COUNCIL WORK MINUTES
FEBRUARY 3, 2016

The City Council held a meeting on Wednesday, February 3, 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; Craig Isom; Fred Rowley.

EXCUSED: Councilmember Terri Hartley; City Manager Rick Holman.

STAFF PRESENT: City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Mike Phillips; Parks Superintendent Austin Bingham; Golf Division Head Jared Barnes; Economic Development Director Danny Stewart; Events Coordinator Bryan Dangerfield; Golf Superintendent of Maintenance Steve Carter.

OTHERS PRESENT: Gerald Van Iwaarden, Ron Larsen, Jill McKinlay, Heath Oveson, Arlo Fawson, Shane Baker, Liz Baker, Tyler Goddard, Mike Bryant, Tammy Bryant, Emily Scow, Samara Rangel, Donna Lee Shattuck, Melodie Jett, Thomas Jett, Lola Atwood, Carol Bolsover, David Bolsover, Kenzie Lundberg, Dustin Prestwich, Cindy Laffon, Ashley Whiting, Monte Van Buskirk, Debbie Drake, Heidi Baxley, Tim Watson, Ann Lundberg, Kylass Flanagan, Ethan Bates, Amber Gower, Dave Carter, Meagan Beesley, Kim Kelsey, Kari Spencer, Layne Sorden, Chris Dahlin, Karsten Reed, Blake Cozzens, Marion Whitney, Archie Schaffer, Shane Prestwich, Elaine North, Scott Jolley, Michelle Rees, Jared Rees, Bob Platt, Nichael S. Naumu, Marcella Naumu.

CALL TO ORDER: Pastor Jerry of Westview Christian Center gave the invocation; the pledge was led by Councilmember Adams.

AGENDA ORDER APPROVAL: Rowley – can we move items 13 & 14 to the top. Councilmember Rowley moved to approve the agenda order with the noted change; second by Councilmember Isom; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Rowley - a few months ago I asked the Heritage Center fee waiver be postponed until the new council members were here. I would like it back on the agenda, for all fees. Also put on a discussion of the Ice Rink and its future. Also Kit, we talked about slippery, icy condition signs for Cross Hollow Drive. Kit – those are up and have been for months. ■Mayor – we will excuse Councilwoman Hartley, she had a personal item to attend to tonight. Our City Manager is dealing with some family issues and is also excused. We received information today that the Coal Creek Project funding will be in the committee on Friday at the Legislature, so we will be going up to address that committee. That is Representative Westwood and Senator Vickers work. There is also the transportation local option tax, there is a bill that goes to committee tomorrow that would address Iron, Cache, Duchesne, Summit and Uintah counties to change the funding allocations, it is a bill we are watching.

PUBLIC COMMENTS: ■Tom Jett – we had a good snow fall and it is amazing to watch the community come together to assist others. Our roads were taken care of, public safety was out taking care of things, it is near record snow and was dealt with professionally with a lot of caring. Cozzens – Mr. Tom Jett plowed many driveways. ■Megan Beasley – I was informed that I need to get your permission to post a sign in the Library. I am with the Paiute Tribe, and we are holding a health fair on February 20th from 10 a.m. to 2:00 p.m. at the Tribal Building. Rowley – would it go on the building, or where? Megan – on a t-post. We want to put it up as soon as possible and taken down on the 22nd. It is a community event and we want to get the word out. It would be up for a week and then at Mayor's square for a week. The Council did not have any concerns.

CONSIDER DECLARING ITEMS AS SURPLUS PROPERTY. STEVE CARTER: Steve Carter – we have irrigation items at Golf Course that we would like to surplus as we are changing out the system. Rowley – where do you sell such things? We can do it on the web site or there is a golf course in the Salt Lake area that is interested and some courses in Mesquite. Consent.

CONSIDER CONTRACT WITH UTAH CYCLING PARTNERSHIP FOR TOUR OF UTAH. BRYAN DANGERFIELD: Bryan Dangerfield - Utah Cycling Partnership is not Tour of Utah. I want to thank the volunteers in the community and the media that did a nice story and Paul Bittmenn for going over the agreement, it puts into legal ease all the items that were in the bid package. It will cost about $60,000, $20,000 out of my budget, $20,000 grant from the County, SUU is stepping up and the other vendors will get the rest of the money. Rowley – the only thing strange is that we have barely even talked about it and they announced that we were a place. Bryan – they had a confidentiality agreement but I wanted everyone know we were bidding. Consent.

CONSIDER DESIGNATING THE CEDAR CITY ARTS COUNCIL AS A CEDAR CITY LOCAL ARTS AGENCY – DEBRA DRAKE: Debbie Drake, president of CC Arts Council. We need a signature from the City that we are an arts agency Utah Department of Arts Agency they oversee arts through the state and they want to make sure we are qualified as a local art agency. We need to foster arts locally and provide service and activities of the arts. We are the local supporter of the Arts, we have over 50 art groups and we make sure they have information they need about activities they can be involved in. we make sure the community knows what is going on, we do that in the Iron County Today, website, newsletter. We give out mini-grants twice a year, and give from $250 to $500 grants for special projects. We have helped with costumes, sheet music, seminar monies, a lot have offered scholarships to classes for children to get in free or reduced. Professional development workshops. We offer opportunities for arts groups to get together and social. We are working on the economic impact of the arts in Cedar City, and it impacted over $42 million a year last time it was done. We are working with USF, Tourism and Cedar City. Adams – the requirements say they need 4 services and only 3 are checked off. Debbie – I have 6, that application was not complete. We support cultural, conduct cultural assessment in the community. Consent.

