

**COUNCIL WORK MINUTES**  
**OCTOBER 20, 2021**

The City Council held a meeting on Wednesday, October 20, 2021, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Councilmembers: Ron Adams; Terri Hartley; Craig Isom; W. Tyler Melling; Scott Phillips.

**EXCUSED:** Mayor Maile Wilson Edwards.

**STAFF PRESENT:** City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Police Lieutenant Jimmy Roden; Fire Marshal Mike Shurtz; Leisure Services Director Ken Nielson; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; City Planner Don Boudreau.

**OTHERS PRESENT:** Laura Henderson, D. Bean, Brent Drew, Roger Thomas, Jeanne Hunt, Josh Nowell, Tim Watson, Terri Kenney, Maria Twitchell, Wendy Green, Garth Green, David Clarke, Nick Holt, Terri Atkinson, Gary Atkinson, Paige Mather, Dallas Buckner, Jeff Richards, Derek Morton, Troy Belliston, Tucker Neilson, Aleese Cardon, Carter Wilkey.

Councilmember Isom moved to appoint Councilmember Adams as the Mayor Pro Tem; second by Councilmember Hartley; vote unanimous.

**CALL TO ORDER:** Tim Watson gave the invocation; the pledge was led by Councilmember Melling.

**AGENDA ORDER APPROVAL:** Paul – item #4 is a UDOT presentation, they could not be here tonight.

Councilmember Phillips moved to approve the agenda order pulling #4; second by Councilmember Hartley; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS:** ■Hartley – thanks to Public Works for the cleanup of all the trees down.  
■Renon Savage – with the ballots being mailed out later than expected, do you want to move the canvass from November 10<sup>th</sup> to November 16<sup>th</sup> in order to be able to count more votes? If so, we will need to have a special meeting on the 16<sup>th</sup>. There was discussion with the council. It was decided to leave it on the 10<sup>th</sup>.

**PUBLIC COMMENTS:** ■Way finding signs in the downtown area. Don Boudreau/Maria Twitchell – Maria Twitchell, Iron County Tourism – in 2015 we had Roger Brooks come and do an assessment and one major thing brought up was the lack of way finding signs. We have been working on the project since then. We have had a good relationship with UDOT getting their signs updated to include attractions. We are now at the point where we would like to put

in signs that are more branding of the community and more pedestrian oriented, they would have the city logo. We can work with UDOT and the Council to put in about 13 in the downtown area to help direct visitors in the downtown, saying that you are entering the Historic Downtown, signs showing parking, Heritage Center, Library, etc. we want to get your blessing. We have the money and would like to move forward. We are anticipating the cost for the 13 signs with the logo and the historic pole about \$25,000, there is only one company that makes that pole, but we will put it to bid. They have to be breakaway signs and of a certain size and have to meet UDOT regulations. Phillips – the City of Logan and Ephraim and Richfield have way finding signs, we need to move ahead. Maria – UDOT has been good to work with. I know they will work with us. I would hope we can make it happen before the end of the year. Do you need to work with our Street Department as well? Maria – yes, we brought it to Sketch Review. We are limited to the words on the signs, we are sensitive to the signs. We are hoping to make it work. Phillips – people need to know where the parking garage, Veterans Park and City Park are located. Maria – we want your blessing and want you to know the Tourism Bureau will pay for this. Council was in agreement of this. ■ Teri Kenney – can you clarify about the ballots; they have to be received. People are concerned about the ballots getting out. The election will appear to not have gone correctly, and people may want a recount. A friend called the City and was told they could email the ballot, which could allow people to vote more than once. Hartley – Jon said if they replace the ballot, they spoil the original ballot that will eliminate double votes. Renon – we will also have in person voting on election day.

**CONSIDER VICINITY PLAN FOR THE SHURTZ CANYON PUD, 3164 S. TIPPLE**

**ROAD. WATSON ENGINEERING/DON BOUDREAU:** Tim Watson, Watson Engineering – we are at vicinity stage for 60+ acre development. It conforms with the development agreement we entered into. There are two items, working with Jonathan for a second access, Tipple Road will only have one. We know there will be other developments in the area, so we want to utilize the road to make a second access. I think it is a reasonable request. We have a lot of offsite working with SITLA on, and they aren't the easiest to work with. Jonathan is helping us show that the master plan roads are there and get boring under I-15. Their speed is not as friendly as we would like. Isom – how will it develop, close to I-15? Tim – the developer wants the community center in the first phase with 32 lots. Consent.

**CONSIDER VICINITY PLAN FOR THE CHELSEY SUBDIVISION, 2400 N. LUND**

**HIGHWAY. GO CIVIL/DON BOUDREAU:** Dallas Buckner, Go Civil – This was previously Willow Creek. Same concept, RE subdivision with half acre lots. Original phase 1 was 30 lots, not it is up to 91. There is a sewer lift station, water from Sycamore Trails, so they wanted more lots to help offset the improvements. Hartley – what is the street as far north? Dallas – Lund Highway and 2800 North. The vicinity plan does an S curve and turns into 3000 North, a master planned 75-foot road. Hartley – the shape of the road, does it go along drainage ditches? Phase 1 had 31 lots in the original plan. Dallas - The lift station is at the low point at the top, so to run the gravity sewer and put water and power in we almost have all utilities in. We tacked on roads to the original phase. Phillips – how many phases will it be? Dallas – it is 206 acres, we are going to bring forward a zone change request, most is RE, a portion R-2-2, we may move some of that around depending on drainage.

