

COUNCIL MINUTES
JANUARY 15, 2020

The City Council held a meeting on Wednesday, January 15, 2020, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson-Edwards; Councilmembers: Ron Adams; Terri Hartley; Craig Isom; W. Tyler Melling; Scott Phillips.

STAFF PRESENT: City Manager Paul Bittmenn; City Engineer Kit Wareham; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Darin Adams; Fire Chief Mike Phillips; Parks & Outdoor Facilities Division Head Wade Orme; Public Works Director Ryan Marshall; Economic Development Director Danny Stewart.

OTHERS PRESENT: Wayne Hartley, Ron Larsen, Don Oswald, Rhea Church, Julie Robbins, Ed Miller, November Dou, Tom Jett, David Mineer, Dallas Buckner, Joel, Pete Akins, Dallin Staheli, Paul Roelandt, Len Gleim, Debbie Gleim, Rick Hunsaker, Kathy Hunsaker, Janet McCrea, Ruth Stott, Joe Stott, Mark Kenney, Barbara Hunt, Scott Hunt, Teri Kenney, Stephanie Hill, John Hill, Dave Staheli, Kelsey Keener Cooke, Carter Wilkey, Bob Platt, Aleese Cardon, Adam Snow, Maria Twitchell, Dixon Tiffany, Bob Ogie, Ben Davidson, Jacqualine Grant, James Howells, Mary Belle Royer.

CALL TO ORDER: Pastor Pete Akins of Cedar City Foursquare Church gave the invocation; the pledge was led by Councilmember Hartley.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Phillips – I would like to find out, on 200 South none of the fire hydrants have no parking red paint and one with weeds very high, all along 200 South, from Main Street east. ■Employee of the Month, Ed Miller – EAC: Wade Orme – Ed Miller from the Parks Department – Ed has been with the City for 2 years and he phenomenal, someone that can fill in with anything, we have a few injuries and Ed fills in and picks up the slack which is a great asset, especially with the Christmas holidays. He is one with the horrendous wind storm putting the present back up. He is an employee I am grateful to have on my staff. ■Wade Orme, Parks Division Head – the Cemetery is ready to sell niches in the columbarium, it is ready for business. ■Paul – Kenny Nielsen has been working with Jean Loupour regarding issues with Cross Hollows Arena and today she dropped off a check for \$100,000 to go towards the arena projects. We wanted to let you know, she didn't want to come to Council for any recognition.

PUBLIC COMMENTS: ■Dallin Staheli, Ice Rink – I want to give a quick report and then report on what I handed out, see Exhibit "A". It has been another great start to the year, public skating 9304 skaters through the month of December that is on par for the

past 2 years, 68 season passes 50% increase 105 learn to skate participants, 170% increase from last year. Youth hockey registrations are up 40% adult skate is up 15% and private rentals up 15%. We are really happy; it's great to see what is going on. I just came from getting hockey practice started. We are not going to be able to move forward with our plans for the future; we have hit a road block. We had discussions on the contract and don't feel comfortable with, it is not a knee jerk reaction and get input from smart people that know business and have followed the issue, and no one has advised us to move forward. With that we will withdraw our efforts, not in bad faith, no hard feelings; it is an impasse we have come to. It is time for us to call it quits. We have learned things and I hope the City has learned some things, hopefully something else good will come along. In no way is our faith in viability gone away, we feel 100% it would be successful in the community. We are going to give it our all with what we have got. Until you ask us to leave, we will continue to provide what we can in the current facility. Thanks for all the hours and discussion.

Phillips – this is very disappointing; we spent hundreds of hours to make it work. I need to wrap my head around this; it came as a complete surprise to me. Why can't we set down and talk, is it the lease or the fundraising, what is the final nail in the coffin? Dallin – it is the lease, we reached out and it was indicated that there was not an interest in talking further. You know it has been frustrating and challenging process that we have been happy to do. There were concerning things in the lease and the approach that we were not partners, we were tenants. It is challenging for us to move forward and I am not confident we will get there the way we are going. Phillips – a lot of that is terminology, if we really believe it is the best interest of the youth and children to have winter sports, we need to find a way through it. In all respect we govern the city, we have excellent staff, I wish you would have talked with us, I am very disappointed.