REVISIT THE RECENT ORDINANCE CHANGE FOR PARKING ON 200 WEST BETWEEN CENTER AND 200 NORTH. DUSTIN PRESTWICH: Dustin Prestwich & Kenzie Lundberg – recently there was an angle parking ordinance change, it was proposed for 4 residents and businesses. We would like to report we had issues, no one was notified other than the 4 that were applying for the change. We want to make sure that doesn't happen that way in the future. There were residents against the change. Rowley – what does it do? Dustin - parallel mixed with angle, when an angle car gets parked, it blocks a parallel car. Kenzie – that has happened multiple times. Rowley – didn't we require a buffer space? Kenzie – because it is only in front of certain locations, what is the buffer between angle and parallel. There was a buffer for driveways; it was 20 feet and from the intersections on 100 North and 200 West. Rowley – what notification was given? Kit – there is no requirement. There was a lot line adjustment that required notification. Kenzie – every neighbor we talked to did not know about it other than the 4 that requested it. Rowley – those that were not here were not for it. Dustin – we got 22 signatures against of the 27 residents, we couldn't catch a few of them. Cozzens – I have interest in a property, my son owns a business. To give history, we passed an ordinance to allow angle parking by Go Green and it helped them a lot. When I was at my sons business there is a stretch that is perfect for angle parking. It is similar to Southwest Plumbing. As Shakespeare gets finished and parking is an issue I thought it was logical. I told Blake to look into angle parking. It doesn't make sense to do it in front of the residents. It doesn't have to happen.

Carol Bolsover, St. Jude's and we are not in favor of it and will not pursue angle parking, it would ruin the image we want for the church. Also for elderly people it is easier for them to parallel park. As far of the community we feel it is a safety issue, it is not easy to see legs with angel parking. Where there is parallel parking your eyes move back and forth and you see through the cars. With angle parking you only see cars sticking out, not the legs of people coming into the street. Since it is residential and a church with children we feel it is a safety issue and unsightly and the mixed is even more of a safety issue. Kenzie – the speed limit is 25 mph, but people drive a lot faster. Dustin – we like the nice wide street. Adams – as far as the church you weren't aware? Carol – we were told by Blake Cozzens that it would be occurring and he asked if we were interested. I spoke to the governing board and they said no and he came to the meeting where it was to be discussed, he said he was not in favor and that was the last we were told until the ordinance was changed. Adams – I thought the Church or Winery were in favor. Donna Johnson, owner of Iron Gate. Originally when Paul and Blake came and talked with us the idea was that it would benefit the community. I own the property along the stretch and not knowing the position of the church and residents not being informed or aware of the impact. I do own the business and am a resident on the street. I have been neutral until I heard arguments. I could benefit with winery parking, I do have parking in the rear. I do community events and people come to the winery that park on either side of the street and in front of the church, I do weddings, special events and fund raisers. However when it comes to the issue and safety matters I have heard of recent, I think it should be decided for the best of the community as a whole. I am either way and was not aware that citizens were not aware. Blake Cozzens – I talked with the Church and they said they would get back to me and they did not. I also talked about taking them off the

application. You have to paint and put up signs yourself so it was a moot point. If they changed their minds it won't happen. We thought it would benefit the community so I apologize and I am willing to have it repealed at this point. Dustin – the Shakespeare building was a point one resident brought up, some have had a parking issue just with construction, she would almost be for angle because she would have more parking but it would fill up. Is there not designated parking for Shakespeare? Cozzens – there probably is but anyone can park on the streets. I called you because I have an interest, it is not life or death for us, I just suggested it. I didn't realize it had not been discussed. Dustin – I watch the Council meetings and I know the church was brought up.

Karsten Reed – maybe the conversation was premature. The reality is there will be considerable amount of non-residential parking. We will need to make some change to elevate parking, I am sympathetic to the neighbor, he has a big truck and it is hard to pull out. It may be short sided to reverse something that may be a necessity when the building is completed. Cozzens – we have angle parking at Go Green and to my knowledge there has not been any accidents. 300 West across from Randal Jones has not had any accidents. Rowley – this is a mixture of residents and business which is different than by Go Green. Karsten – there are very few owner occupied residents, most are rentals. Rowley – but it is a mix. Dustin – there is quite a few rentals and the residents have to deal with it, not the owners. Karsten – maybe you may want to revisit when the building is completed. I am sympathetic to owner occupied residents. Dustin – we are asking to repeal the angle parking. Rowley – how many places are using angle parking, just one business? How many positive want it. Cozzens – it becomes a moot point. Karsten – right now we are fine with parallel. Rowley – I don't think you gain more than 6 parking spots; it is not worth messing up the street. Mayor – there will be an ordinance repealing the angle parking next week.

Adams – moving forward would it be positive to have a discussion as far as notification like we do for land. Paul – Staff has been kicking back and forth some ideas to bring to Council, it doesn't have notification in in yet, but we could put a notice provision. Cozzens – we passed angle at Workforce Services where there are residents.