There is no shortage of master planned improvements out there. Phillips – Lund Highway has one house; the other portion is not listed. Dallas – we will improve where we tie in and develop. Phillips – I only see 81 lots on the map we received. Dallas – this is not the most recent, the roads didn't change, we created 10 lots within the footprint. Phillips – are we ok with water and sewer connections? Dallas – this is a really long run, the previous design from Willow Creek ran a lift station and a pressurized line to 7300. There are discussions of an offsite easement to shorten that run. Willowcreek Phase 1 got everything approved until bonding and they didn't get the bond. If another route shortens it, we will do that on construction drawings. Hartley – there is a for sale sign, is that the current developer? Dallas – I think that was from the Willow Creek group. Melling – looking at the parcel map, is this between 2400 and 2800? Dallas - yes and the west side of Lund Highway. 2800 curves in and ties in. Melling – the west parcel shows different ownership. Dallas – that is an error on the GIS, it is the same owner. Melling – I was trying to figure access to Lund Highway. One other issue, with those road improvements, what extent does that extend the whole parcel, or the portions improved. On Lund Highway the master planned road, you will improve only the parts platted and subdivided? Yes. Melling – does that match our ordinances? Jonathan – that is correct, they only need to improve their frontage. Phillips – the same on 2400 North? Yes. Jonathan – the water line will have to extend the full length. Dallas – correct it will extend. Consent.

**CONSIDER A RESOLUTION FOR THE HISTORIC DOWNTOWN ECONOMIC COMMITTEE. JENNIE HENDRICKS:**

Maria Twitchell, Historic Downtown Economic Committee – Jennie could not attend tonight. I am a member of the committee. We are applying for the official community designation for the downtown area. the new Utah Main Street Program helps maintain and revitalize the downtown and promote our downtown area and merchants to ensure economic growth and beautification. This program provides training, workshops, work plan and program and access to the State Main Street Enhancement Grant and the National tools and resources. The application is due on October 31<sup>st</sup> and the city would need to adopt a resolution for that application. Hartley – is there a cost? Maria – not at this time. With our participation through Utah, we have a membership into the National Program which could be expensive. The grant money is up to \$50,000 and that would help us moving an agenda forward, a possible staff person to help move things forward. We are a volunteer committee, and it is hard to do big things. Phillips – this came before the Historic Downtown Economic Committee, and they were in favor of this. It is a win/win. Action.

**CONSIDER PROPOSED CHANGES TO LANE STRIPING AND BIKE LANES AROUND THE SUU LOOP. CHRIS HALL/BRANDON WEIGHT:**

**CONSIDER APPROVING THE FINAL PLAT OF OLD SORREL TOWNHOMES**

**PUD PHASE 1. WATSON ENG./TYLER ROMERIL:** Tim Watson, Watson Engineering – items 5 & 6 are together. We have phase 1 and phase 2. The bottom of Phase 2 is against the Cross Hollow detention pond. We finalized the construction drawings and are ready for final plat approval for the PUD. Paul – with both items, we don't have a bond agreement in place. This is to approve final plat and then we will hold them until we have the bonding and then we will record the plat. The two-year clock starts when you approve the final plat. Tim

– the letter of credit and bond agreement? Yes. Phillips – are we looking at phase 1 & 2 together. Tim – this is phase 1. Where are the two accesses in the phase? Tim – it comes in phase 2, and with doing both together we will get the road. Hartley – what is this area (pointed to on the map). Tim – it is open space. The master planned trail is off property, and the city is working to get improved. Phillips – what happened with the discussion on the wall. Tim – that got dropped by me. I have had discussions with Mr. Romeril and Boudreau, and we have not come up with the changes. That is in my court. There is a tall wall to separate the units from the hillside. If the Council chooses not to amend the fencing access, there is not access to the trail for the residents. Paul – they can reach the trail by coming out to Cross Hollow Road. Jonathan – Mr. Romeril wanted me to bring up that there was grading that started prior to final plat approval. The grading permit has been issued and there will not be a pre plat penalty issued with this. Phillips – thank you for the improvements made on Cross Hollow Road in anticipation of this project. Action.

**CONSIDER APPROVING THE FINAL PLAT OF OLD SORREL TOWNHOMES**

**PUD PHASE 2. WATSON ENG./TYLER ROMERIL:** Tim Watson, Watson Engineering – this is the second phase of the previous item. Same story on the bonding.

**CONSIDER AMENDING CITY ORDINANCE CHAPTER 32-8(4)(F) PERTAINING TO FENCING REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS. PLATT & PLATT/TYLER ROMERIL:** Dave Clarke, Platt & Platt – several years ago the City changed the ordinance on perimeter fences. We propose that if the townhome faces the road the need for the perimeter wall be removed from the ordinance. Pictures were shown (attached as Exhibit "A") nice landscaping and neighborhood feel. The ordinance changed to require a wall around. There may have been unforeseen consequences. More pictures shown. There is no curb appeal with these. I mentioned in Planning Commission, regardless if it faces the road or faces in, people are parking on the public street. I noticed on the rear facing they are not afraid of parking their RV's on the road. You don't see this on the front facing buildings. Our desire is that if a developer chooses to face the townhomes to the road with some curb appeal and landscaping that the council would consider changing the ordinance. 1425 North, The Fields you see the back of the townhomes and the wall, but across the street they are setback and no wall without any driveways onto the road. Which is more inviting? It is very subjective with 3D architecture, how detailed you want it, or do you care as long as it has nice landscaping. Phillips – you are asking for the front access. Dave – we have to put a wall even if we front the street, the ordinance requires a wall 10-feet off property line. We request if they face forward with rear parking, they are exempted from having to put in the wall. Hartley – the ordinance stays in place with one option. Paul read the changes in the ordinance *"buildings fronting dedicated streets must have articulated elevations (multi-surface building projections) with a covered porch at the front of each unit. The full frontage of the buildings shall be landscaped common area and parking and/or garages shall be at the rear of the buildings."* Melling – when we say something needs to be out of site out of mind that expectation is met. I think this is needed. Action.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE VACATING AND ACCEPTING THE SECOND AMENDED FINAL PLAT OF BLACKSTONE PHASE 1 PUD. LEAVITT LAND & DEVELOPMENT/TYLER ROMERIL:** Brent Drew,

Leavitt Land – the original plan we amended to make two single level units and 4 two-story in the middle. When the engineer was laying it out, he noted a power line and we thought it could be moved. The power line provides power to most of the hill and the price to move it is quite pricy. We are going back to the original plan.