Isom a \$2.8 million-dollar commitment said that we were a partner, but it is your choice. How are fundraising going, was it even going to go on that basis? Dallin – those efforts have been suspended. Isom – we would have loved to hear before this. Dallin – no one has more heart and soul than I have. Phillips – this may never happen in the future.

■ Dave Staheli – Dallin asked me not to comment. We don't have any hard feelings, I know there were efforts made to talk to some of the council and there was an interest that they were not willing to discuss it further. The only other thing I want to say is the day the agreement was voted on we made it clear that the terms we would not be able to move forward under those terms. One of the major problems was being able to secure funding or feel confident in securing funding, the shaky ground was staff really discouraged the Council in splitting the \$2.8 million in two parts, Paul and Jason, they said the money was available and were opposed to seeing it split. That became an issue for some of the entities we were working with, the first portion of a cash donation was fine, but the second part could be withdrawn depending on who was on the City Council that put the rest on shaky ground and put it in a precarious situation on those donating funds. It set an attitude problem, and some withdrew from making donations. To me as a business man was unlike any other agreement I have entered into, it was lopsided, some of the provisions I don't think if seeking counsel from Small Business Development Center would have been looked at as a solid agreement in order to get the project done. It is

unfortunate because we were ready. I also believe, when you have to fight hard to get somewhere and obstacles continue to come up, I think of that as the good lord above steering us in a direction we should go and am willing to accept that. It didn't seem good to me as a member of the board. We are heart broke and would like to continue operating where we are. This is looking at it objectively with good common sense it didn't seem right. The first one as the financial contribution the way it was in the split fashion that was a big thing. Phillips – have you heard anything from the County? Dave – Dallin did not pursue it any further. Phillips – we have to be careful, we make mistakes as a community. We made a mistake 20 years ago on where the Downtown Theatre should be located and we cannot fix those problems. I fear we will have a hard time ever doing this again. Dave – thank you for all the time you have put in. you don't know what Dallin has put into this, he has sacrificed a lot of health and effort. It is just a protection from deity. We want to stay where we are until asked to move.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED DECEMBER 4 (WORK) & DECEMBER 11, 2019; (2) RATIFY BILLS DATED DECEMBER 13, 19, AND 20, 2019; APPROVE BILLS OF JANUARY 10, 2020; (3) APPROVE VICINITY PLAN FOR CEDAR EDGE PHASE III. PLATT & PLATT/DON BOUDREAU: Councilmember Hartley moved to approve the consent agenda items 1 through 3 as written above; second by Councilmember Isom; vote unanimous.

CONSIDER THE BID TO PURCHASE 0.38 ACRES OF CITY PROPERTY LOCATED ON THE CORNER OF COAL CREEK RD AND 800 WEST. KADE ADAMS / TYLER ROMERIL: Tyler – the question came up about the 7.14 acres, in researching that there are 3 parcels of City property that have the same number, adding them together is the 7 acres, but the appraisal is the .38 acres and it was looked at by the City surveyor.

Councilmember Isom moved to approve the sale of .38 acres of City Property at the corner of Coal Creek Road and 800 West to Kade Adams; second by Councilmember Hartley; vote unanimous.

CONSIDER AN ORDINANCE AMENDING THE ZONE FROM ANNEX TRANSITION TO R-2-2 AND I&M-1 ON PROPERTY LOCATED AT 1300 WEST 3500 NORTH. GO CIVIL / TYLER ROMERIL: Dallas Buckner – this is on Bulldog going from R-2-2 and I&M-1. Phillips – are there plans? The reason I ask is I don't want to hear from people about the smell. Dallas – the people have owned the property for 15 to 16 years. We have talked about the I&M piece, but I don't know about the other parcels. Phillips – I don't want people coming to council complaining. Is the triangle the overlay? Dallas yes, that will be the I&M.

Councilmember Isom moved to approve the ordinance amending the zone from Annex Transition to R-2-2 and I&M-1 for property located at 1300 West 3500 North; second by Councilmember Hartley; roll call vote as follows:

Ron Adams - AYE

Terri Hartley - AYE
Craig Isom - AYE
Tyler Melling - AYE
Scott Phillips - AYE

**CONSIDER AN ORDINANCE ANNEXING 40.74 ACRES OF PROPERTY
LOCATED IN THE VICINITY OF 1850 NORTH 3500 WEST. GO CIVIL /**

TYLER ROMERIL: Dallas Buckner – this is a 40-acre annexation piece that had been approved, this is the last step before recording.

