COUNCIL MINUTES
JANUARY 13, 2016

The City Council held a meeting on Wednesday, January 13, 2016, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; Paul Cozzens; Terri Hartley; Craig Isom; Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Lt. Keith Millett; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Public Works; Public Works Executive Assistance Kathy Dahl; Sports & Recreation Manager Jennifer Weaver.

OTHERS PRESENT: Nellie Carter, Gemma Carter, Brent Davis, Scott Jolley, Jay Adams, Kelly Newville, Arlo Fawson, Roger Thomas, Blake Cozzens, Tom Jett, Del Schlosser, Dillon Pugh, Linda Wilson, Ron Larsen, Bob Platt, Karsten Reed, Brent Drew, Tom Pugh, Stacie Taylor, SueAnn Bergstrom.

CALL TO ORDER: Councilmember Rowley gave the invocation; the pledge was led by Councilmember Isom.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Mayor – our meeting next week will begin at 4:00 p.m. because of the Chamber Award Banquet. ■ Employee of the Month, Jennifer Weaver – EAC: Kathy Dahl – Jennifer Jennifer became the Sports and Recreation Manager in February of this year. She brought wonderful knowledge and experience to the position, through her years as an athlete and in supporting her family in their sports activities. With each sport season, she has approached the program with an eye to the participants and their desire for a great experience. She has demonstrated her conscientiousness by sitting down with sport leaders at the beginning of the season and discussing the needs and proposed changes to enhance the program. Her efforts are building more confidence among the participants in the way the programs are run.

Jennifer is also aware of other programs provided by private groups. She is very approachable and is able to communicate with the youngest participant and the most competitive coach. She has developed a good networking system to assist coaches in meeting the practice and game scheduling demands. She works with seasonal and part-time personnel with all of the programs and has developed greater confidence in the City programs. She communicates the expectations and helps others stay accountable. ■Swear in Officer Stenson Bergstrom and Officer Eamonn Taylor: Chief Allinson –

update on Cemetery, we have increased patrol, have not solved anything. Had great response from the Media outlets, people in the community are also watching. Cozzens – what about the trail cam? Chief – we looked at the possibility, at night time you don't get very good video, we don't know where to put them and if someone is down there visiting loved ones they may not want to be on camera. Rowley – you wouldn't access unless you saw vandalism. Maybe something to record plates of cars as they go in and out. Chief – Eamonn Taylor, started a week ago Monday, he graduated from Salt Lake Community College Academy, and was self-sponsored. Graduated December 17th, been in Utah County since 2004, from Wisconsin. Eamonn – I have here with me my wife Stacie, my children Cameron, Amila and Otis. Chief Allinson - Stenson has been with Animal Control since 2013. He had part of the academy completed. He graduated from POST on December 17th.

PUBLIC COMMENTS: ■Scott Jolley, Upper Limit Aviation. Update, it has been 2 months since I was last here. The fight in DC regarding flight training, the SUU and ULA Students in the program have been under a Part 61 FAA Regulation, ULA also has a Part 141 designation. We are staying under 61 which changes the hours, Part 141 requires more hours. When under a University you can do fewer hours. There will be an increase because of the aircraft, but we will open more students. It opens opportunities for instructors; the industry is offering $65,000-$100,000 per year depending where they go. We are focusing on growing fixed wing to help place people in the airlines. Things are going well, that change came with the change in DC. President Wyatt has been extremely supportive. The airfield has been amazing; Jeremy does a great job running the Airport.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED DECEMBER 9 & 16, 2015; (2) APPROVAL OF BILLS DATED DECEMBER 17, 2015 & JANUARY 11, 2016 ; (3) APPROVE VACATING AND AMENDING SAFE HARBOR AT BLACK ROCK PLANNED UNIT DEVELOPMENT, PHASE II – ROSENBERG & ASSOCIATES/PAUL BITTMENN; (4) APPROVE VACATING AND AMENDING COUNTRY MEADOWS PLANNED UNIT DEVELOPMENT, PHASE 2 – ADAMS SURVEYING/PAUL BITTMENN; (5) APPROVE FINAL PLAT FOR SYCAMORE TRAILS PLANNED UNIT DEVELOPMENT, PHASE II – GO CIVIL ENGINEERING/PAUL BITTMENN; (6) APPROVE THE FOLLOWING COMMITTEE ASSIGNMENTS: PAUL COZZENS – CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT, REGIONAL WASTEWATER TREATMENT BOARD & CEDAR DISABILITY AWARENESS/ACTION TEAM; RON ADAMS – DOWNTOWN PARKING AUTHORITY, PARK & RECREATION ADVISORY BOARD, RAP TAX – PARKS & REC.; FRED ROWLEY – LIBRARY BOARD; FRONTIER HOMESTEAD FOUNDATION BOARD & CEDAR AREA TRANSIT COMMITTEE; TERRI HARTLEY – AIRPORT BOARD & RAP TAX – ARTS; CRAIG ISOM – PLANNING COMMISSION & HISTORIC DOWNTOWN ECONOMIC COMMITTEE – MAYOR WILSON: Mayor – there is an item on the bill, the Library purchased two of our Prairie Dog children's books.

