCE AMENDING SECTIONS 26-XII-1(A), 26-IV-15.4(4)(B), AND 32-5(C)(2) PERTAINING TO NOTICING REQUIREMENTS. TOM JETT/RANDALL MCUNE:** Phillips - this is a 10-day mailing. Randall - with a certificate of mailing but not certified mail. Melling - how does this impact the timing of the public meetings. Randall - it depends, 10-days is a minimum for the State. If you wait to the last minute, it may delay. Melling - it doesn't add to the number of items? Randall - correct, it is a little more time, but making it cheaper and easier. Cox - it was all over the place, and this keeps them consistent.

Councilmember Phillips moved to approve the ordinance amending Sections 26-XII-1(A), 26-IV-15.4(4)(B) and 32-5(C)(2) pertaining to noticing requirements; second by Councilmember Melling; roll call vote as follows:

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

**PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE OF UP TO \$14,000,000 OF FACILITIES REVENUE BONDS (THE DIXIE AND ANNE LEAVITT FAMILY FOUNDATION PROJECT) TO FINANCE THE ACQUISITION AND CONSTRUCTION OF TWO NEW STUDENT HOUSING RESIDENCE HALLS. TYLER ROMERIL/RANDALL MCUNE:** Mayor Green opened the public hearing. There were no comments. The hearing closed.

**CONSIDERATION OF A RESOLUTION PROVIDING FOR THE ISSUANCE OF UP TO \$14,000,000 OF FACILITIES REVENUE BONDS (THE DIXIE AND ANNE LEAVITT FAMILY FOUNDATION PROJECT) AND PROVIDING FOR RELATED MATTERS. TYLER ROMERIL/RANDALL MCUNE:** Melling - any changes. Randall - not that we had discussed, we are not taking any responsibility.

Councilmember Melling moved to approve the resolution providing for the issuance of up to \$14,000,000 of facilities revenue bonds (The Dixie and Anne Leavitt Family Foundation Project) and providing for related matters; second by Councilmember Phillips; vote as follows:

AYE	<u>4</u>
NAY	<u>0</u>
ABSTAINED	<u>0</u>

**CONSIDER WATER LEASE WITH RUSSELL LIMB. MAYOR GREEN:** Mayor – this changed a little, he was asking for 5-acre feet. There is a dust problem up there, the latest idea was 5-acre feet. When they got with the water people, with the haircut it will take more water. The way they structured it, we will lease them water we own, the idea is to get it transferred underground. We will charge them for the water used, it would be metered. It would be at the hydrant meter rate, it is 20% more than what they lease from Ashdown Gorge water. We would simply participate, we have the water, they need it. They have a well on site, they don't have to run a water truck and they pay us money.

**Paul** - Jonathan and I met with the State Engineers Office to see the number of shares we would have to use. The preliminary is 5 shares would get 4.9-6.9-acre feet of underground water. There is a method the State Engineers office suggested where we would not transfer those shares underground permanently but do a fixed time change application 5-10 years that can be renewed if needed. When the fixed time expires those shares revert to the original use in SW Field Irrigation and we don't lose flexibility of how we use them. **Melling** - I agree with that. What timeline are we looking at, is your project 10 years or 30 years. **Randy Clark** - at this time, and it is all based on what we get into, we get into and out of gypsum, we appear to have between 10-15 year in reserve, a 10-year change works well, it doesn't change the ownership, we are paying you as if we were pulling it from your line. It is not potable water. **Melling** - I care about the rate you pay less than the rights. **Paul** - SW Field Irrigation has to be a party to the change application; it would require approval from that board. **Wilkey** - how many shares does it take? **Randy** - 1 share of Southwest Field Irrigation water is equal to about 3.28 acre feet before you take the haircuts, then you take about a 40% drop for transferring from surface to underground and then you take anywhere from 30-50% drop, 40% is for the change in depletion, we take out 100%, irrigation is about 60%, so we take a haircut there, we take a haircut going from surface to underground, it turns out that one share is about one acre foot once we make the change. **Paul** - the 4.9-6.9 is the range for 5 shares, you take a haircut from surface to underground, they aren't sure if it is 50% or 70%. The use is 100% consumptive so you take another haircut, so the recommendation is to use 5 of our shares. **Randy** - We have some water from Ashdown's, it will be complicated if we meter water. If we use Ashdown's first or go through the year with Ashdown and then convert to just Cedar City and then we would need 12 shares. We don't want to overrun our allotment, that is the upper end, we need 12-acre feet. **Mayor** - you are saying to completely go with the City at the end of the year? **Randy** - yes, then we are not trying to figure whose water we are using. **Paul** - when does the lease with Ashdown end? **Randy** - I think it is April. **Paul** - that works for us, we can get a contract and then transfer the shares. **Wilkey** - I didn't think the city provided water for those outside the city limits. **Paul** - part of the ordinance says we don't provide outside the city limits; the council can make exceptions. We did for the RV Park up the canyon, Hamilton Fort, there are a few other