Councilmember Hartley moved to approve the annexing 40.74 acres of property located in the vicinity of 1850 North 3500 West; second by Councilmember Isom; roll call vote as follows:

Ron Adams - AYE
Terri Hartley - AYE
Craig Isom - AYE
Tyler Melling - AYE
Scott Phillips - AYE

**CONSIDER FINAL PLAT APPROVAL FOR THE CLIFFS AT SUNRISE
SUBDIVISION. LEAVITT LAND & DEVELOPMENT/TYLER ROMERIL:**

TYLER ROMERIL: Tyler – I received the signed easements today, it is all in place. Hartley – is that the trail easements? Tyler – yes and public utility easements. Adams – let’s review the trail. We have concerned about the size, not using the 4-foot sidewalk and calling it a trail. The trails ordinance said it is not to be streets. The trails committee has issues where we come across the street and getting to the sidewalk that is only 4’, down there and around the bend you will be on sidewalk. Ron – where you come across the road you will be on sidewalk down the road and up Portal Hill until you reach the green space, it will all be 10 feet. Along Cove Drive will be widened to 10 feet. There is some room, there is 11 feet between the sidewalk and the wall, there will be landscaping in there. Adams – the Trails Committee works hard to try and get things connected so when people come and walk or ride our trails there are connectivity. Paul – in the future we want a sign that points a way for the trails? Ron – that would not be a problem. You will want a few signs to let people know, it will be 10 feet of sidewalk, it will be obvious. Paul Roelandt - Trails Committee for 10 years. There have been problems where the standards the Trails Committee set has been changed. A trails system is important to the community, when people are on the trail it is for safety, will there be bicycles, you are not allowed, but we are saying the sidewalk is part of the trail. Something that looks similar is important, it is signed. As we grow, we encourage that these types of changes come to a minimum or it will degrade the quality of the system. Ben Davidson, Chair of Trails Committee – sidewalk? Ron to the end of the lot and it will be 10 foot. They widened the road to put it all in the right-of-way. The first part where the sidewalk is added is outside the property but in the public utility easement. Phillips – are you talking concrete? Ron – yes. Phillips – how do I distinguish which is the sidewalk and the trail? Ron – regular sidewalks are 4 feet walk, this will be 10 feet. Phillips – it will be like the trails now with signs. The

technical standard on the trails ask that. Are we going to get so hung up between asphalt and sidewalk that the developer says never mind? Ron – if you want it to be asphalt? Ben – the sidewalk is ok, we need to identify it as part of the trails system. If we can stripe it like the rest of the trail would help identify that it is part of the trail system. Ron – I don't think it would be a problem; it will be a public road. Adams – when you get to the greenbelt, one trail will head south, is there another fork going the other way? Ron – the master plan showed one going around to the pool, my understanding that it was discussed to go straight through. The one coming off Cross Hollow goes up Mesa Hills.

Councilmember Isom moved to approve the final plat for The Cliffs at Sunrise Subdivision; second by Councilmember Hartley; vote unanimous.

CONSIDER AN ORDINANCE AMENDING THE ZONE FROM R-3-M TO SHD ON PROPERTY LOCATED AT 350 SOUTH 300 WEST. PLATT &

PLATT/TYLER ROMERIL: David Mineer, owner of property – we are seeking the change. Melling – one question, someone reached out and said that the property on 318 South is not yet owned by you and were concerned about procedure could it go forward. And is that proper procedure? David – I will be owner on February 5th, the owner signed the form for the zone change. Melling – is the sale contingent on the zone change? Tyler – procedurally this happens often as long as we have the owner's signature we move forward.

Councilmember Phillips moved to deny for three things, this is not personal; I have had a conflict the entire time of the SHD. There is a question on the posting of the zone change, that alone leads me to believe the City was not following our own guidelines. #2 I am deeply concerned about where it is located in the middle of the block, if it went through a rebuild it will forever change the esthetics and livability of the neighborhood. 3 – there is an outpouring from the neighbors, so I am denying the an ordinance amending the zone from R-3-M to SHD for property located at 350 South 300 West; died for lack of second.