Mayor Pro Tem Adams opened the public hearing. There were no comments. The hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE  
GENERAL PLAN FROM CENTRAL COMMERCIAL TO HIGH DENSITY  
RESIDENTIAL ON PROPERTY LOCATED AT 200 EAST CANYON**

**COMMERCIAL DRIVE. ENSIGN ENG./TYLER ROMERIL:** Josh Nolan, Ensign Engineering – we would like to amend the parcel, just over 8.5 acres, off Wedgewood Lane. We would like to change it to R-3 multifamily and the lower portion remain Central Commercial. Phillips – if we make that R-3-M what density to we create for traffic. It is a difficult left hand turn onto Main Street. Wedgewood Lane does not come all the way through yet. Josh – we have not got into that yet. That will happen with Sketch Plan. Phillips – the other concern, every time it rains that street floods, that needs to be taken into account. Josh – we work in the CICWCD building so we are aware. We will have to figure out the water and do street improvements also. Melling – there is a lot of commercial in that area, I think this is a great place to do an R-3. The max units would be 200 units, which is not a lot for traffic flow. Hopefully we will get more lots in that end of town. Is there a future connection to 1600? Josh – I think there is a master planned road to 1600. Jonathan – it is a master planned road; the problem is there is a mobile home park there and it will be difficult to get that complete.

Mayor Pro Tem Adams opened the public hearing. There were no comments. The hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE  
FROM CENTRAL COMMERCIAL (CC) TO DWELLING MULTIPLE UNIT (R-3-M)  
ON PROPERTY LOCATED AT 200 EAST CANYON COMMERCIAL DRIVE.**

**ENSIGN ENG./TYLER ROMERIL:** same issue.

Mayor Pro Tem Adams opened the public hearing. Troy Belliston, Developer – it is zoned commercial, going to residential would reduce traffic. Also, we don't water on the project any more than anyone else. The water that goes on the property is because Wedgewood is not finished. We would rather see Wedgewood go through than go to 1600. The hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE  
FROM DWELLING MULTIPLE UNIT (R-3-M) TO STUDENT HOUSING  
DISTRICT (SHD) ON PROPERTY LOCATED AT 1025 WEST 200 SOUTH.**

**LEAVITT LAND & DEVELOPMENT/TYLER ROMERIL:** Brent Drew, Leavitt Land – the next three items are ours. The property is owned by the DALF Foundation. One parcel is in the master plan for SHD, the other parcel is not in the general plan for SHD but is R-2. We would like to do two apartment buildings with 96 beds. We were trying to come off 1025

West, that has been changed. Hartley – would you leave the home on 900? Yes. Hartley – are the other two homes rentals? Brent – one is, one is not. Phillips – the medium density to SHD is not part of the approved overlay zone, does that have to be separate. Paul – there is no SHD zone in this area, a master planned designation, that is all. The separate is to take property not in the SHD and put it in the SHD and then rezone all of the property to SHD. The general land use plan follows the R-3 designation by the University, the same land area that was high density residential and it was changed to SHD. There is some high density and some medium density on the master plan, that is what they would like changed. Adams – it was left out originally because the SHD was only allowed in R-3. Paul – we did that on purpose as the city. We had a lot of other proposals when it went through. There were proposals to take it across I-15 and the compromise was to go with what we had. Melling – when did the City determine what is R-2 and R-3 in that area. Paul – I don't know. Jonathan – we could research. Adams – most of the old properties were almost all R-2 historically, but they were all single-family dwellings. I am guessing that all the homes have been R-2 for years. Phillips – how will the buildings be oriented? The buildings will face in and the back to the street, but we will give it a front look. Phillips – do you anticipate the other will be developed down the road? Brent – there is one individual that wants that as his home. Melling – the orientation would be to the north and west streets? Brent – the two buildings would have the back to 1025, that helps keep the kids from parking on the street. Isom – that worked well at Gateway.

Mayor Pro Tem Adams opened the public hearing. Jeannie Hunt, I live at 305 South 1100 West on the corner of 1100 West. 1100 West way back when my father built the house the street was not going through and they were going to do the main road by the freeway and couldn't get access, so 1100 West is a main thoroughfare, there are a million cars that go by. Our street is only 42 feet wide and should be 60 feet. I know some mirrors have been removed by cars traveling. I had workers in my yard this last year and they said you could get killed on this street. The corner is worse, I have a turnaround, so I don't back on to the street. It is mostly traffic. The tennis courts are across from the area so there is parking problem. If they put buildings where the tennis court parking was there will be more on street parking. My house is R-1 in that area, because my father fought for it. Our block is all R-1. Putting a 3-story building will block the view from my house. Having the preschool put across the street with the snow there was a traffic jam in front of my house. There has been one accident on the corner.