small contracts. **Mayor** - is the Southwest Field water year-round? **Paul** - no, March to October, the State says based on the shares we withhold, Southwest Field would have to agree to take that much less out of the creek. Southwest Field has done this for three others up the canyon. **Phillips** - we first said 5-year lease, now we say 10 years. **Paul** - I say 10 years and then renegotiate and do a fixed change application. **Randy** - When I wrote the letter, I didn't know about the 10-year thing, that works better. We would change the water to put it in your well and charge you for the use. **Phillips** - 10 years is a long time, you need to look at the current rate. **Paul** - the contract would say they will pay the hydrant rate. **Wilkey** - how many shares do we have? **Paul** - about 220 or 230 shares. **Mayor** - and we don't use them. **Randy** - there is no delivery cost so we hope you will consider that in the rate. **Paul** - we have a cost in Southwest Field water, they raised their rates 3 times in the past 7-8 years. **Melling** - can we have an open offer built in, since we are not delivering or chlorinating, the fees be waived if they convey the surface water to us? **Paul** - if they convey water to us, we should file a change application and terminate the contract. If they have water rights, they could use then why are we supplying the water. **Melling** - I would rather get 6-acre feet forever than a little bit of cash. **Paul** - we would still charge them to use our water, we charge them up front for water right fees and then for use. **Melling** - we only have paper water. **Wilkey** - the water you have from Ashdown is not all the water, you still have to truck some water? **Randy** - that is all we are using, but it is not enough for what we need. **Wilkey** - I want our aquifer to benefit this. **Mayor** - if we don't get this, they get water in the valley and truck it up. **Cox** - they provide the pump, water and delivery and not trucking up the roads. **Wilkey** - do we need a non-potable and potable price. **Melling** - I agree, that hydrant rate is what? Since it is not part of the system. If you need 12 shares to make it work, let's provide it and make it work. **Paul** - say if you want to proceed and we will draw up a contract and go to Southwest Field. I think it will meet the timeline. **Randy** - we may need it before that time, we may be over on our usage.

**CONSIDER A LOCAL CONSENT ALCOHOL PERMIT FOR THE GENERAL DISTRIBUTING COMPANY, 904 AVIATION WAY. CHIEF ADAMS: Mike Smith** - there is a purchase agreement with Bald Eagle Beverage, a local distributor next to Cedar City Coca-Cola. I am the GM for them, after the purchase I will be the GM for General Distributing, they are a large company out of Salt Lake. They will lease the building for as long as it takes to purchase property and build a new building. **Cox** - they are taking Bald Eagle over. **Mike** - yes. **Chief Adams** - we have conducted the background check, and all is in order, we give a positive recommendation.

Councilmember Melling moved to approve the local consent alcohol permit for The General Distributing Company; second by Councilmember Wilkey; vote unanimous.

**CONSIDER AN ORDINANCE FOR A ZONE CHANGE FROM ANNEXED TRANSITION (AT) TO CENTRAL COMMERCIAL (CC), DWELLING MULTIPLE UNIT (R-3-M), AND RESIDENTIAL NEIGHBORHOOD ZONE (RNZ); AN ORDINANCE FOR A GENERAL PLAN CHANGE FROM LOW DENSITY RESIDENTIAL TO CENTRAL COMMERCIAL AND HIGH DENSITY RESIDENTIAL; AND A RESOLUTION FOR RELATED DEVELOPMENT AGREEMENT PLACING CONDITIONS ON THE REQUESTS FOR GENERAL PLAN AND ZONE CHANGES FOR PROPERTIES LOCATED IN THE VICINITY OF 3200 N CANYON RANCH DRIVE. ESPLIN LAND HOLDINGS/ ALLIANCE**