Councilmember Isom moved to approve the zone change from R-3-M to SHE on property located at 350 South 300 West; second by Councilmember Adams; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	NAY

CONSIDER AN ORDINANCE AMENDING THE SHORT-TERM RENTAL ORDINANCE. KATHY HUNSAKER:

Isom – I would like to speak for this since my involvement was called into question. As a citizen and neighbor, I have a right to participate. With sharing that we have with uber, door dash, short term rental. I do have a STR in the County, not the city. I use these facilities when I travel. I want to acknowledge the bravery of Kathy Hunsaker for bring this up and bringing to attention

what has happened in the neighborhood, including invasions of privacy with photos, etc. There has never been a nuisance caused by that property or any STR in the community, we checked with the Chief of Police, one incident in 5 years. We are creating a much ado about nothing. With that we worked hard to come up with the ordinance we passed, and I don't believe we feel it has run its course and want to back away from that at this time. I would leave things as they are.

Hartley – I have a few thoughts on this and on the SHD. On STR most of you know I am for personal property rights as long as it doesn't infringe on someone else. We took time and make compromises. I am concerned and don't think we are done with what we will do with STR. I want to leave it as is for now. For safety reasons with the numbers it becomes commercial, so I am in favor of leaving it also. There was a lot of discussion on STR and SHD, we have a remarkable Police Department and I went to him and asked if there were reports on the property, one on June of 2018, he did say if it is not serious it may not get reported. I feel bad about the disparaging remarks about our Police Department. Thanks to Chief Adams and the Officers. If there are reports and you feel it doesn't get attention, bring those incidents to us so we can follow up. It is difficult when many things have happened, and nothing gets enforced remarks.

Melling – I put written remarks together, they will take 6 minutes. I understand the important needs of the community and I will start these walks of the community; other council members are welcome and if more than 2 shows up we will split up. I will walk 200 South and 800 West on Friday. See remarks attached Exhibit "B".

Adams – I appreciate the input and have responded to every citizen that was sent to me and was able to clarify some things. I like how we got to this ordinance. We have areas that like to restrict these uses, you do have CC&R's filed with the County, which took me a lot of time to find and paragraph 4 has a key point left out and it protects operating businesses in an area so you can keep those out. I am not opposed to doing anything, it was a good solution. I would vote no.

Councilmember Phillips moved to deny the request to amend the short-term rental ordinance and leave as is on the books; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

Hartley – I have a few comments on the Student Housing zone change. Back when we created the SHD we spent countless hours with community input, negotiation, we have safety with old homes around the University and that was our primary concern. I met with David Mineer today and expressed this to him that I am not super in favor where it landed in the middle of the block. Our attorney has advised us that it is our ordinance and

if we have legal valid reasons to deny we can do that, we don't want to open the city to legal problems. Everyone I have talked with said Mr. Mineer has been open to work with them. I ask you to make this as less intrusive as you can and work with the neighborhood. I would also like to start the discussion of revisiting some of the terms in the SHD with minimum standards or requirements in the neighborhoods. Maybe get input from those living in the neighborhoods. I would like to have discussion on how to make it work in our neighborhoods better. Melling – being new I would be happy to have those discussions. Mayor – if the council has a starting point, we can do that. Phillips – we can do that, we have a few points to start with.

CONSIDER LEASING CITY PROPERTY ON HIGHWAY 14, WEST OF RIGHT-HAND CANYON ROAD FOR ADVERTISING. TYLER ROMERIL: Tyler – I would recommend this item be tabled to the next action. I have been given additional documents from Mr. Roberts and the County, a few issues to move through.

Adams – I sent an email to Paul and I did research on my own. Paul – I didn't have any to give you. Adams – it is a little bit of history. I found out why Dan Roberts was paying the State of Utah lease money on this sign, it has been there longer than I can remember. I found out the State looks at it, they have a map that shows where the sign location is and gives you the permit number. It is listed as a non-conforming sign on a scenic byway. In conversation with Terri on other things, she asked if I checked with the County, I have now. They give attention to the outdoor advertising act. That is why the sign is there and why Dan has been paying it. We have to address it now that someone brought it up. My feeling is at the time we as a city, it is not in the City limits and does not fall under our ordinance. My idea is if we get into leasing signs, we open a huge can of worms. I don't see anyone walking in and saying they want a sign on the corner of the Fields at the Hills, would we lease that to them. I don't want to get into leasing a sign period. Dan can continue to pay if it stay. We don't want to get in the business of leasing. Paul – the \$90 a year is the UDOT permit rate, not our lease rate.