Councilmember Rowley moved to approve the consent agenda items 1 through 6 as written; second by Councilmember Hartley; vote unanimous.

CONSIDER AN ORDINANCE ANNEXING APPROXIMATELY 18.41 ACRES OF LAND IN THE VICINITY OF 2800 NORTH AND NORTHFIELD ROAD – STRATTON FAMILY LIMITED PARTNERSHIP/BOB PLATT/PAUL BITTMENN: Bob Platt – I have given everything to the Attorney. Paul – I have the water deed and the right of first refusal. If approved we will record the deed with Water Engineer.

Councilmember Rowley moved to approve the ordinance annexing approximately 18.41 acres of land in the vicinity of 2800 North Northfield Road; second by Councilmember Cozzens; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Fred Rowley	-	AYE

CONSIDER A RIGHT OF FIRST REFUSAL AGREEMENT BETWEEN STRATTON FAMILY LIMITED PARTNERSHIP AND CEDAR CITY FOR WATER RIGHTS – STRATTON FAMILY LIMITED PARTNERSHIP/PAUL BITTMENN: Paul – the Stratton Family signed the agreement, they will offer the rights to us first if they decide to sell. If we don't purchase they can sell to anyone. I think the priority date is around 1945.

Councilmember Cozzens moved to approve right of first refusal agreement between Cedar City and Stratton Family Limited Partnership for water rights; second by Councilmember Adams; vote unanimous.

CONSIDER AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE ESTABLISHING A MINIMUM OFF STREET PARKING REQUIREMENT FOR SINGLE OCCUPANCY BEDROOM UNITS IN THE VICINITY OF SOUTHERN UTAH UNIVERSITY – LEAVITT LAND/PAUL BITTMENN: Brent Drew, Leavitt Land – we are asking, under the current ordinance it is per room at 1.30 or .65 per person in room. We are asking that in order to put a wall and have a single occupant room. The requirement is 1.3 per room. When we came to the Planning Commission we requested .75, when we discussed it and had discussion and Kit talked about an apartment complex, he came back with .85 and a .25 per unit for visitor parking. Tom Jett may have a point; a unit could be 7 bedrooms, 4 or 3 bedrooms. We have had discussions. We are not asking for the parking to be reduced, it is increased for a single person. Most common apartment built in the area was a 3 bedroom 2 bath with 6 students; a lot were under the 1.3 per room or .65 per student. There are changes going on, the product students are asking for is a single occupant bedroom.