CONSIDER AN E-CIGARETTE ORDINANCE, IRON COUNTY PREVENTION COALITION AND HEIDI BAXLEY: Heidi Baxley, prevention specialist we hope to get ahead of problems in the community before it happens. We have the SHARP survey for 6, 8, 10 and 12 grades, last year we got a mini grant and were able to oversample. We notice a disturbing trend up with e-cig use. If you look at the lifetime we are trending up almost above the state average. There is a direct correlation with accessibility. We have 42 retail establishments that sell, 32 are in Cedar City and 4 are tobacco specialty shops. We have one outlet for 900 people. Exhibit "A" was presented. Weber County use rates are mirroring ours. Ashley Whiting councilor at Cedar Middle School - we see e-cig use at elementary, middle and high schools. They are getting them from friends, siblings, parents and stealing them. The access is troubling for us. We had a district parent meeting. We caught a student and brought the parent in and they said well it is only flavored water and won't hurt them. they have hoodies that the strings are an e-cigarette. They are also like jump drives, pens, inhalers. There are over 7000 flavors of e-juice.

Another concern is that some vape pens we don't know what is in them. If we have a student using we don't know if it is flavor water, marijuana, nicotine, we are looking at it from a prevention project. Rowley – it is at least a misdemeanor to have them, are the kids being charged? Yes. Rowley – are they able to identify the adults? Sometimes. Rowley – are the adults charged? I don't know.

Jill McKinley with Juvenile Justice, and Iron County Youth Center (ICYC). We serve kids ages 10 – 18 and then the detention center, secure facility and home. We are seeing a big influx; it is becoming a real problem. The kids are purchasing the on line. The liquid e juice, they are using all kinds of drugs, anything liquid and it is very concerning to us. We can't always test the substance. Statewide, I am in Salt Lake a lot, they are shocked at Cedar City's SHARP Survey results. We want to make you aware of the concerns. Rowley – are the products all locked like tobacco? How are they stealing?

Derek Beader, Juvenile Probation Officer. 2012 the first specialty shop came in and the rest in 2015, you can see the jump in referrals (see Exhibit "A"). The referral is from school resource officers or police officers. The e-cig and vape pens are what we are seeing. I have dealt with cases that I have confiscated marijuana and a drug that is a sister to spice, we can't catch up. The high is like marijuana but doesn't last as long. You asked if parents are charged? Judge Higbee gives them a very stern talk.

Samara Rangel – we went to the high schools, I went to Canyon View and started selling Stuff, people would come up and see what we had. I observed that they came in groups, not alone, we say it is a new trend, just stuff, combined chemicals. Where is it made? In basements and garages, it is user friendly, put on your skin, snorting it etc. It was interesting to see how people reacted, the card as shown on the slide. Even though they didn't know what it is they are very intrigued. Ethan Bates - that is me in the costume, don't be a Guinee pig for the e-cig industry, I am at Cedar High, it was scary watching what happened. We had one kid, after we gave him the card was certain he wanted to buy. The kids were even surprised when we weren't really selling. It is being targeted to kids, there is a sign that has e-cig flavors, captain crunch, berry blast, etc. if that is not targeting kids I don't know what is. It was scary.

Kylass Flanagan – about kids stealing, there is not regulation on where the e-cig is placed in a store. The manufacturers build displays about 5 feet tall. You want your user to look at eye level. At gas stations they are on displays at the end of an isle and on the counters. They use advertising that was banned for cigarette sales. It is a normalizing behavior, people were vaping during the Story Book Parade, it works the same as a liquor store. Retail density is the highest in the State. We have multiple establishments; there is not a problem with access. To have more and more come brings more problems. See exhibit "A". I am grateful for the Iron County Prevention Coalition and the youth for their efforts. Isom – no regulations on the placements of the products, what are the regulations? Kylass – they are untested, unregulated, we are from Health Department trying to regulate the business the same as a food establishment. Rowley – I find it hard to see that it is not regulated and required to be locked behind something. Kylass – we are dragging our feet waiting for the FDA. In Salt Lake County they tested 60 businesses

and asked for specific concentration and you could get 80% less or 200% more than you asked, it could be mislabeling. Businesses are getting their mixes off the internet. We are trying to make sure the e-juices made in the garage doesn't happen, we go on Craigs List, etc. Rowley – I believe even if FDA hasn't done anything, it is a problem. I know people are using it to get off cigarettes. I talked with principals and we have had 40-50 students use today. There is a shop which is by a dance studio has minor in and out regularly. We need to prosecute parents or anyone that gives to a minor and we need an ordinance to have it locked up. Kylass – the SHARP Survey Data said most kids get it from the store; they go in and buy it. There are regulations with card laws. Rowley – display cases should say City will prosecute if you give to a minor to let people know it's not ok.

Derek - working with the youth I want their best interest in mind. They are stealing from their parents, not having the parents give it to them. I have kids break in their parent's bedrooms, break locks and smoking the e-cig.

Carol Bolsolver – I read a report talking about large tobacco companies behind the manufacture of these because they had to find another way to make money and get people tied into the use of their product. I was a smoker for many years and once you get addicted it is very hard to get off and we need to make sure and prevent if we can in any way.