Paige Mater – I live in the area on a corner, my grandfather built the house and he lived there for 30 years. We have made a lot of improvements to the yard so we can spend time in the back yard. Our concern is if it is an apartment and parking, the zoning is changed, there could be another building. There is not a fence high enough to protect privacy. It is already a problem for grandkids and pets when they come because of all the traffic. Some of the houses are rentals and they come with students, we love the students, we try the hardest to meet them all and have a talk about kids and pets in the area, please don't drive fast, but the parking is an issue because there are double digits of students in each house and they have friends and girlfriends and the street is full, especially if there is an event at the University. Our concern is our quality of life, and if the zone was changed then our house is like an

island, not connected to any other single family residential housing and it is not ideal. For us we would like to see the zone not changed for our safety, privacy and quality of life.

Marie Atkinson – I live at 925 the quality of life is already what she was saying with student housing around us, we are treading water, but dealing with it. A three-story building all windows will look down on us. The privacy we are fair game for anyone looking out their windows and it doesn't say home sweet home. I would vote no on changing the zoning, so they have such large numbers of students. Same with the house next to us, it could be bought out as well. No one wants to live in an island of apartment buildings.

Teri Kenney – a few observations, only one of the properties is in the SHD overlay and from R-2-2 to SHD is a big jump. The quality of life is negatively impacted. When Spencer Jones came in and wanted property changed, he was dealing with an area of town that changed to a point there were not residents to come in and object. I think it is premature to look at the property as potential SHD zone, others are still living there. Some people at Planning Commission are not here. There is only one property in the SHD, it's two big of a jump on the R-2 piece and still have residents that have an expectation for reasonable use of their property and their quality of life will be severely impacted.

Gary Atkinson, the grandfather mentioned. This item and 12 and 13 are interlocked. I built the house on 200 South 900 West 30 years ago. At that time all of the houses on 900 West were single family dwellings, some with 1 or student apartments in them. Because it is a State road, they do what they want, one morning they moved the parking to the middle of the road and left the student parking. A concern of items 12 & 13 it is desired on the lot 222 it is a deep lot that goes back to the parking, home, backyard and garden space and it is desired to change that to SHD, what worries me it means that we are facing a State Road and it could be changed to a road that connects on 900 West and we would be located next to a road or parking lot and a State Road. We have another neighbor in a single-family dwelling. If this becomes a road or parking lot, we will be an island and it will have a negative effect on the value of our property.

Janice Jensen, I live on 900 West across from the church. Two weeks ago, at Planning Commission meeting it was announced that the entry and exit would be on 1025 West, a short, curved road, not a regular road. Now it is going to be changed into 200 South. There is going to be a bottle neck for a 96-bed apartment building of students trying to go in and out of 200 south. If there is any other way to get out of there, the church parking lot may be used to get onto 900 West to turn on 200 South and if another entry/exit they would try and get on 1025 West. There will be a major traffic problem.

The hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE  
GENERAL PLAN FROM MEDIUM DENSITY RESIDENTIAL TO STUDENT  
HOUSING DISTRICT ON PROPERTY LOCATED AT 227 & 231 SOUTH 1025  
WEST AND 222 SOUTH 900 WEST. LEAVITT LAND & DEVELOPMENT/TYLER  
ROMERIL:** Brent Drew, Leavitt Land. Phillips – a good point was brought up about the

parking lot for the tennis courts, how will we accommodate the parking for that. Brent – it was there for administration, not for the tennis courts, but it was used by the tennis courts. I had several girls play tennis, I parked across the street on 200 South and walked across the street. It will be an adjustment for the tennis people. We are trying to provide apartments for students. Phillips – 1025, is that not a standard width? Jonathan – I believe so. 1100 is 60 feet, 1025 is 66 feet. Phillips – with the concern on the 1025 exit was it because of the curve? Brent – traffic coming on the city streets was a concern. We met and have decided to change it and bring the traffic on to 200 South, it is a larger road and can handle it better. 900 West was never looked at. Hartley – any access between the buildings to 1025. Phillips – you will be required to build a wall, so no access through the church parking lot. Brent – correct. There are a lot more students on Gateway North and we have not seen the bottleneck, most of the students walk. Melling – how many students at Gateway North? About 220. Hartley – could there be an option on the home on 900 West left as R-2. Brent – it is all our property, but if you wanted to leave that into R-2 it could be done. Melling – we had this discussion on the 200 North piece, the parking doesn't have to meet the zone. Brent – it is a rental now and will be left. Hartley – it does look at the homes to the north. If you left that R-2 they wouldn't have the concern of a road of a 3-story building. Melling – how does it compare if the east parcel is left R-2, does that diminish the developer's responsibility to put a wall up. Brent – no matter what, when we are doing parking, we do a 6-foot masonry wall. Melling – R-2 would not require a wall, but SHD requires it. Hartley – is there already a wall in those back yards? Brent – if there is it isn't very tall. We have to measure the wall; it has to be 6 feet on their side.

Mayor Pro Tem Adams opened the public hearing. Laura Henderson – at Planning Commission item 13 was given a negative recommendation, traffic and safety was brought up. I can speak from living in SHD, even though a lot of students walk it is a dangerous area, students don't pay attention. There may be more pedestrian traffic, there is no cross walk or lines, and it becomes dangerous. I have to be very careful accessing 200 South. We are always dealing with parking and quality of life. Leaving the property R-2-2 will only stay that way until the developer comes back and then the neighbors quality of life is taken away. It is always stated they are doing it for the students, but it comes down to money. Paige – our front door goes out on 200 South, I do recognize they were trying to fix the traffic to have it all go out one area, I don't think it is a fix, just moving the problem to another area. When students walk, they don't pay attention to anything around them, there is a lot of cutting across the yard, not watching people come out. They drive like 20-year-olds and have a need for speed. I can see not just a bottleneck but potential accidents especially with the parking across the street with the parking for the two arenas. If that is the only way out and the parking lot is full for an event that is a potential disaster. The parking lot there was not for the tennis court people, but I can tell you from setting in my yard it was used as such. If they are not parking there and they don't want to walk across the street, the cars line 1025 West, it almost seems worse to have the students come out there. Mrs. Atkinson – is it possible, or would Leavitt consider a one story or making it all parking. It concerns me that it was used heavily for parking during big events that happen more and more, and they use up that parking lot and more. They need parking, I don't understand where all the parking will go with 3 story building with 96 beds. Brent – 72 are required, we would have 74. Mrs. Atkinson – where do the others park? Brent – we average 30-40 empty stalls at the other