Councilmember Isom moved to table to the next work meeting; second by Councilmember Phillips; vote unanimous.

CONSIDER A RESOLUTION TO BEGIN THE PROCESS OF TERMINATING OWNERSHIP RIGHTS ON ABANDONED CEMETERY LOTS. WADE ORME / TYLER ROMERIL: Wade Orme, Parks Division Head – Councilman Phillips you asked how many lots, there are 274 we don't have questions on about unknown graves. Phillips – I feel it is an appropriate thing to do. And we need to try and get ahold of this.

Councilmember Phillips moved to approve the resolution to begin the process of terminating ownership rights on abandoned Cemetery lots; second by Councilmember Hartley; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

CONSIDER AN ORDINANCE ADOPTING UTAH'S WILDLAND-URBAN INTERFACE CODE. MIKE SHURTZ: Mike Phillips, Fire Chief – Chief Shurtz is in Salt Lake.

Councilmember Isom moved to approve the ordinance adopting the Utah Wildland Urban Interface Code; second by Councilmember Adams; roll call vote as follows:

Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE

CONSIDER APPROVING AN RFP TO UPDATE THE CITY'S GENERAL PLAN.

PAUL BITTMENN: Paul – we have the RFP drafted and sent it to everyone. Mr. Phillips would like to include Tourism, it can be in the Economic Development portion. We can publish as early as tomorrow morning and have a short turn-around time. Phillips – Historic Preservation is also included.

Councilmember Isom moved to approve the RFP to update the City's General Plan; second by Councilmember Hartley; vote unanimous.

ADJOURN: Councilmember Isom moved to adjourn at 6:40 p.m.; second by Councilmember Hartley; vote unanimous.



Renon Savage, MMC
City Recorder



EXHIBIT "A"
CITY COUNCIL - JANUARY 15, 2020

A: 600 North Airport Road
Cedar City, UT 84721
E: Info@cedarcityglacier.com
T: 435-868-8914

TO

Mailee Wilson
Terri Hartley, Craig Isom,
Scott Phillips, Tyler Melling,
Ron Adams

Date

July 15, 2020

Mayor and City Council,

Regarding the lease agreement drafted by the Cedar City Attorney and approved by the council on November 13, 2019 for the future Pavilion ice rink and multi-purpose center...

It is with great regret that we must reject the proposed lease contract and withdraw our efforts to partner with Cedar City in bringing The Pavilion to Cedar City. While we appreciate the contributions the city has been willing to make towards this project, the approved lease agreement does not provide the basic protections and security we need to confidently move forward and carry out our end of this contract. We are heartbroken, and sincerely apologize to the thousands of disappointed citizens in our community who were counting on us to make this work. We hope the experience gained through our failure may help others who dream of creating something great for Cedar City find success.

Sincerely

Dallin Staheli, President

The Glacier, Staheli Rec. Management



Renon Savage

From: W. Tyler Melling <tyler@mellinglaw.com>
Sent: Wednesday, January 15, 2020 6:28 PM
To: Renon Savage
Subject: Statement regarding short-term rentals 1/15/20

Follow Up Flag: Follow up
Flag Status: Flagged

I greatly appreciate the community input from different sides of the short-term rental debate, as well as references to articles about the issue containing input from other communities and policy professionals.

I feel strongly the need to provide a transparent view to the public regarding how I understand this issue and what I am inclined to decide in the future based on the information that I have available to me. Please keep in mind that my mind is never entirely made up, and that I am always open to new information, data, and viewpoints to help shape my views.

The issue before us is whether to approve an increase on the current occupancy limits set in place by this council about one year ago. Tonight, I am inclined to vote nay. This is not because I support occupancy limits as an effective or appropriate limit on short-term rentals, but rather because I believe that a vote to raise the limit 1) further ratifies a flawed standard and 2) will not remedy Mrs. Hunsaker's problems as detailed in her letter to this council.