Mayor – Paul and I have met with this group to see what others are doing. Rowley – is there a reason we cannot require it behind the counter? Paul – we need to look at that. The hard part working with the State law is the definition, they want to target smoke shops, and they realized Lin's and Smiths and every convenience and grocery store sells cigarettes and e-cigs and came with a percentage of sales versus other things. We have that in ordinance but don't have a method to audit the businesses. Rowley – aren't all tobacco products behind the counter. Could we not say the vapes have to be behind the counter? Paul – I want to look at it if the State requires that or if the merchants do it so they aren't ripped off. Cozzens – I think they are required to have it behind the counter. Rowley – I would go for a 6 month moratorium.

Lane Sorden – I am the owner of GoVapors, do research with Utah Smoke Free, we are trying to fight getting it in the hands of kids and we try and stop it. The problem lies, like Paul and Fred said is the ones that are not 100% vape shops. I would love for everyone to see the 60 and 70 year old cancer survivor and the lives we have changed. We have had gift cards for family members to help them quit. We want child prevention and we are fighting. There are retailers that don't care and they put a bad name on us.

Paul – we have two shops that are Tobacco specialty, GoVapors and one on HWY 56, the 3rd shop is not tobacco specialty but sell other products. Lane – our display cases are locked and only the attendants can open them with a key. I don't know what others are doing. GoVapors as a company has been dedicated to prevent from this falling in the wrong hands. What the gas stations do after we send display cases out are up to them. On line is the hardest thing to contain. Other retailers have not been successful in

keeping it out of the hands of kids. We are for a ban because of biggest issue is others not caring about the industry. It would shock you how much we pay in the association to prevent this. We are working on age verification for State Law for anyone selling vape products have to age verify. Adams – you put products on consignment basis? Lane – we abide by State Law, there are manufacturing restrictions, to be a member of our organization it is above state laws. We signed on with Bald Eagle Beverage; there reps go in the field and put a case in the gas station and do weekly orders. We abide by every law, local, Paul knows what I went through, it was 1.5 years to get started. We are having a hard time watching the other things going on. Cozzens – the dispensers in C-Stores, what are the like? Lane – they are acrylic display case with shelves with the product with flavors and nicotine levels. How the store places we don't have control, but they are locked with a key. When I ordered the cases I did that for child prevention. Adams – you manufacture and Bald Eagle buys from you? Lane – yes. Rowley – you have told me that you have people come from Panaca to help them quit? Lane – yes. Panaca, Panguitch Lake, Beaver, were driving to Cedar to get the product, so this is our solution. People want to know what they are purchasing. We are anti-tobacco facility; we don't sell anything else in the store. We are trying to keep a good name, I have employees and we pay taxes. Rowley – I called and talked with you because I saw kids loitering. Lane – I have contacted the PD on a few occasions; we have had kids trying to talk adults into buying products for them. I have offered training for the police and awareness. I have had principals call and ask for assistance in helping them find what was in the juice. We offer our services to the City organizations to identify e juice products.

Derek - It is refreshing to hear this. There are those that are not doing what you are doing on prevention. We want to prevent those types of people from coming in. If this helps us regulate I am for that. To control the nicotine, it doesn't matter in Juvenile Court, it is all charged. Lane – in 2012 the State of Utah ruled that all e-cig products are tobacco products.

If we could identify every kids from GoVapes, but we don't know where they are buying. Lane – any time we have had an indication that a parent is buying for their kids or any underage person we cut the sale. It is like someone going into the liquor store buying for underage person the sale is done, we abide by the same rules. We want to help the cause. Cozzens – not all has nicotine? Lane – no, we have people that can't quit the habit, they step down the nicotine levels, a lot get to zero and can't give up the hand to mouth. A lot have found if they do zero they don't smoke. Sometimes spouses smoke with each other. Rowley – the primary ingredient is propylene glycol which is in the fog machine. Lane – all products are food grade. There are certain ingredients that are harmful that come in the flavor extracts and we have made sure that it doesn't come in our extracts. It has worked miracles for people.

Monte Van Buskirk – I am the head lab guy. I have heard a lot of we don't know what is in it, I urge people to come in and we will show you what it is in it. There are studies and find harmful; when we encounter them we take them out of the juice. It is not that we go in the back and throw a concoction. Rowley – would you agree that some will dump

anything in it? Monte - Yes, the Philippines is one of the worse for getting stuff, they are unregulated.

Kylass – they are a wonderful business owner, he contacted us and let us know what he was doing.

Michelle Reese – I am not sure that the word survivorship should be used in the same sentence. Survivorship of cancer is to targeted therapy. There are many ways people can stop smoking that are not targeted to children. Mr. Rowley, I was not able to directly see, but the ease of access, not so much that you have a product behind the counter and locked. The availability, the one that owns the Vape shop is being pro on preventing; we are talking about the ones that don't have the children at heart. We are talking about advertisement, children on different wagons being pulled in parades advertising products. We are talking children and an ordinance to protect our children. I urge you to take the stand that Ivins and Hurricane has taken and if you need more time, take the time to do it. Let people from Iron County let their voice heard.

Carol Bolsover – it is a public health issue; it is not proven what they do. Because our Federal Government has not regulated it is falling the counties and municipalities to address this. Besides the addiction, these can become their own public health issues that damage the lungs and then we have excessive health care costs.

Mayor – we will give Paul time to research and put on a future agenda.

