

COUNCIL MINUTES
AUGUST 28, 2024

The City Council held a meeting on Wednesday, August 28, 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 Kent Fugal; Police Chief Darin Adams; Fire Chief Mike Phillips; Fleet Manager Corey Childs; Airport Manager Tyler Galetka.

OTHERS PRESENT: Tom Jett, Ann Clark, Meri Pryor, David Mineer, Pastor Bob Sharp, Wendy Green, Tyler Romeril, Zach Adams, Ryan Turk, Bob Platt, Phil Schmidt, Jeff Richards.

CALL TO ORDER: Pastor Bob Sharp of the Trinity Lutheran Church gave the invocation; the pledge was led by Jason Norris.

AGENDA ORDER APPROVAL: Councilmember Phillips moved to approve the agenda order for the action meeting moving item #7 from consent to action and also approving the amended work agenda; second by Councilmember Melling; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■ **Mayor** I am going to read a few letters that I want to read regarding the police department. See attached as Exhibit "A". **Zach Adams** – we couldn't do that without our police officers in the city, we are small and are in three counties, we rely on all the deputies and patrol officers in Cedar as well as all the jurisdictions, they help us with search warrants and all kinds of things, without them that wouldn't be possible. Agent Ryan Turk is here with me; he is my right-hand man. **Phillips** - how and why were you selected? **Zach** – it is off stats. The amount of money and assets we seized. We were against major gang task forces. Utah County has 30 guys and seized 110 guns and we had 2 guys and seized 104 firearms and assisting UHP on their loads. It comes down to stats. What we do per capita is impressive. **Mayor** – there is also a letter from Lisa Haring about Officer Hottell that I will read. Attached as part of Exhibit "A". **Phillips** – it speaks to the kind of officers we have. **Mayor** – this morning Jonathan and I sat in a meeting with Utah Water Quality, we got an additional grant of \$297,000 for the cloth filter gadget. The well below Milts has not performed well, low turnout and the TDS is 1500. We were going to drill several small wells, right now we pulled off of that project. We are getting good reports Del Norte (Mud Springs), the rig is pulled off, the pump truck will be here to start pumping on the 4th. **Phillips** - are we abandoning the canyon project? **Mayor** - the one below Milts, yes. **Melling** - that was going to be the easiest one. **Mayor** - Last week when I brought up the pond at Iron Springs, you said we want the one that was the largest, I left not knowing which one we wanted. **Wilkey** - I wasn't here, but the idea is the water will go into the collection and drainage pond and then to the irrigation pond. **Mayor** - that pond would be built by Mr. Burgess, he wants to put a pivot out there, he wants three or four sources of water to put in that collection pond. We want to drill a well and put water in it from some of his rights to keep his property in the green belt. We have a large amount of Coal Creek Irrigation, we got some from him that we think we can bring down and put in that pond, we also have other irrigation rights and the WWTP water type 1 that can be put in at Airport Road in Coal Creek at U-56 to the pond, that pond will go up and down and will get the runoff from his subdivision. We will use that as a collector and move water to our pond when needed and water our grass from that pond. That becomes more esthetic in nature. We need to have a deep enough pond to keep the fish alive and have it for recreation. **Wilkey** - does Coal Creek go to the South? **Mayor** - yes, but it serves the Leigh farm. **Wilkey** - why pull it off Hwy 56 if we can pull off that pond. **Paul** - because we would have to go over a big berm that would have to be pumped if we come off Hwy-56 it would gravity flow. **Mayor** – there is a drainage to drain his subdivision and have a collector, that won't handle our irrigation