Adams – how many beds in the project? Brent – 140. We need 91 spaces if we do nothing but double rooms. We have a mixture now. If we go .75 it is 14 more than the current ordinance, .85 is 28 more spaces. Adams – you have room for how many spaces? Brent – 105 under the current. Paul – where do you get the assumption of .65, is that with two people in a room? Brent – yes. We have a mix of double occupant and single occupant. Paul – it is confusing because you are going from current ordinance to what you propose. Ron Larsen – he is trying to show the comparison of 70 rooms with 2 students per room that would be 91 parking stalls. Mayor – under the current configuration, how many are double and single rooms? Ron – 2 double and 6 single, the current configuration shows 120 students. There are 6 students per unit. We left out a single bedroom. Cozzens – it is the same amount of kids, just more walls? Ron – no, it is fewer students. The way it is drawn there is two students in each unit, double occupant rooms and 2 single rooms with a total of 6 students in each unit. Rowley – we talked with President Wyatt and he said they are going to try to keep growing and housing will be the limiting factor. I went over to the Eccles Living Center, they have 626 students and 291 parking spaces, less than half a space per student at that facility, half the kids are not driving cars. Part of that is they are Freshman and parents don't let it happen. I think .85 is reasonable, I would like to drop the .25 off for visitors that is where my comfort level is. Cozzens – I talked with Kit about Thunderbird Landing, when he did the study early in the morning he said he came up with .83 and if you add .2 to that it is .85 and that is what I will support. Adams – Thunderbird Landing is over parked, 12-15 at least parked at night on the street. That is a concern I have had. I have 210 students in my ward boundaries and probably 6 don't have cars, they are not all freshman. Looking down the road, the concern I had is what will happen in the future, will we be back 2 months later, it is hard to come up with a blanket ordinance. Adams – the way we drew this up, we were referring to the .85 with .25 in regards to the 100 square feet bedroom, you will have more than 100 square feet in the other bedrooms. Drew – that does not apply to the other rooms. Cozzens – if you did that it would put it at less parking. Brent – at 10:30 last night I went to all parking lots around campus, 12 different apartments, I found that something is common, out of the 12, 8 had more than 10 parking spots including Eccles who had 29, they also have overflow parking. I started on 800 West to some of John Dalton apartments; there was only one that exceeded the parking. It was from 10:30 – midnight. There was not lack of space if they wanted to park. Hartley – I found out talking with existing owners, we keep talking about 1.3 being adequate and I heard a resounding but there are really single occupants. I fear that the 1.3 is what is working on the majority of the apartments and we will be reducing and not increasing it. Brent – I understand that, the apartment makeup was older apartments. We also have quite a few rentals, double occupancy that are double occupied. The numbers don't support that every student has a car. I think 1.3 would be overkill. Most were built at .65 per student and we all had cars. There were local Cedar girls, some from Piute, I don't see the car make up that every student has a car. Cozzens – when I went to work at 6:00, I drove by Spencer Jones' apartments. Spencer we have 23 stalls, it is typically at 50 – 57% full. Cozzens – I counted 10 cars in that lot today. Isom – the college students are social animals, if we are looking at lots in the dead of winter, when they are in the visiting season, I am not sure you will have the same result. Rowley – the kids in this apartment will leave and go to another apartment so it would probably be a wash. Adams

– the girls' apartments require more parking because the boys go visit them. Brent – when I went at 5:00 it was pretty full, when I went back at 11:00 there were spaces empty. Isom – you will have different volumes at different times. Mayor – if the lot is full do that students park on the street? Drew – we will take care of our parking. Tom Pugh – we purchased two other parcels across the street so we will have ample parking. We have 140 bedrooms and bathrooms, the reason we have so many because each student wants their own locking bedroom and bathroom, outside of that they share. It is the trend. The extra bathroom are ¾ a million dollars. If you don't do it they don't stay with you. We weren't shooting in the blind. We have two lots south of the mortuary, we are within the distance requirement and we are working on a few others. Mayor – you said 140 bedroom and bathrooms. Tom – that is if we go with the new parking requirement. Mayor – one option is 140 rooms. Ron – it is 120 students ant 120 bathrooms approved. If we get this we will modify to have 140 bed and bathrooms. Each bedroom for 2 students has two bathrooms, so we can split the bedrooms if possible. Rowley – Kit, are you comfortable with a flat .85? Kit – when we did the study on Thunderbird they were .83 with a similar situation.