I understand this council came to a decision regarding occupancy limits after much careful thought and deliberation as a compromise between different parties. However, in my personal research, I was unable to find any policy experts advocating for such a limit, likely due to the concerns mentioned last week. To the prior council's credit, many of the policy papers I have read were not published until last year, as this is an emerging policy arena. That being said, the last thing we want, as a city, is a regulation on the books that leads to neighbors becoming self-appointed regulators who tattle on the rule breakers. Instead, if we are going to limit short-term rentals or otherwise amend our current ordinance in the future, I would be more open to exploring limitations based on other metrics such as owner-occupancy requirements and annual rental limits which can be verified through records kept and submitted with tax paperwork. Anyone already operating in violation could be grandfathered in with a sunset period at a later date. Any records kept by the rental service are likely to be accurate, as rental operators not using a rental service lose the advertising and significant liability protection associated with their use.

Other concerns were mentioned in letters to the council and/or myself and I would like to address some of them.

Regarding the operation of a so-called 'hotel' in a residential area, I do have a hard time differentiating a bed and breakfast from other businesses. For example, if I wanted to operate my law firm in my own home and have a few clients per day visit my home, I'd probably be fine. However, if I wanted to buy a house one street over and use that as my law firm, the law would not likely fall in my favor. I do not believe a BnB should receive special treatment just because the business is that people sleep there a few nights at a time. Our laws should be consistent and either allow both or prohibit both.

In response to many of last week's comments regarding single-family zoning, two residents sent me an article about other communities and states abolishing single-family zoning altogether, citing political and practical inflexibility of single-family zoning to a changing world. While I do not endorse that position, I am acutely aware of many of the unintended individual and societal impacts we see in our country with such zoning, such as limited access to amenities, decreased walkability, and the death of hometown retail.

One letter stated that they purchased their home in an R-1 zone because of the restriction to single-family homes. I ask everyone to keep in mind that the zoning restriction in and of itself does not guarantee that a neighborhood will not change. Home-based businesses, group homes, and other uses that may not immediately come to mind are permitted in R-1 zones, some of which are federally-mandated and the city cannot bar them from operating. Further, as the world and community change, we see an increasing number of older R-1 neighborhoods in this country needing to re-zone to allow the highest use of the property and prevent blight. R-1 neighborhoods that do not use an HOA to enforce building and land maintenance, use, and aesthetics will likely all reach a higher density or become mixed-use areas with time (a century or so) or become historical districts.

On a related note, another letter stated that the resident (who does not live near Ridge Road) would have purchased in another city if they knew that there was a chance a huge short-term rental could live next door to them. I am not sure if this resident is aware, but that was a possibility just up the street from them a few years ago with two of the largest homes in their neighborhood. However, the neighborhood homeowner's association blocked those operations. Those who view their home as an investment and want to better ensure their neighborhood remains inflexible to market changes have for decades used an HOA as a tool to that end, and may continue to do so.

I personally find it surprising that Ridge Road residents have not formed an HOA with the fervor I have seen on this issue with many of them coming to council meetings, sending the council emails and letters of concern, and paying hundreds of dollars out of their own pockets to support a city council candidate who they felt would support their position in last year's race. Granted, an HOA could not be used to bind the Hunsakers or anyone else not willing to opt-in, but this group would be able to bind future unknown owners of the lots that do opt-in, protecting the neighborhood from more of this perceived threat of change in the future. As time passes, it will become harder to sympathize with a neighborhood that lobbies the city to protect

it from harms, real or imagined, while failing to take advantage of the legal tools available to it privately.

To close, unless a new compelling argument is presented tonight, I intend to vote nay on the change to the ordinance on the grounds that I do not believe it will help the Hunsakers with their problems with neighbors, and I do not want to ratify a policy that leads to this kind of neighborhood enforcement. Voluntary cooperative associations are a great avenue for that, cities are not. If we revisit this code in the future as a municipal entity, I would love to see something that is easily-enforceable, consistent with other law, and leads to better neighborhood relationships.

Best Regards,

W. Tyler Melling
Attorney & Counselor at Law
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