**CONSULTING ENGINEERING/RANDALL MCUNE: Wilkey** - isn't the Development Agreement leaving the general plan at a low density? **Randall** - yes. I left the language since the low-density recommendation was from a single council member. **Bryce Saddler** - we changed to 1411 units and kept that 50% increase that you suggested and put everything into there, and changed to more RNZ and reduced the R-3 high density. **Melling** - the number provided for the R-3 units is 546, I remember we were talking that would be closer to 470 units? **Bryce** - when messing with the RNZ units, it is almost impossible to get the units in there. **Melling** - you can do single family in R-3-M. **Wilkey** - my biggest concern still is you talk about we need high density (HD) our general plan has high density, and we give the developers that where it is called for. If we give HD to those where the general plan calls for HD and those that say low density, then we have no low density left. Today I had a person that is a potential developer that said if you give it to the Esplin's tonight then I hope the city gives it to me when I come in also. **Bryce** - I understand. The State legislature wants more density. The area this is so far out that it is not affecting the city. **Cox** - it is mixed density, so it is almost the same unit count. **Bryce** - we added more commercial in. If you don't bring residential the commercial won't happen. **Wilkey** - I was at ULCT when the Governor talked, and we have areas already designated high density so why do we need to take the areas that are designated for low and turn them to high also in our city. **Bryce** - as I looked at how your city has grown, it is about 1,200 to 1,400 people a year over the past five years, so something like this would actually fit in those parameters to help the city grow at that rate, it's not like this is all of a sudden going to explode and your are going to have 1,400 doors tomorrow, this is a 10-15 year project. It all comes down to affordability which is why we added so many single family lots of 3,500 and then kept those ¼ acres so we could have low density as well. In the high density there could be 8-plexes and townhomes. Everything has changed in the last 5 years. **Melling** - I share some of Mr. Wilkey's concerns, but we don't have a lot of high-density areas planned, we really didn't do our job last time we did our general plan, we should have identified more places for high-density that we didn't, and now it is \$300,000+ per acre for high density because there isn't enough to meet 3-4 years demand. One in three housing units is high density. Anyone that has lived in a real city knows that townhomes are not high density, but for here it is. Everyone that has a single-family home owes their tax rate to people living in townhomes or apartments, without that we would have to double taxes. You are putting half of your units in a small area and the plows are running in the large areas. How is the unit count drafted, by zone area or by housing type? **Randall** - how it is worded is the overall density is 1,411 not more than 546 R-3-1 and R-3-M residential dwelling units and not more than 865 RNZ residential dwellings, that is the wording, if you want to change the numbers, it is an easy change. **Melling** - I would add one more change, not in the overall number of units, but in the R-3 area that is say not more than 470 multi-family units. You could still put single family units in there, or if you needed to transfer them across lines you could. If not more than 470 multi-family units then you can take off the caps in the others and they can trade density across those lines. **Bryce** - can we get rid of ¼ acre lots on the perimeter? **Melling** - that would be an ordinance change. **Wilkey** -there is nothing in the development agreement that says it has to be ¼ acre lots. **Randall** - as long as it meets the RNZ zone, the largest we are requiring is 7,000 square feet, the ¼ acre is great, but it is not required. **Melling** - rather than a cap on each, cap the 470 multi-family and the single-family units, if they have spare space in R-3 area they can put single family. **Cox** - the optimized use. **Melling** - single family is detached. **Randall** - twin homes are considered single family, it is about the ownership. **Melling** - that way the unit count is still within the parameters. **Phillips** - I wish you were the

developer. It is a gamble I am not comfortable with. **Bryce** - the development agreement is transferrable. **Cox** - my concern is more of the general plan infrastructure, and if it supports this. What they do with their land I think they have a right to do. We have to be concerned with infrastructure, and we met what we did with the general plan study. **Wilkey** - is there a max on the general plan. **Melling** - not everyone builds to the maximum. **Wilkey** - is there a 50% buffer. **Randall** - they build it to have the area to develop to the maximum. Two things to note, the Development Agreement has 1,411 as the total development allowed, including commercial, which could include some residential. Second, we do have that they cannot exceed 941 without coming through and showing the studies. What if they sell this and the first person develops to 941. **Randall** - the whole area is one chunk, when they hit the 941, we will stop them until they do the study and will have to get us there. We may never be ready to take the 942, they will have to show that. **Bryce** - that is what it could be without us doing anything.