PUBLIC HEARING TO CONSIDER CHANGING THE ZONE FROM R-2-2 TO R-3-M ON APPROXIMATELY .92 ACRES OF LAND LOCATED IN THE VICINITY OF 63 NORTH AIME AVE. GO CIVIL ENGINEERING AND PAUL BITTMENN: Shane Baker, I appreciate everyone's time. In fall of 2015 SUU had the largest freshman class 8,881 undergraduate students. The growth of SUU is important to the community and to be proud of. SUU grew faster this year than any other University or college in the state, 16% from 2014-2015, the next closest was Snow College at 7%, and Dixie State actually lost enrollment at 0.78%. Right now there is a housing shortage, the increased enrollment exceeds the housing capacity. Leavitt's are building a big housing project. I spoke with Christopher Ralphs, the Director of University Housing at SUU, the shortage for students, single now will be elevated with the new project being built by the Leavitt's on 300 West, but the married students there are still a shortage. The need is unmet near the University, moving out from the University there is housing. If I were building he said he would build married housing. It has been 3 years since we had this discussion. I have met and talked with the neighbors about their concerns which are increased traffic, water runoff and flooding, they would rather have married students than single students, most of all they are reluctant to have the property developed. Maridawn Nielsen, owned the property originally, Mrs. Whitney has lived there for many years and they don't want to see the zone changed. Right now it is a small piece of real estate. My proposal is to meet the needs of the community and SUU, change the zone from R-2 to R-3. It is zoned R-2, I could put duplexes which would be 24 bedrooms, last time they allowed me more. Go Civil has designed options and there is room for more parking. I

would like to change to R-3, it is in harmony with the master plan and have 24 one bedroom units and cater to married people. Traffic was a concern; Go Civil did a traffic study and found that it would not impact significantly. Also the water runoff, Go Civil said they can design to handle the water. If I am allowed to build for married students, it would help SUU and help the neighbors. It won't compete with the trees that are there now, but would be a benefit. Property values were a concern, I invited an appraiser to give his perspective to see how it would affect, and his position is that it will not affect the property values. Maridawn's concern is traffic. Mr. Dalton has the same concern; the traffic goes down his street and finds it difficult to back out of his driveway. Mrs. Whitney does not want a bunch of apartments blocking her view. Mr. Olds does not like me; he ordered me off his property and would not tell me his concerns. Mrs. Hoyt does not have an opinion on what happens. Rowley – I don't see that every concern expressed by neighbors would not change the impact. I think you will have less of an impact with changing the zone than leaving it as is. The only way for the neighbors to keep the property vacant is for them to buy the property. Apartments are already allowed and they will have to meet the parking requirements and take care of the water. Cozzens – how many parking stalls? Shane – 1.3 parking stalls per bedroom.

Mayor Wilson opened the public hearing.

Lola Atwood, I live in the townhouses where the triangle is, it will affect my house and yard. Has he mentioned how much is level ground? From the townhouses straight down, the triangle is a hill and water shed, how much hill will he take off? The last rain storm we had boulders roll clear to Harding, the ground was saturated. You will have a water problem; the retaining pond floods every storm. It will get worse if you put housing there and there is nothing but blacktop. Rowley – that is part of the engineering that will be required. Lola – what will we do about the bus problem on West Harding and Aime? Why does the building have to be so big and so much. How can you guarantee it will be married housing. Shane – I can have contracts in place.

Arlo Fauson, Go Civil – the plans we have for R-3, the buildings are close to the street, the parking would go up the hill, no dramatic change to the hill, the water will come down and we will provide a detention pond and then released on to the street. Rowley – that is in R-2 or R-3 zone.

Chris Dahlin, appraiser – question in Cedar City with a mix of apartment and single family residents is it an automatic negative. Do apartments on a street provide a negative impact to single family homes? It is not an automatic negative, you go through Cedar City and a single family across the street sells the same as not by apartments. There can be exceptions and reasons why not to buy by apartments, but it does not have a negative impact. If you are right next door and you back yard has 12 windows looking into it, that may have you pause, but we don't have that happen. In the 2000's we have apartments right in the mix of single family.

Kelly Dalton, retired realtor and operating engineer. We oppose this; I live on West Harding and College Way. The traffic comes by my house. There is a dirt road and at

one time Mr. Baker proposed that he would oil it. There is a blind curve on College way. We hammered these out in Planning and Zoning meeting. It says that Arnold thought there was a different lay out between the number of units, they can have two duplexes, but the determination will be the parking. They want 28 bedrooms, Mr. Baker has been in my home twice and he wants to do two stories. Shane – I have two plans, one for single student and one for married. City code will limit to 24 bedrooms, we will have 36 parking stalls. Kelly – he can determine after he builds who he rents to. You need twice as many parking stalls for married. Rowley – the parking is a wash, you will have the same amount of parking. Kelly – it has been stated that .92 of an acre you can only have 24 units in an acre, so we are trying to build more units that allowed. That property is so steep. Rowley – he said tonight he would only put in 24 bedrooms. Kelly – why change to R-3. Rowley – for married housing. Kelly – we had a gentleman's agreement with the owners, Paul Cozzens was on the City Council, we agreed on R-2 with a deed restriction with married students.

Karsten Reed – I have sold my interest to Shane. The original agreement was based on married student housing and it needed to be R-3. There was so much opposition that the agreement restricted us too much which meant we couldn't build what we needed which forces the hand to single student. The number of students is the same with R-2 or R-3. He is saying Shane won't build married housing. The economics is not in favor of single student housing.

