COUNCIL MINUTES
JANUARY 12, 2022

The City Council held a meeting on Wednesday, January 12, 2022, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Garth O. Green; Councilmembers: Terri Hartley; Craig Isom; W. Tyler Melling (electronic participation); Scott Phillips; Ronald Riddle.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Tyler Romeriil; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Police Chief Darin Adams; Fire Chief Mike Phillips; Leisure Services Director Ken Nielson; Public Works Director Ryan Marshall; City Planner Don Boudreau.


CALL TO ORDER: Father Komar of Christ the King Catholic Church gave the invocation; the pledge was led by Laura Henderson.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ▪ Mayor – I appreciate when things automatically happen, we have had so many complements on the Christmas lights. I appreciate those involved in taking them down. Also, I was negligent last week for not recognizing the pictures on the wall, they are unique and wonderful. I appreciate Schott Phillips and his involvement and Steve Decker. Happy Birthday to Scott Phillips. ▪ Phillips – I echo you on the lights coming down and they also cleaned the street. I appreciate Public Works. ▪ Chief Darin Adams - we wanted to highlight on the 3rd we had a house fire west of Care and Share, Larry Taylors home. The fire started in the basement, he was able to get partially up the stairs. When our officers arrived, he wrapped a sweatshirt around his face and entered through the front doors, there was thick smoke, very overwhelming. As you probably heard, Chief Phillips threw a fire aerosol device in the basement and it dropped the smoke, they are remarkable. It dropped the smoke enough that Officer McCoy could locate Mr. Taylor and pulled him the rest of the way out and saved his life. Officer McCoy spent a few hours in the ER and was treated and then went up north to his military drill this weekend and stopped by the LDS Hospital and saw Mr. Taylor. Mr. Taylor is doing well and will be released today. This is a great story with great team work.

PUBLIC COMMENTS: ▪ no comments.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED DECEMBER 1 (WORK) & DECEMBER 8, 2021; (2) RATIFY BILLS DATED DECEMBER 10, 14, 22 & 28, 2021 & APPROVE BILLS DATED JANUARY 7, 2022; (3) APPROVE
ACCEPTING A PETITION TO ANNEX 1.75 ACRES OF LAND IN THE VICINITY OF 175 WEST 3000 NORTH. ROGER & JENNIFER SMITH/DON BOUDREAU; (4) APPROVE VICINITY PLAN FOR THE 4B RANCH-PHASE 3 SUBDIVISION LOCATED AT APPROXIMATELY 1950 S. WESTVIEW DRIVE. GO CIVIL ENGINEERING/DON BOUDREAU; (5) APPROVE VICINITY PLAN FOR THE MAN CAVE COMMERCIAL PUD PHASE 1 LOCATED AT APPROXIMATELY 2500 N. CLARK PARKWAY. GO CIVIL ENGINEERING/DON BOUDREAU; (6) APPROVE VICINITY PLAN FOR THE CANYON AT EAGLE RIDGE PHASE 3 SUBDIVISION LOCATED AT APPROXIMATELY 2400 S. EAGLE RIDGE DRIVE. GO CIVIL ENGINEERING/DON BOUDREAU; (7) APPROVE USE OF CAPITAL FUNDS FOR REPAIRS TO THE PUBLIC WORKS BUILDING. RYAN MARSHALL; (8) APPROVE THE FINAL PLAT FOR IRON CREST SUBDIVISION PHASE 1. PLATT & PLATT/TYLER ROMERIL; (9) APPROVE THE ROAD DEDICATION FOR FIDDLERS COVE DRIVE AND PINYON GROVE CIRCLE. GO CIVIL/TYLER ROMERIL: Councilmember Isom moved to approve the consent agenda items 1 through 9 as written above; second by Councilmember Hartley; vote unanimous.

CONSIDER APPROVING THE FINAL PLAT FOR LIBERTY COVE PUD. PLATT & PLATT/TYLER ROMERIL: Bob Platt – Jesse Carter asked us to come tonight. They are looking for the FAA approval, it has been in the works for quite some time. Tyler – I suggest you approve conditioned on FAA approval. Phillips – do you know when that may be? Bob – we had correspondence with the FAA a week ago, they have 40 days max to do the study. Isom – are they involved because the highway is in the landing strip? Paul – if you pull out the airport zone, the majority of Cedar City is in the airport overlay.