parking lot. Mrs. Atkinson – maybe you are providing rentals for students without a car, but all the ones by us have cars. With 96 students I don't see where all the cars will go and you need to add friends. Laura Henderson – Founders Hall is regularly full.

Phillips – a little confusion in our packet, we have one paragraph on the Planning Commission notes does 1025 encompass all four items. It did get a positive recommendation 3/1. Isom – the piece that is the parking lot was in the original SHD overlay, Planning Commission felt it was fine and gave a positive recommendation. They weren't willing to extend the SHD to the rest of the property. Talking to Planning Commissioners after the vote, they didn't want to deal with it and punted to Council. It was a negative recommendation for the lower piece. Phillips – I am still struggling. Why we are moving away from 1025, it seems it would be better to go to a less busy street before a busy street. Brent – I am not the engineer. Phillips – no residents until 1100. Brent – you would have the same amount coming out, to make both groups happy it would be better to go on 200 South. Phillips – it is going to be restriped and have bike lanes. Brent – we don't have mass kids pulling out and killing people every day. We hear about the safety, but we have some pretty good students here that are not out to destroy Cedar City. Of all the apartments, we have not seen the problem because of how the school schedules the classes. I understand every change cause worries. Melling – what are the specs on the wall leading up to 200 South adjacent to the property owner. I don't want a wall that causes site issues. Jonathan – it drops to 30 inches in the front setback (15 feet in SHD).

Teri Kenney – I was also in attendance, and I thought it was clearly expressed with a negative recommendation it wasn't good for the neighborhood, it wasn't expressed in public record and minimizes the public confidence if what people say after words is like closed door meetings. Laura Henderson – it is disingenuous to tell the public they don't see bottlenecks; I live there and see it all the time. I see dangerous crossings. We get overflow from Founders Hall from students and guests, and we are permit parking. Friends and parents come, and people have to park somewhere. I do see the problems.

Jeanne Hunt - the traffic on 1025 is not minimal, if you go to the corner and try to turn it is hard to see. People will come up 1025 and turn. When there is an activity at the college the church and my front yard is full of cars. Phillips – that happens in every college town. Paige – they are good students, that is not the issue, SUU and students are not the issue. We are talking where parking will go out, but will it be allowed to be rezoned, where it empties doesn't matter until the zone is approved or denied. It is not fair to the property owners to depreciate, not just monetary, but in peaceful lives. We realize we live in a college town, but I don't think we should add to the problem by putting more in the area, it is not an ideal spot for multilevel housing.

The hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE  
FROM DWELLING TWO UNIT (R-2-2) TO STUDENT HOUSING DISTRICT (SHD)  
ON PROPERTY LOCATED AT 227 & 231 SOUTH 1025 WEST AND 222 SOUTH 900**

**WEST. LEAVITT LAND & DEVELOPMENT/TYLER ROMERIL:** Brent Drew, Leavitt Land – the same issue.

Regarding the general plan amendment in Planning Commission Adam moved to send a negative recommendation and not expand the SHD area at this time, second by Ray, passed 2/1. Also negative on the zone change.

Mayor Pro Tem Adams opened the public hearing. Wendy Green – when you live in a city with a university you will get spread out and take over. My husband lived in the parking lot of the Centrum. People that live around here, in respect for their property, they can't get any money out of it if there are big buildings around them. I think it should be left until more people move out of the residential area until it is more apartment friendly area. The hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE VACATING AND  
ACCEPTING THE AMENDED FINAL PLAT OF NORTHFIELD ADDITION**

**SUBDIVISION PHASE 1. EXCEL DESIGN/TYLER ROMERIL:** Charles Hammond, Excel Design – the next few items connect together. The Cascade Springs apartment project, phase 1. Years ago, I was hired to do phase 2, at that time we anticipated extension of the public street. When we went in for a rezone, it was approved, a portion is already R-3-M. When we went for the site plan the neighbors did not want the road to connect. We have tried to purchase property to make a second access, we need that to develop more apartments. My client purchased the property, and we would like to relocate Commerce Center Drive and bring it around and connect it to a city street. It is nice to separate the road from higher density and single density homes. The property has acquired more property, the remainder of the properties are CC. We would vacate the lots and rezone a portion of commercial to R-3-M and make it one master planned community and realign the road to the west and connect it to the City streets.