Councilmember Melling moved to approve the ordinance changing the zone from AT to CC, R-3-M and RNZ, leaving the general plan as low density, the commercial be amended to CC and that we approve the related development agreement with the changes discussed with the multi family unit cap at 470 and total cap at 1,411, with the length of the development agreement being for 20 years, for property located in the vicinity of 3200 N. Canyon Ranch Drive; second by Councilmember Cox; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	NAY
Carter Wilkey	-	NAY
Mayor Green	-	AYE

**CONSIDER A PROPOSED TRANSPORTATION MASTER PLAN AMENDMENT  
IN THE VICINITY OF CANYON RANCH DRIVE FROM MAIN STREET TO  
APPROXIMATELY 3200 NORTH. ESPLIN LAND HOLDINGS/ ALLIANCE  
CONSULTING ENGINEERING/RANDALL MCUNE:**

**Wilkey** - I think we need to leave it 100 feet. **Phillips** - what does that do to Terrible Herbst and 2<sup>nd</sup> East? **Paul** - they are vested, if you go to the other side of the street you will have to shift that street to the north, it gets really messy. **Wilkey** - the current shows 75, this goes to 100 feet. **Melling** - would it be better to start at Wedgewood and go from there? **Kent** - the traffic supports the 100 feet considering other things will happen in this area. We understand we have 75 feet where it is already developed, that doesn't mean we don't do what we need to do moving forward. I would designate 100 feet all the way even if we only get the additional width on one side even if it is not the entire width in that area. **Melling** - the intersection of Main and Canyon Ranch, if we add 25 to the east side of the road, the roads won't align. **Kent** - the property across from Terribles, will it make sense to go the full 25, possibly not, we will look at the intersection, we may end up with a total less than 100 feet, but in the future, we will deal with what we have to do. **Melling** - the owners are not here. **Wilkey** - Dan Roberts was at Planning Commission. **Wilkey** - it may be 12 or 25 feet, but it devalues that property if they sell it. **Randall** - we did that on Old Hwy 91, we allowed them to transition, the property not yet developed have to get it to the 100 feet. **Wilkey** - that is the problem taking it all the way to Main. **Melling** - what if the master plan amendment was to 87.5 from Main to Wedgewood and then 100 Feet. **Randall** - you have done that before. **Paul** - we don't have that road

section backed up in the standards, so we don't know what to do with it, we don't know what an 87.5 cross section looks like, and it would look strange if I was a land use counsel.

**Randall** – the study our applicants paid for, says the 100-foot need will be there. **Paul** - it is an exaction from the property owner, if we have an anomaly of 87.5 it makes it hard to defend. **Wilkey** - we could table it and create a new engineering standard and create a new width. **Cox** – if it shows the 100 feet, we plan for it, it isn't new for the city to devalue or up value a property. We do it all the time with zones. If the 100 feet is what gets us there in the future, we need to do that. **Phillips** - I agree. **Bryce** - one thing we learned with the study, the intersection is UDOT, and they would be required to purchase the land. **Paul** - they only do that in the N/S alignment, the east and west is on the city.

Councilmember Cox moved to approve the ordinance amending the transportation master plan in the vicinity of Canyon Ranch Drive from Main Street to approximately 3200 North to 100 feet; second by Councilmember Phillips; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	NAY
Scott Phillips	-	AYE
Carter Wilkey	-	AYE

**CLOSED SESSION – PROPERTY NEGOTIATIONS & PENDING LITIGATION:**

Councilmember Phillips moved to go into closed session at 7:33 p.m.; second by Councilmember Melling; roll call vote as follows:

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

**ADJOURN:** Councilmember Wilkey moved to adjourn at 7:58 p.m.; second by Councilmember Phillips; vote unanimous.

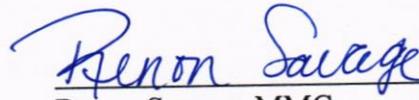
  
\_\_\_\_\_  
Renon Savage, MMC  
City Recorder

EXHIBIT "A"  
CITY COUNCIL – JULY 31, 2024

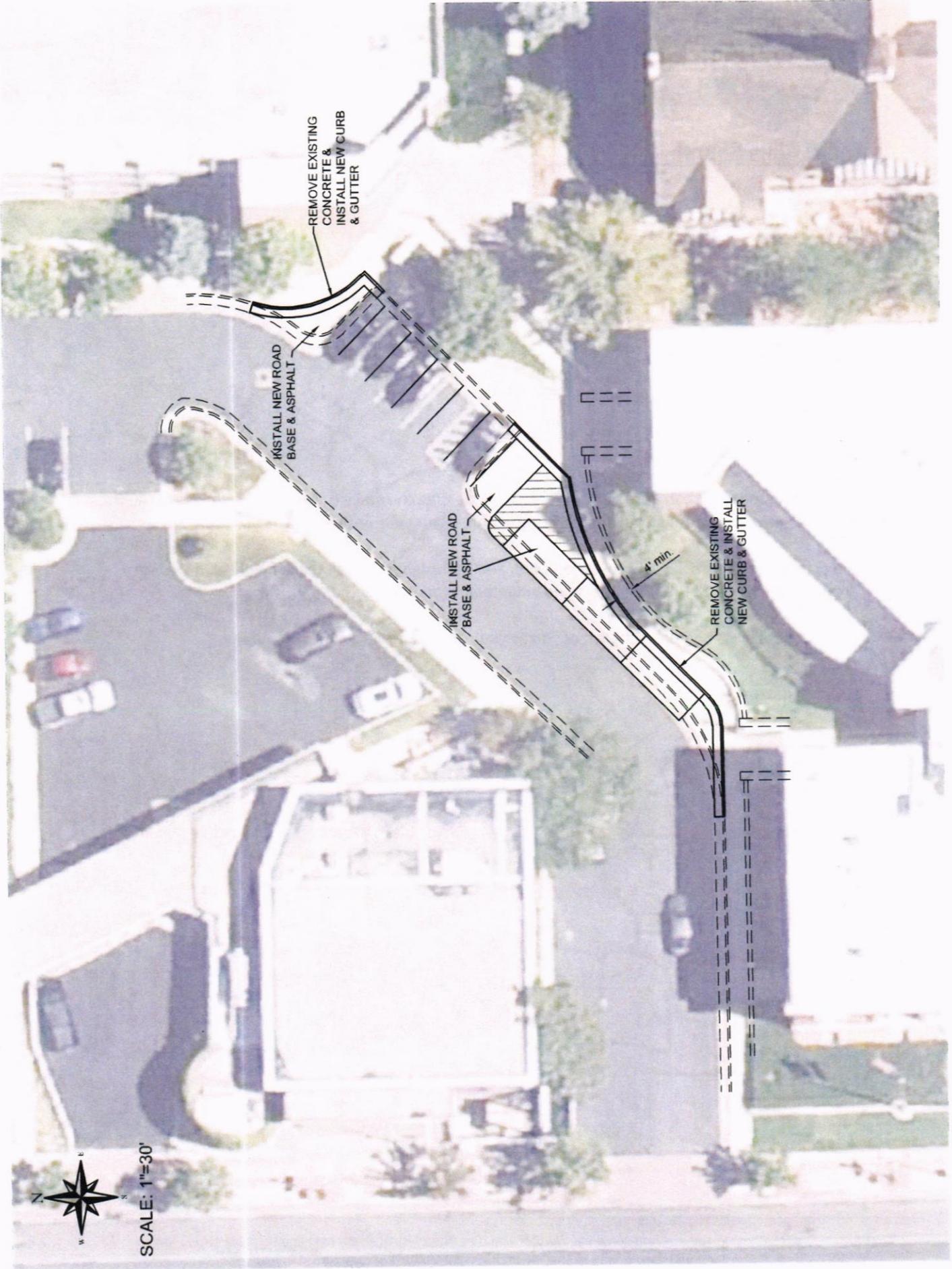


EXHIBIT "B"  
CITY COUNCIL – JULY 31, 2024



**Valley Bible Church**

*Connect · Grow · Serve*

PO Box 1221, Cedar City, UT 84721

Church: (435) 586-0253 ❖ [www.vbcfamily.com](http://www.vbcfamily.com)

July 29, 2024

Fire Chief Mike Phillips  
291 N. 800 W.  
Cedar City, Utah 84721

Dear Chief Mike Phillips ,

I am writing today on behalf of our entire Valley Bible Church Family to express our thanks for all the efforts to protect our building from the fire that threatened our property yesterday, July 28<sup>th</sup>.

We appreciate the efficiency, professionalism, and thoroughness of all those involved. It was very encouraging to see all the firefighters and volunteers working together in this way.

May our Lord bless and protect each of you as you continue to serve our community.

Sincerely,

Pastor Tom Jeffcott

Pastor Blake Meyer