Kelly Dalton – I refer you that the Planning Commission sent a negative recommendation.

Marion Whitney, I live straight across from the property. Is there a problem in trying to restrict it to married student housing. Paul – yes with fair housing. Mr. Baker could do it through a contract that is the best way. Marion - Maridawn Nielsen asked if I would read this to you. The students would have a negative effect on the traffic on College Way and Aime Way. Before you vote I invite you to drive north on College Way and drive east on the dirt road and 8:50 a.m., 9:50 a.m. and 5:50 p.m., it would create a traffic hazard. My issue is when we originally agreed to have it divided into 2 pieces and a duplex on each lot that would be like a single family unit, it wouldn't be tall in the air. That is my issue, I don't want a multi-level building.

Shane – she does have a beautiful home. The traffic, the street is very busy, when I am at the property I turn off the street, I understand it is a concern for her, maybe a traffic light would be considered. The traffic study indicated that traffic would not be impacted. A gentlemen's agreement we made, I never made a gentlemen's agreement, I was not tickled with the compromise which is why I have not built. I do respect wanting married students and that is my wish and goal. I don't need permission to build single student housing, I could already to that. My wish is married student housing. I feel this is in the best interest of SUU and the community and is within the master plan of Cedar City. I would like the zone changed to R-3. Cozzens – I agree with the traffic, it will create a little traffic, but not that much. Shane – I offered to pave the road, but the City is requiring me to pave a different road. Kit – the ordinance requires that you improve your

frontage and front the road, which are curb, gutter and sidewalk. Cozzens – can we make an exception for this? Kit – we will have to see the traffic study. Rowley – if we did nothing you will build single student apartments with 32 parking stalls; if we change the zone you will build married housing instead. You have a legal right to do something on your property. Where I was opposed before, I think the neighbors would have a chance with married. Isom – Fred said guaranteed, is that a guarantee. Rowley – you won't put married and single people in the 2 bedroom. Karsten – it is master planned for R-3, we had 3 years to give input to the master plan, there was a lot of time for the community to come and say what they want. Shane – if this is approved, we don't have a firm plan, but it is two lots, if the change is approved I will need to go through the process to have the lot line removed. Kit – there is no process to remove a lot line, have a deed recorded with the two lots. The hearing closed. Action

CONSIDER A RESOLUTION AMENDING CEDAR CITY'S GENERAL LAND USE PLAN FROM NATURAL OPEN SPACE TO CENTRAL COMMERCIAL ON APPROXIMATELY 1.18 ACRES OF LAND LOCATED IN THE VICINITY OF WEST VIEW DRIVE AND CENTER STREET. GO CIVIL ENGINEERING AND PAUL BITTMENN: Arlo Fawson – we had a client wanting to change the zone from R-1 to Central Commercial; we found the underlying zone of the general land use plan is open space; this is to change the general plan. Rowley – we think the continuing piece was open space because of Coal Creek drainage, but the owners want to leave it as open space. Kit – they won't be able to do anything on the property without an amendment. I don't see any problem. The sliver of open space was left there from a previous land use plan that was not addressed on the last update. Action.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CEDAR CITY'S ZONING DESIGNATION ON APPROXIMATELY 1.18 ACRES OF LAND IN THE VICINITY OF WEST VIEW DRIVE AND CENTER STREET FROM RESIDENTIAL -1 (R-1) TO CENTRAL COMMERCIAL (CC). GO CIVIL ENGINEERING AND PAUL BITTMENN: This is the same property.

Mayor Wilson opened the public hearing. There were no comments. The hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONING DESIGNATION FROM HIGHWAY SERVICES (HS) AND RESIDENTIAL-3-M (R-3-M) TO MULTIPLE USE (MU) ON APPROXIMATELY 9.28 ACRES OF LAND LOCATED IN THE VICINITY OF OLD HWY 91 AND SHURTZ CANYON DRIVE. INSITE ENGINEERING AND PAUL BITTMENN: Ron Larsen – this property has a portion zoned HS and the middle R-3, the general plan shows the entire parcel mixed use and that is what we want to do.

Kit – I don't have any objections, it is in the general plan. Ron – we talked about moving the zones around, but this makes more since until we know what will be there. It is R-3 in the back.

Mayor Wilson opened the public hearing. Archie Schaffer, I live at the end of Shurtz Canyon? Kit – anything in a central commercial or residential zone is allowed. Archie Schaffer -What about apartment buildings? Kit - they are allowed, 24 units per acre. Archie Schafer - What are my options if I oppose it. It wouldn't impact the value of the homes; I disagree if it is low income housing. Kit – address the concerns with the Council.

Mike Bryant – my concern is what will go in there, there must be some idea. Rowley – right now R-3 allows apartments, I expect they have higher hopes, I think it will be something else. Ron – the owner will not develop, he will sell. A restaurant makes sense and some commercial and apartments. It gives the ability to do something nicer. Kit – the property above it is all general planned as mixed use. The hearing closed.