water. There will be another culvert along the side of that to bring the irrigation water off 56 to the pond. The Hwy 56 water will be irrigation water and the WWTP water will be culinary. **Wilkey** - do we own this property? **Mayor** - where the pond is going, we do. **Paul** - the boundary of our property is shy of the west end of the pond. **Mayor** - he will deed more to us if needed. I don't know if the drainage pond will be ours or not. **Wilkey** - you want a design. **Mayor** - do you want to go that far west with the pond. **Melling** - do you care about the capacity of the pond, I wonder if we just follow where the eagle is, the capacity would be similar to what was discussed last week. If we are 12 feet deep that should give us 16-22-acre feet. **Phillips** - how deep is the Lake at the Hills? We have fish die when it is hot. **Mayor** - keep fresh water coming and going. **Melling** - the closer to hugging the banks the more room for ball fields. **Mayor** - one other item, we have the school district meeting Friday at noon in this room. **Phillips** - tomorrow night we have our Community Slow Roll as part of Active Transportation, this one will be at Iron Spring Elementary, it is stem night, they have the STEM team from the University and two high school STEM teams will be there. There will be non-profits there, we will be going around the walkway, it starts at 5:30, bring your bike, trike, your scooter or whatever you want, it is not a race, it is a slow roll, we will have water and Gatorade. We hope to have a good turnout, especially from the west part of town. We had the Youth City Council clean up last Saturday and cleaned one of the large flower beds at the cemetery and we picked up trash in the wind, they did a great job. As a reminder, we don't have a meeting next week because we will be at the Utah League of Cities and Towns meetings in Salt Lake. **Wilkey** - I want to thank the Chief for property that got cleaned up, I do have a concern with the one on Airport Road, there are 2 new cars and two couches piled up. **Chief Adams** - the gentleman we talked to has got most things out and asked for an extension. **Swear in** Sergeant Jake Hoyt and Police Officer I Gino Perez. **Chief Darin Adams** - we have newly promoted Sergeant Jake Hoyt when Orton retired and Gino Perez who is a new officer. **Jake Hoyt** - thanks for what you do for our department. We are getting good new officers. Here tonight is my dad, wife and kids. **Gino Perez** - I am coming from St. George Police Department, I am getting my masters from SUU, my wife Jeannie is here, she wants to open an animal sanctuary. I am grateful for the opportunity to come here and look forward to serving the community. I served just under 2 years with St. George and a few months with LaVerkin. Renon Savage administered the oath of office. Their wives pinned their badges.

PUBLIC COMMENTS: **Meri Pryor** - I was disappointed about the wellbeing survey; I want you to understand how important that survey is. In 2010 there was a Well Being book and the Intermountain employees had to study that book and we had conferences on that. In the survey a couple of things went down from 2022, they are safety and security, living standards and the satisfaction of Cedar City services, Building and Zoning and City Hall were on the lower scale. People that don't consider wellbeing end up at the hospital. A couple of things coming up will affect that. The gas station on Main Street, I was on a committee with Harold Hiskey and when you don't protect the downtown you lose the integrity. We had a lot of patients come to the hospital because of benzene, it is a cancer hazard. Gas stations have toxic fumes, increase in crimes, alcohol, toxic poisoning and the wind blows in Cedar City and will blow that to the City Park and Tiki Shack, that is an issue that will come up. I saw on the news a pedestrian was run over at the Maverik at the Bowling Alley, there are a lot of safety issues. The other issue is the impact of mining and the consequences there. I don't know how many reports you have studied, but they are important, the corner needs to be a historic site and I think it meets the criteria. It is a safety and wellbeing issue of the community. I spent 30 years at the hospital and have seen a lot of car accidents from that corner. **Phillips** - we are looking at the survey and are concerned about services going down and we want to focus on and improve. **Meri** - have you studied the traffic from Cache Valley Bank **Phillips** - UDOT has done that. **Meri** - the Inland Port will create more traffic with the trucks taking the mining to the trains.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED AUGUST 7 & 14 2024; (2) RATIFY BILLS DATED AUGUST 16, 2024; (3) APPROVE A SINGLE EVENT ALCOHOL PERMIT FOR THE CEDAR CITY ELKS LODGE ON SEPTEMBER 14, 2024. CANDACE