Melling – everyone wants lower traffic; this seems like a crazy work around. It is not a preplanned road, no easements northward. Charles – there is not a master planned street to connect those. I think it was the intention, the dedication of Commerce Center Drive is a temporary cul-de-sac. Phillips – I understand they don't want more traffic, but we need traffic to flow. Charles – we didn't intend to purchase property for the road, but that was the solution. Melling – without secondary accesses it creates more pressure. Charles - The proposal will give a second access to all the property. Phillips – is the property to the north in the City? Yes. Charles – Roger Smith owns the property to the north and was willing to sell for the road but received a lot of pressure from his neighbors. Phillips – what does staff think of the plan. Jonathan – we have had many discussions with Charles. It is not a master planned road so there is no way to force the road to go through. Without them owning the property it is difficult. The proposal meets city standards. Melling – the fact we made it to this point. Charles – we try to be good neighbors as much as we can. There will always be a connectivity problem north and south. We are in discussion for property to the north, we don't intend to develop west other than for access. We are in communication to master plan the entire area to get to Northfield Road. Melling – what about the island. Charles – there is a piece of property in the County, we were going to annex and was rejected at the county

because it was going from one island to two islands. I would like to help the landowner and see if they would want to access. I don't think they will because of the cost of water. We can dedicate the road to the county to get the second access. Melling – at annexation is water acquisition the only fee at annexation. Yes.

Mayor Pro Tem Adams opened the public hearing. Janice Jensen – this gentleman was speaking about a second access to his project. Is a second access required for a student housing project? Jonathan – if it exceeds 80 units. Janice – for the Leavitt project would require a second access? Jonathan – it is based on units, not beds. Brent – it is only 12 units. Janice – is it by unit of student count? By units, 80 units. Janice items 11-14, when will action be taken? Next Wednesday. The hearing closed.

**CONSIDER APPROVING A ROAD DEDICATION LOCATED AT 2620 NORTH COMMERCE CENTER DRIVE. EXCEL DESIGN/TYLER ROMERIL:** Charles Hammond, Excel Design – same project. Melling – will the dedication be all in the city? Charles – it will be on both the City and County. Melling – the County is not happy with the annexation but ok for the dedication. Yes.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE GENERAL PLAN FROM CENTRAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL ON PROPERTY LOCATED AT 2620 NORTH COMMERCE CENTER DRIVE. EXCEL DESIGN/TYLER ROMERIL:** Charles Hammond Excel Design – we want community commercial to R-3-M. Phillips – this is Cascade Springs, was that there 15 years ago? Charles – longer than that, I lived there when I went to SUU. The concept will extend, the other portion will be called the Farms and will be townhome style and part of the amenities in Cascade Springs. All common ownership and all part of the amenities. Melling – it will be good to develop around it.

Mayor Pro Tem Adams opened the public hearing. Jonathan – we discussed the approval be contingent on a bond agreement and construction drawings. Melling – at vicinity plan, keep something open for a roadway if it were ever able to continue. Jonathan – there is not a vicinity plan with apartments. The hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM CENTRAL COMMERCIAL (CC) TO DWELLING MULTIPLE UNIT (R-3-M) ON PROPERTY LOCATED AT 2620 NORTH COMMERCE CENTER DRIVE. EXCEL DESIGN/TYLER ROMERIL:** Charles Hammond, Excel Design –

Mayor Pro Tem Adams opened the public hearing. There were no comments. The hearing closed.

**PUBLIC HEARING TO CONSIDER AMENDING CITY ORDINANCE CHAPTER 26 ARTICLE XIV REGARDING THE AIRPORTS OVERLAY ZONES. JONATHAN STATHIS:** Jonathan – this establishes regulations regarding land use where it interfaces with the airport. To restrict height to affect flight plans. It is to bring the Airport Overlay and maps in correlation. We found discrepancies on the ordinance and mapping. We have worked with

the Airport Manager, and discussions with the FAA to make sure correct. The proposed changes came out of the review process. The runway protection zones at the north and south are proposed to be updated as shown on Exhibit "B", current ordinance pink, blue current mapping, and cross hatched is the proposed change. Reduced north to south and expand east to west. Runway 20 pink, current, blue mapping, proposed change in cross hatched. The change on the north end is the current runway length and proposed 10,000, current 8,000+ Feet and proposed to expand to 10,000. Approach zones along the runway east and west and north and south. The approach zones will be updated as shown. 825 current red, blue current mapping, cross hatched area in the proposed change. Basically, no change other than each end by I-15. North/south 220 no proposed changes to mapping, ordinance changes to reflect the map, to show the future 10,000 runway expansion.

Melling – how does it impact private property owners, and where? Jonathan – the south end of the runway will expand east to west. Nick Holt – it went to Hwy 56, which will be less restrictive, more restrictive on the sides, those properties have aviation easements on that end for height restrictions. Melling – those are already in place? Nick – yes. Melling – did we provide mailed notice to these people? Jonathan – no, other than the public hearing notice required. Nick – the north end the length is the same. Melling – this is the approach map? Nick – yes. The map did not have the runway protection zone close to the runway, that protects the runway, the map didn't show but the ordinance had it in. Working with the FAA we need an RPZ to protect the runway and the master plan already has a protection in it. We extended wider so if we don't go with a full extension can slide to protect future expansion. We don't know if the expansion will be exactly 10,000 feet. On Equestrian approach zones, it is less restrictive, the others had no discrepancies. Jonathan – on the north end there was a discrepancy, but the map was already correct so that is how it has been interpreted.

Mayor Pro Tem Adams opened the public hearing. There were no comments. The hearing closed.

**CONSIDER BIDS FOR HVAC CONTROLS. DREW JACKSON:** Drew Jackson – this is a capital improvement project, HVAC controls the bid is \$65,890, \$642 over budget, the overage will be paid by the building and ground maintenance budget. Paul – there are multiple components to the system, controls and then roof top unit, boiler in the basement, and a mechanical component in the ceilings and floors that open and close the heating and cooling. This fixes one area, we may have to come back for mechanical valves that need to change. Phillips – this building? Paul – us and the Police. Consent.