Councilmember Rowley moved to approve the ordinance amending the City's zoning ordinance establishing a minimum off street parking requirement for single occupancy bedroom units in the vicinity of SUU as .85 per bedroom;

Tom Jett – I have not seen the ordinance, the previous meeting I asked to please consider making the rooms 100 square feet without the closet. We are designing strictly for a single student; maybe 40 year old adults have more than a suit case but only one person. The closet does not increase the size of the living space, does not add more occupancy, but we are focused on students, and that is a mistake, there are many people not students that do not have cars. Our public transportation is inadequate, let's keep in mind that we are changing trends. Second, does this retroactive buildings assuming we use the 100 square foot bedrooms? If we do it with new, why not preexisting? I don't think anyone knows what the ordinance says, but we don't know the inside of the ordinance. Paul – there is a written proposal in your packets, you can amend if you desire.

Rowley – what would moving the closet outside the 100 square feet do for 2 beds? Kit – that increases the chance of adding a bed. Tom Jett – there are not a lot of people that I have more respect for than Kit Wareham, but if one were to decide a 10 x 10 room or 10 x 12 room for a married couple then I have brought it to .65, so you are increasing the parking. I have been around for quite a few years, but if someone wants a 12 x 12 room and decide to bring in a couple, I understand the more you increase the size of the room you can increase the number. Rowley – would a hometel have different public hearing? Paul – there is a different provision in the ordinance for that. If someone went in the same vicinity and did dual occupancy they would have the 1.3 requirement. It will be hard for staff if we say this many for the number of people in the room. Rowley – so we control by the size of room.

Adams – are you having parking decals specific to your project? Brent – not yet, but we will watch. I talked with Bruce Williams he has apartments 2 cars in front and 4 cars on

Hoover and had 20 parking spaces, he said if you come between 9:00 a.m. and 4:00 p.m. they are full, but they are not the people staying in the apartments. Cozzens – during the day because the University doesn't have enough parking students are using that parking. Adams – I am asking because of businesses in the area. Brent – we will have something in the contract, we will not allow them to go there. Adams – if there is a large viewing there is not parking on the street and the lot is full. This is one of my concerns. Some students will park on the street. Brent – we will be sensitive to that, we want to be good neighbors.

Rick – if the Council approves the .85, will all the spaces be on site or will they be in parcels across the street? Brent – we will need a few across the street. Kit – the ordinance has a provision for off-site parking within 400 feet but there has to be an agreement in place with the tenants. Cozzens – I agree with Tom's point with the retroactive, if someone has a bedroom with 100 feet or less they should include that. Paul – I am not sure what the retroactive? Cozzens – if someone built an apartment last year could they use this ordinance? Paul – no, because they were under a different land use ordinance. If they pull a permit we can do that. If someone had a 6-plex and wanted to add another 4-plex it will apply to that, but not to the prior 6-plex. Isom – are we only considering the .85? Yes, with nothing for the visitor parking. Paul – the only thing you are taking out is the .25 from the ordinance.

The motion was seconded by Councilmember Cozzens; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	NAY
Craig Isom	-	AYE
Fred Rowley	-	AYE

CONSIDER AN ORDINANCE AMENDMENT TO THE CITY'S ZONING USE CHART – PAUL BITTMENN: Kit – this is the modification to the zoning ordinance adding * to the permitted use section to make sure people see the exceptions.

Councilmember Rowley moved to approve the ordinance amending the City's zoning use chart; second by Councilmember Cozzens; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Fred Rowley	-	AYE

CONSIDER A RESOLUTION FOR THE REVISION OF THE 2015-16 FISCAL YEAR BUDGET. THE REVISION WILL IMPACT THE COMPENSATION PAID TO CITY OFFICERS AND EMPLOYEES IN GENERAL AND OTHER

ITEMS – JASON NORRIS: Jason- we have not made any changes to what was presented. Rick – we made one change, we are proposing to add $1,000 to this to address one additional employee retention in Engineering. Kit it is not an addition, it is a transfer.

Councilmember Cozzens moved to approve a resolution for the revision of the 2015-16 fiscal year budget; second by Councilmember Adams; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

ADJOURN: Councilmember Rowley moved to adjourn and move into the RDA meeting at 6:27 p.m.; second by Councilmember Isom; vote unanimous.

Renon Savage

Renon Savage, MMC
City Recorder