HOWES/CHIEF DARIN ADAMS; (4) APPROVE DISPOSING OF +/- 0.26 ACRES OF CITY OWNED PROPERTY IN THE VICINITY OF 2130 WEST HIGHWAY 56. AUSTIN ATKIN/PAUL BITTMENN; (5) APPROVE THE BID FROM MUSCO IN THE AMOUNT OF \$ 174,975 FOR THE IRON WEST LIGHT BASES. KEN NIELSON/ANTHONY PEARSON; (6) APPROVE AIP 051 ENGINEERING SERVICES, TASK ORDER AMENDMENT 1: TITLE VI PLAN FOR THE CEDAR CITY AIRPORT. TYLER GALETKA; (7) APPROVE AN AGREEMENT WITH THE UTAH WATER QUALITY BOARD FOR THE SOUTHERN UTAH REUSE GRANT PROGRAM. JONATHAN STATHIS; (8) APPROVE THE PROPOSAL FROM HANSEN, ALLEN & LUCE IN THE AMOUNT OF \$59,700 FOR THE MASTER PLAN STUDY FOR CEDAR CANYON. JONATHAN STATHIS; (9) APPROVE ENTERING A MEMORANDUM OF UNDERSTANDING WITH IRON COUNTY, ENOCH CITY, AND THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT FOR ONGOING FUNDING AND SUPPORT OF EFFLUENT REUSE PROGRAMS. PAUL BITTMENN: Wilkey - item #8 does that not include things for the well we are not going to use? Melling - can we authorize staff to narrow the scope. Mayor - we want them to give us more information. They know of our interest, but they will look at Martin's Flat to see how much water it will produce. We hope they have more ideas we haven't thought of.

Councilmember Phillips moved to approve the consent agenda items 1 through 6 and 8 and 9 as written above; second by Councilmember Melling; vote unanimous.

APPROVE AN AGREEMENT WITH THE UTAH WATER QUALITY BOARD FOR THE SOUTHERN UTAH REUSE GRANT PROGRAM. JONATHAN STATHIS: Paul - the original grant was \$1.3 million, the Water Quality Board sent money to a community outside of Delta to do work in Sherwood Shores and they said no thank you, so the Water Quality Board split that money between Cedar City and St. George, they want to do an amendment to add \$297,900 to our grant. Wilkey - does our match amount change? Paul - the project will be over \$4 million, so we will far exceed the match.

Councilmember Melling motioned to approve the contract and amendment; second by Councilmember Wilkey; vote unanimous.

CONSIDER A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT WITH LEAVITT LAND FOR THE IRON HORSE RDO, +/- 1,090.43 ACRES LOCATED BETWEEN IRON HORSE ROAD AND CROSS HOLLOW ROAD. TYLER ROMERIL/PAUL BITTMENN: Tyler Romeril, Development Team - nothing has changed since last week. Wilkey - I understand the sheep will be there in the spring and part in the fall. Tyler - This year it will all be in the fall. Phillips - if portions of the development move faster than anticipated you can adjust the agreement with the farmer? Tyler - yes, most will be portable electric fencing. I want to thank the Fire Department, there was a spark thrown from a car in the subdivision and had they not been there quickly it would have been a problem.

Councilmember Phillips moved to approve the development agreement with Leavitt Land for the Iron Horse RDO, +/-1,090.43 Acres located between Iron Horse Road and Cross Hollow Road; second by Councilmember Melling; vote as follows:

AYE: _____ 5 _____
NAY: _____ 0 _____
ABSTAINED: 0 _____

CONSIDER AN ORDINANCE AMENDING THE CEDAR CITY GENERAL LAND USE PLAN FROM MIXED USE (MU) TO HIGH DENSITY RESIDENTIAL (R-3-M) ON PROPERTY LOCATED IN THE VICINITY OF 170 SOUTH 100 WEST. PLATT &

PLATT/PAUL BITTMENN: Bob Platt – nothing has changed. Wilkey - we won't see this again? Paul - not the subdivision. Phillips - I have met with Mr. Gardner and I trust it will be a good development.