CONSIDER A RESOLUTION AMENDING THE CITY'S GENERAL LAND USE PLAN FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON APPROXIMATELY 21.77 ACRES OF LAND LOCATED IN THE VICINITY OF CROSS HOLLOW ROAD AND 100 NORTH. GO CIVIL ENGINEERING AND PAUL BITTMENN: Heath Oveson – the property across the street is commercial zoning. This is 80 acres and goes up the hill, Genpak is to the north and Sunset Canyon to the south, the lots on Cross Hollow are smaller and then they get larger. We are asking to do what is to the South, we will do 2 streets deep of R-2 single family homes. We are requesting along the south of Genpak to do R-2 duplex units, we feel it would be a good buffer between the R-1 and the manufacturing. Isom – if I extended the elbow to the east, it is the same owner? Heath – yes as you move east the elevation climbs. The development plan will connect the road. Rowley – there is not a connection with Sunset Canyon? Heath – no. Rowley – there were concerns that the lower price units would affect them. Chief Allinson – will there be no driveways on Cross Hollow Road? Heath – correct, the City does not allow that. We want some landscaping on the road, and be very similar to Sunset Canyon. Adams – will that bring the road width with the rest of the road? Yes. Kit – we don't allow driveways with backing maneuvers onto a road this size. Cozzens – I think the duplex would be better next to the plant. Chris Dahlin – noise is one issue, I live in Blackrock, below the hill so I don't get the loud noise, bit it is quite loud. The duplexes we put near a freeway get vacated a lot, it is not complaining neighbors put the property owners they become un-kept, and underfunded street. Is there a way to suggest or encourage Genpak to quiet their refrigeration units? Heath – I don't know how to do that. Most duplexes are two story and might deaden some of the noise. Action.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONING DESIGNATION ON PROPERTY LOCATED IN THE VICINITY OF CROSS HOLLOW ROAD AND 100 NORTH FROM RESIDENTIAL-1 (R-1) TO RESIDENTIAL-2 (DWELLING, SINGLE UNIT)(R-2-1) ON APPRO9XIMATELY 12.67 ACRES; AND FROM RESIDENTIAL-1 (R-1) TO RESIDENTIAL-2 (DWELLING, TWO UNIT) R-2-2 ON APPROXIMATELY 9.1 ACRES. GO CIVIL ENGINEERING AND PAUL BITTMENN: Heath – this is the zone change for the above item.

Mayor Wilson opened the public hearing. There were no comments. The hearing closed.

PUBLIC HEARING TO CONSIDER A PARCEL MODIFICATION TO LOT 1, BLOCK 23, LOCATED AT 180 SOUTH 200 EAST. PLATT & PLATT ENGINEERING AND PAUL BITTMENN: Bob Platt –the Stratton family, Manon Corry owns the parcel and want to divide it to two parcels. Paul – there has been a minor modification since the Planning Commission, the lot on the left was 8,700 square feet and the jog at the top did not exist. The owners would like both to be 9,000 square foot lots. Kit – that makes it so they can build duplexes.

Mayor Wilson opened the public hearing. There were no comments. The hearing closed.

CONSIDER A RESOLUTION AMENDING THE CEDAR CITY GENERAL LAND USE PLAN FROM MEDIUM DENSITY TO MIXED USE DEVELOPMENT ON APPROXIMATELY 3.68 ACRES OF LAND LOCATED IN THE VICINITY OF 400 NORTH BETWEEN 300 WEST AND 400 WEST. WATSON ENGINEERING AND PAUL BITTMENN: Tim Watson – currently the property is zoned GC, the general land use has as medium density but we have mixed use on 300 west. We want to modify to mixed use and then rezone for mixed use to include multi-family housing. We added two additional parcels that were owned by Dave Carter. We obtained the signatures from the adjacent property owners to agree to the zone change. There is an existing 13-plex apartment and single family homes. There are also multi-family homes between Mr. Carter and my client's property. We want the mixed use and modify the zone. Rowley –the owner wants a unified area and has been buying up property. Action.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CEDAR CITY'S ZONING DESIGNATION ON APPROXIMATELY 3.68 ACRES OF LAND LOCATED IN THE VICINITY OF 400 NORTH BETWEEN 300 WEST AND 400 WEST FROM GENERAL COMMERCIAL (GC) TO MIXED USE (MU). WATSON ENGINEERING AND PAUL BITTMENN: this is the same as the above item.

Mayor Wilson opened the public hearing. There were no comments. The hearing closed.

CLOSED MEETING, PROPERTY NEGOTIATIONS:

ADJOURN: Councilmember Isom moved to adjourn and move into the closed meeting at 8:25 p.m.; second by Councilmember Rowley; vote unanimous.