**CONSIDER ENTERING A MEMORANDUM OF UNDERSTANDING WITH IRON COUNTY, ENOCH CITY AND THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT. PAUL BITTMENN:** Paul – Iron County has a grant from NRCS to study the storm drain system from Airport to Rush Lake, part of that grant the first round contemplates for engineer study and preliminary design, not final engineering or construction, although the money may be available in the future from NRCS. The County wants to explore diverting flooding into recharge stations. The Wastewater Treatment Plant lies between Airport and Rush Lake and the County asked if we could include the effluent in this study. It says we will share information for storm water, effluent, recharge between

Airport and Rush Lake and do preliminary engineering and plans. If there are actual projects proposed, we will deal with those as they come up. NRCS is Natural Resources Conversation Service. Phillips – has this been signed off by the other entities? Paul yes.

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

Councilmember Isom moved to go into closed session at 8:00 p.m.; second by Councilmember Phillips; roll call vote as follows:

|                |   |     |
|----------------|---|-----|
| Ron Adams      | - | Aye |
| Terri Hartley  | - | Aye |
| Craig Isom     | - | Aye |
| Tyler Melling  | - | Aye |
| Scott Phillips | - | Aye |

**ADJOURN:** Councilmember Isom moved to adjourn at 8:38 p.m.; second by Councilmember Phillips; vote unanimous.

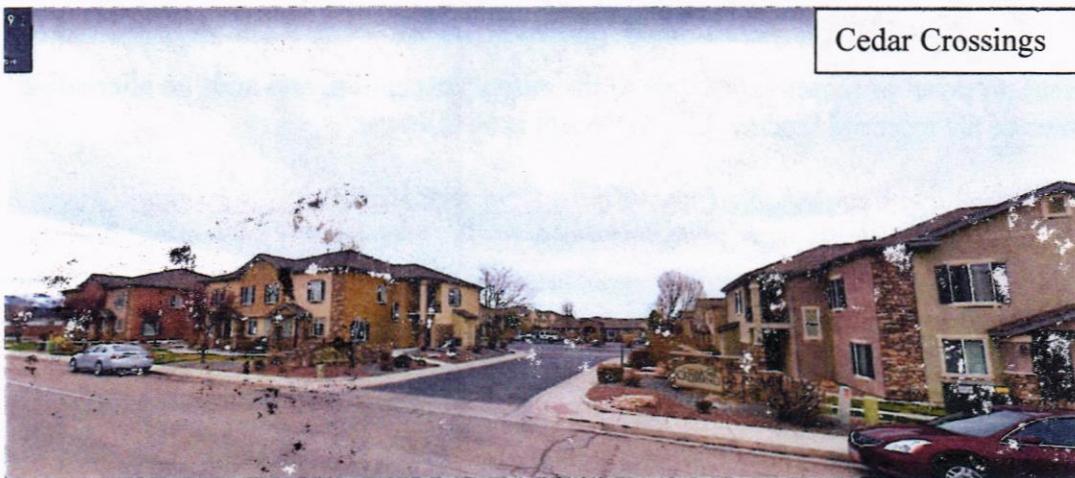
Renon Savage

Renon Savage, MMC  
Cedar City Recorder

Cedar Crossings



Cedar Crossings



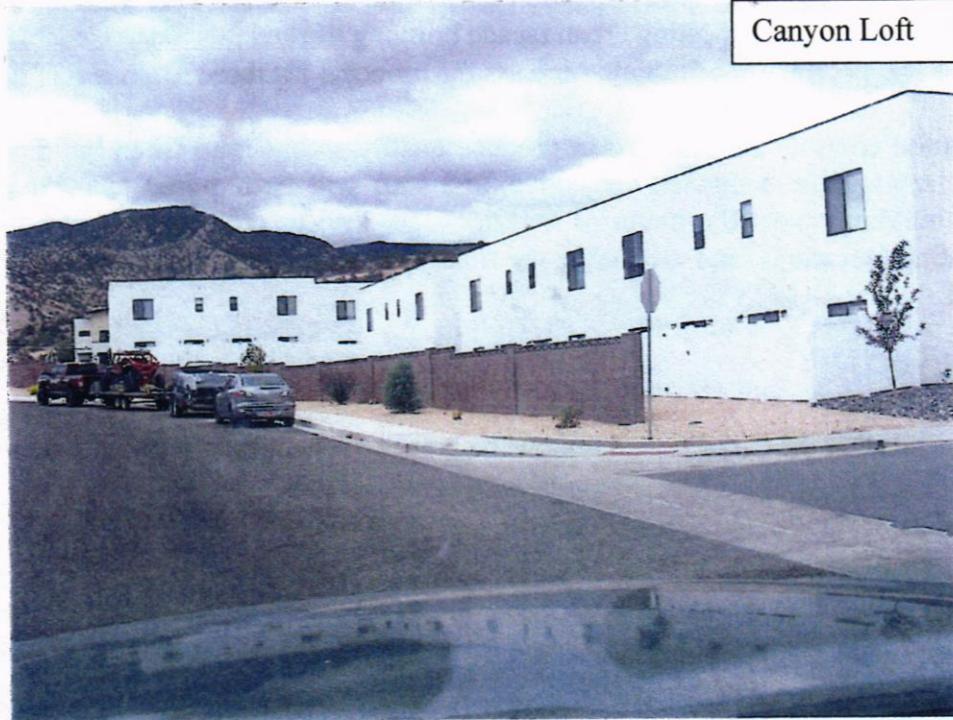
Cedar Bend



County Side Terrace



Canyon Loft



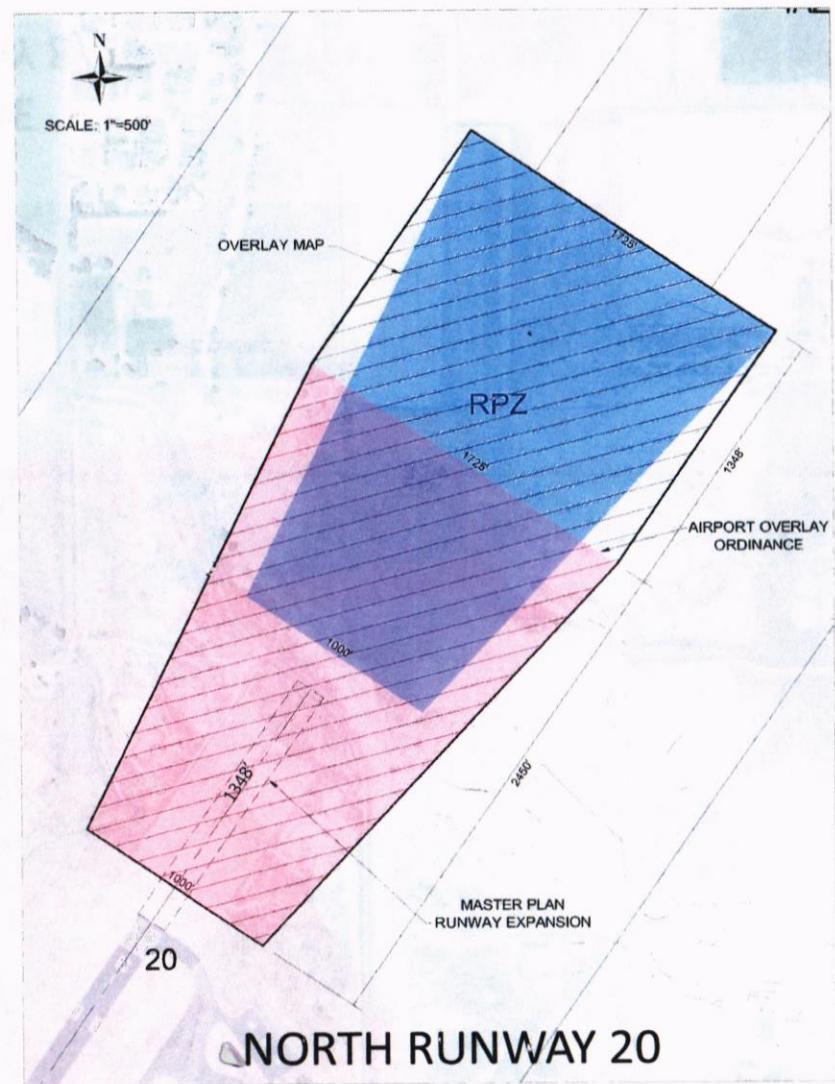
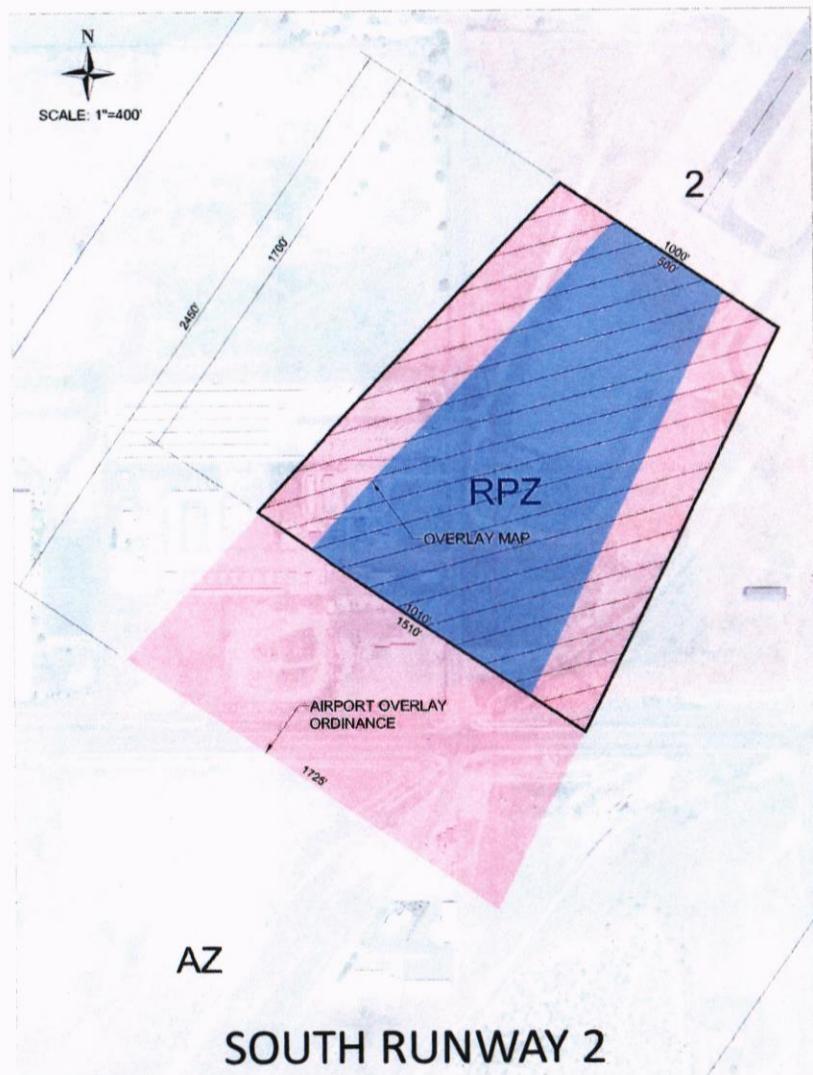


EXHIBIT "B"  
CITY COUNCIL – OCTOBER 20, 2021