Councilmember Melling moved to approve the ordinance amending the General Land Use Plan from Mixed Use to High Density Residential (R-3-M) for property located in the vicinity of 170 South 100 West; second by Councilmember Cox; roll call vote as follows:

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

CONSIDER AN ORDINANCE CHANGING THE ZONE FROM CENTRAL COMMERCIAL (CC) TO HIGH DENSITY RESIDENTIAL (R-3-M) ON PROPERTY LOCATED IN THE VICINITY OF 170 SOUTH 100 WEST. PLATT & PLATT/ PAUL BITTMENN:

Councilmember Melling moved to approve the ordinance changing the zone from Central Commercial (CC) to High Density Residential (R-3-M) for property located in the vicinity of 170 South 100 West; second by Councilmember Phillips; roll call vote as follows:

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

CONSIDER A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT WITH SOUTHERN UTAH INVESTMENT HOLDINGS, LLC CONCERNING DEVELOPMENT OF 0.60 ACRES OF LAND IN THE VICINITY OF 170 SOUTH 100 WEST. PLATT &

PLATT/PAUL BITTMENN: Councilmember Melling moved to approve the resolution approving a development agreement with Southern Utah Investment Holdings LLC, concerning the development of .60 Acres located in the vicinity of 170 South 100 West; second by Councilmember Cox; vote as follows:

AYE:	5
NAY:	0
ABSTAINED:	0

CONSIDER AN ORDINANCE AMENDING THE GENERAL PLAN FROM RURAL ESTATE RESIDENTIAL TO BUSINESS AND LIGHT MANUFACTURING ON PROPERTY LOCATED IN THE VICINITY OF 600 NORTH AND 3500 WEST. PLATT AND

PLATT/PAUL BITTMENN: Phil Schmidt – a lot of the surrounding is I&M. Paul – the corresponding General Plan is I&M-1. Wilkey – the entire piece isn't I&M. Phil - we kept 27 acres that has not annexed yet.

Councilmember Cox moved to approve the ordinance amending the General Plan from Rural Estates Residential to Business and Light Manufacturing for property located in the vicinity of 600 North 3500 West; second by Councilmember Melling; roll call vote as follows:

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

Ronald Riddle - AYE
Carter Wilkey - AYE

CONSIDER AN ORDINANCE CHANGING THE ZONING FROM ANNEX TRANSITION (AT) TO INDUSTRIAL AND MANUFACTURING – 1 (I&M1) ON PROPERTY LOCATED IN THE VICINITY OF 600 NORTH AND 3500 WEST. PLATT AND PLATT/PAUL

BITTMENN: Councilmember Cox moved to approve the ordinance zone from Annex Transition (AT) to Industrial & Light Manufacturing-1 (I&M-1) for property located in the vicinity of 600 North 3500 West; second by Councilmember Melling; roll call vote as follows:

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

CONSIDER PROPOSALS FOR ARCHITECTURAL SERVICES FOR THE DIAMOND Z ARENA ADDITION PROJECT. SCOTT CHRISTENSEN/JONATHAN STATHIS:

Councilmember Melling moved to approve the proposal for architectural services from Desert Edge in the amount of \$132,636 for the Diamond Z Arena Addition project; second by Councilmember Phillips; vote unanimous.

CONSIDER A RESOLUTION REVISING SECTION 4.2.1, DETAIL W1A, AND DETAIL W2 OF THE CITY ENGINEERING STANDARDS REGARDING HDPE PIPE. JONATHAN STATHIS:

STATHIS: Kent – we had a good meeting with interested parties, and we had good feedback and are working on some changes. We will bring it back on September 11th.

Councilmember Wilkey moved to table this item to September 11th; second by Councilmember Melling; vote unanimous.

CONSIDER A RESOLUTION REVISING THE 2024-2025 FISCAL YEAR BUDGET. JASON NORRIS:

Jason – we added since last week \$15,000 for Youth Futures, \$48,300 for fire station reroofing, 190,000 for Iron West Parks Pond, we had been awarded a grant for design work in the amount \$410,000 for work on the dikes, it is fully funded by NRCS. **Paul** - they will ask for money for construction. **Phillips** - is this different than Coal Creek? **Paul** - yes, that was rip rap, this is for the dikes at Greens Lake. **Jason** – last week I presented \$13,000 pilot study for the filter system and the \$300,000 for a building up the canyon and Youth Futures for \$15,000. The council instructed the other and I am bringing the NRCS. **Wilkey** – how much is the one up the canyon? **Paul** - \$300,000 for the building and \$13,000 for the trailer. **Wilkey** - I have concerns with a few, the \$300,000 seems early, we don't know if it will work, where it will go or the size of the building, why not wait. **Cox** - the chlorinator needs to be done. **Mayor** - we are trying to push it because we have problems with the spring water in the canyon. We will run the study in the canyon with the replaceable filter. The plan is to put that in, we believe it will be successful, run it through the fall and winter and have a good idea what it will do for us. 1,200 gallons a minute from the springs, when they are turned out it is heartbreaking, we are trying to push it. As soon as we have the go ahead from the state we want to start, I hope that is next spring. **Cox** - we still have to approve a bid on the building. **Wilkey** - don't we have to test it for 12 months? **Mayor** - we will take the test results daily. **Wilkey** - will the State allow us to move forward before 12 months. **Phillips** - we very likely will need the building, but we can open the budget for revisions any time. I would rather wait a few months and try and figure out where the building will be located and do the engineering and within 2 weeks, we can amend the budget. We have spent so much money. I do have concerns and I would like the test results first. **Melling** - as far as test results go, not using our spring water is far too much water not to use, we will filter and use it. I would like to have a shipping container on a concrete pad and call it good. **Mayor** -

this is too big. **Melling** - get a few shipping containers. **Cox** - do we know what we need? **Mayor** - a 30 x 40 building. **Cox** - is it \$150,000 or what for the filter. **Wilkey** - I think it will cost more than \$300,000, I think we should wait until we know. **Phillips** - in general, we have about 5 or 6 items, do we take them all at once or can we be deductive. **Jason** - you can deduct if you want. **Cox** - does it need to be done now? **Mayor** - we could wait, but if we engineer it will be a million-dollar building, we could do a pre-engineered metal building. If we had this online, we wouldn't be running the water down the creek. **Cox** - I don't think we have enough information yet. **Wilkey** - are you suggesting we start the building now? **Mayor** - no, we can start figuring out where and how to build, but the sooner the better when we have the State approval. **Cox** - do we know if the State will require 12 months? **Mayor** - I don't think so, I hope we have it by spring. Your point is well taken. A metal building is low cost to build a building. We could put it in containers, but I don't think it is accessible, I think it should be a building. **Wilkey** - I would think the State will require an engineer with the pipe coming in and out. **Mayor** - I don't think so. We have a building at the WWTP that costs more because of the engineers because we chose to go through the state. There are two technologies to clean this up and one is simple, and one is complicated, it is technology that is problematic. We need to run this test, 1" of water and we will test it daily, it is time, every day we delay we lose a lot of water 1,200 gallons per minute. I wouldn't start engineering; they told us a 30 x 40-foot building is what we would need. I would go with a 1,200 square foot building and start getting bids and they engineer the concrete. **Cox** - what action will be taken for the \$300,000, I think nothing, it would still have to come back. **Mayor** - I would just ask for bids for the building. **Phillips** - can't we do that now without the money. **Mayor** - I am just pushing the project. **Riddle** - I think we are going down the right road, but I don't think we need the money for the building right now. **Carter** - what is the \$190,000 for the Iron West project? **Mayor** - we have to have a clean out culvert every 300 feet to get the pipe to the pond. **Wilkey** - Burgess' will also put their water through the pipe? **Paul** - there are two pipes. **Mayor** - he already has irrigation. We hope we will soon have type 1 water. **Wilkey** - we are buying the pipe, and he is putting it in. **Melling** - is there a way to put a variance to have a super filter screen and not have a clean out for ¼ mile? **Mayor** - no, because when you have a problem, you have a problem. There is going to be some sediment and we will need to clean it from time to time. I would like to go with a round one instead of a square, but we would violate our own standard. **Melling** - can we revise our standards? **Paul** - today is the budget revision, it is possible to change the standard, but I would hope you would listen to the engineers on why they require square not round. **Melling** - is there a benefit to square versus round? **Kent** - round manholes are not unreasonable, but I have not looked at why our standards are how they are. It seems to me it is a change that could be made but I need to look at it first. **Phillips** - for the pipe and the building is it coming from the water fund and backfill from the general fund? **Jason** - the structure from the water fund, we have a lot of budgetary strains on the water fund. The pipeline we are considering as part of the recreation site, so it is a general fund. **Phillips** - can impact fees pay that since it is a new park? **Jason** - possibly. **Paul** - we have to look at the impact fee facility plan. **Jason** - Armbrust park is budgeted out of impact fees. **Paul** - irrigation using creek rights may not qualify.