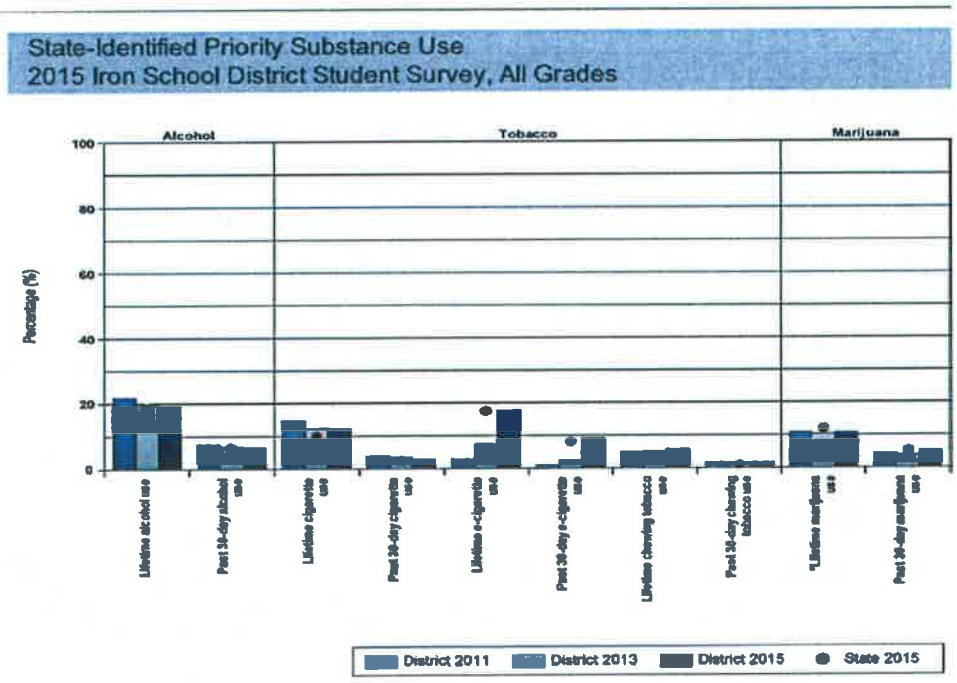
Renon Savage

Renon Savage, MMC
City Recorder

Iron County Prevention Coalition

Tobacco Speciality Business Ordinances

2015 Sharps



Outlet Density

In Iron County...
1 retail outlet per 911 people
1 TSB per 7,300 people

In Weber County...
1 retail outlet per 16,000
1 TSB per 17,800

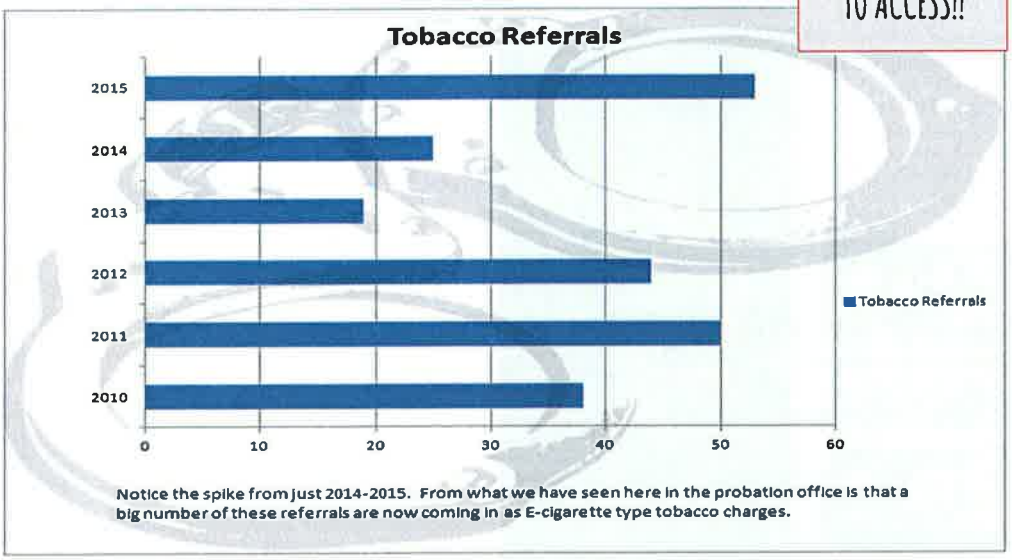
In our Schools.....

- We are seeing students using e-cigarettes at the elementary, middle and high school level
- We have had students both reported and caught using e-cigarettes during assemblies, in class, at lunch and on the bus
- Students report getting e-cigarettes from friends, siblings, stealing from parents and stealing from tobacco specialty stores or gas stations
- Many of these are "good kids" who we may not typically worry about using or abusing substances
- Although we are educating both students and parents about the risks and dangers of e-cigarettes, both groups are failing to recognize the potential harm as most think "It is just flavored water"

In our Schools.....

In the Justice Sector....

WAY TOO EASY TO ACCESS!!



Notice the spike from just 2014-2015. From what we have seen here in the probation office is that a big number of these referrals are now coming in as E-cigarette type tobacco charges.

A NORMALIZED BEHAVIOR....

WHAT WE ARE ASKING.....

CONSIDER THE OPTIONS

1) COMPLETE BAN-- EXAMPLE: IVINS, HURRICANE
   A) THIS ALLOWS BUSINESSES ALREADY IN PLACE TO CONTINUE TO OPERATE, BUT DOES NOT ALLOW NEW BUSINESSES TO FORM IN OUR CITY LIMITS **INDEFINITELY**
2) TIME BAN TO DEVELOP A MORE TAILORED POLICY-- EXAMPLE: WASHINGTON CITY
   A) THIS ALLOWS BUSINESSES ALREADY IN PLACE TO CONTINUE TO OPERATE, BUT DOES NOT ALLOW NEW BUSINESSES TO FORM IN OUR CITY LIMITS **DURING A SPECIFIC PERIOD OF TIME**. WE COULD USE THE PERIOD OF TIME TO DEVELOP ADDITIONAL PROVISIONS TO THE POLICY.

ASK US QUESTIONS AND HELP PROTECT OUR COMMUNITY