Councilmember Wilkey moved to approve the resolution revising the 2024-2025 fiscal year budget as proposed minus the \$300,000 for the building; second by Councilmember Melling; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

ADJOURN: Councilmember Phillips moved to adjourn and move into the work meeting at 6:50 p.m.; second by Councilmember Melling; vote unanimous.

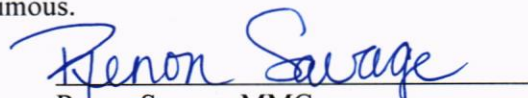

Renon Savage, MMC
City Recorder

EXHIBIT "A"
CITY COUNCIL - AUGUST 28, 2024

Mayor/Paul,

I wanted to let you know of a recent accomplishment. The Iron/Garfield/Beaver Narcotics Task Force, led by Sgt. Zach Adams from our department was recently honored at the 2024 Utah Narcotics Officers Association conference. They were given the award for Narcotics Task Force of the Year for the State of Utah. They are working extremely hard and making a positive difference.

CEDAR CITY
POLICE



Darin M. Adams

Chief of Police

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I would like to extend my heartfelt appreciation to one of your officers in Cedar City, Utah, for their exemplary service. On August 1, 2024, my daughter and I stayed at the Harrah Hotel in Las Vegas as part of a special mother-daughter trip. We were there to drive her newly purchased used vehicle from Gaston, Oregon, down to Arizona State University, where she is enrolled in the Craig Barrett Honors Program.

Unfortunately, we couldn't bring all her luggage to our room, so we left it covered in her Hyundai Venue, parked in the hotel's paid lot, believing it to be secure. After spending a wonderful day together in Las Vegas, we were shocked to find the next morning that her car had been broken into, with two windows smashed and all her clothing taken.

The lack of assistance from the hotel staff was disheartening, and it took some assertive language on my part to even get help cleaning up the glass. We filed reports with the Las Vegas Police, our insurance company, and the uncooperative hotel staff. As we drove towards Phoenix with the car's windows missing, my daughter realized her Air Max headphones, which had tracking devices, were also stolen. We located them in Cedar City, Utah, and I immediately contacted the local police. Officer Hottell K3 returned my call within minutes. We provided him with the location from the headphones and our Las Vegas case number. He not only took our situation seriously but also swiftly obtained a warrant and recovered some of my daughter's belongings.

Officer Hottell went above and beyond by forwarding the details of our case to the Las Vegas Police Department, with the hope that they might allocate 30 minutes to review the hotel's surveillance footage. This could confirm whether the individual found with the stolen items was indeed involved in the Las Vegas robbery. With the groundwork laid out for them, the Las Vegas Police could readily invest the effort to ascertain if this individual was responsible for the vehicle break-in. Although not everything was retrieved, the experience taught my daughter that there are indeed caring individuals who are willing to help.

I am writing to express my sincere gratitude to Officer Hottell and his team for their diligence and compassion. Their actions have restored some of my faith in humanity and have shown that kindness still exists. I hope you will acknowledge Officer Hottell and his team for their efforts and the positive impact they've made.

Furthermore, I hope this incident serves as a deterrent to potential thieves, making them reconsider the consequences of their actions.

Thank you for your time, and I am truly grateful to the Cedar City, Utah Police Department for their genuine concern and for making a difficult situation a bit more bearable for my daughter.

Sincerely,
Lisa Harings
503-969-4942