Councilmember Isom moved to approve the final plat for Liberty Cove PUD pending FAA approval; second by Councilmember Phillips; vote unanimous.

CONSIDER AN ORDINANCE VACATING AN EASEMENT LOCATED AT APPROXIMATELY INTERSTATE DRIVE & 800 SOUTH. PLATT & PLATT/DON BOUDREAU: Bob Platt – this was discussed last week. It is a wide construction easement and waterline easement. We have platted the easement as 10-feet wide.

Councilmember Hartley moved to approve an ordinance vacating an easement located at approximately Interstate Drive & 800 South subject to Liberty Cove Subdivision being recorded first; second by Councilmember Phillips; roll call vote as follows:

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

AN ORDINANCE AMENDING CHAPTER 32 RELATED TO PERIMETER FENCING REQUIREMENTS AROUND PUD’S. TIM WATSON/TYLER ROMERIL:
Tim Watson – we talked about this last week. Phillips – is it rear yard only? Tim – it is written as site obscuring fence so it could also be on the side as well as the rear. Tyler – subsection c added since last week. It was the perimeter fence is required unless you meet one of the following and if you do you can come to the City Council and plead your case. Density does not exceed 60% or 150 feet between building units and adjacent property, or this will help with what Mr. Hansen talked about last week giving leeway with hills, cliffs, and ravens; streams and rivers, and or other areas that stick out in the landscape, they can come and seek your approval to eliminate the fence. Tim – it would need to meet one of the following or both. Tyler – I don’t know what that does for us, if the purpose of the fence is to provide privacy, what does it matter if it is 60% build out of 20%. I think it makes more sense with the 150 feet. I don’t know what the density does. Tim – because with R-3-M townhouse is allowed up to 24 units per acre, it was just another option, before (c) it was an option to qualify to come to the City Council for consideration. Phillips – I think the same; give more room within the structure. Tim – it is just something to allow consideration. Phillips – I have no problem with item (c), it helps.

Councilmember Phillips moved to approve an ordinance amending Chapter 32 related to perimeter fencing requirements around PUD’s with the new wording with a minimum of one of the items; second by Councilmember Isom; roll call vote as follows:

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

AN ORDINANCE AMENDING THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO RURAL ESTATE ON PROPERTY LOCATED AT 1100 N. 3900 W. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – this is what we talked about last week going from medium to R-2-1 and then low density to RE. Phillips – they all say 1100 N. 3900 West, when making changes do we need to be specific. Tyler – the ordinance has the specific legal description. Dallas – we all put a legal description on the plat. Tyler – they are checked by staff before they are put in.

Councilmember Isom moved to approve an ordinance amending the general plan from low density residential to rural estates on property located at 1100 N. 3900 W.; second by Councilmember Hartley; roll call vote as follows:

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

AN ORDINANCE AMENDING THE ZONE FROM ANNEX TRANSITION (AT) TO RESIDENTIAL ESTATE (RE) ON PROPERTY LOCATED AT 1100 N. 3900 W. GO
CIVIL/TYLER ROMERIL: Councilmember Phillips moved to approve an ordinance amending the zone from annex transition to rural estates on property located at 1100 N. 3900 W.; second by Councilmember Hartley; roll call vote as follows:

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

AN ORDINANCE AMENDING THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON PROPERTY LOCATED AT 1100 N. 3900 W. GO CIVIL/TYLER ROMERIL: Councilmember Isom moved to approve an ordinance amending the general plan from low density residential to medium density residential on property located at 1100 N. 3900 W.; second by Councilmember Phillips; roll call vote as follows:

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

AN ORDINANCE AMENDING THE ZONE FROM ANNEX TRANSITION TO DWELLING SINGLE UNIT (R-2-1) ON PROPERTY LOCATED AT 1100 N. 3900 W. GO CIVIL/TYLER ROMERIL: Councilmember Hartley moved to approve an ordinance amending the general plan from low density residential to rural estates on property located at 1100 N. 3900 W.; second by Councilmember Isom; roll call vote as follows:

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

AN ORDINANCE AMENDING THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO CENTRAL COMMERCIAL ON PROPERTY LOCATED AT 24000 N. LUND HIGHWAY. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – the existing is R-2-1 to R-2-2 to RE. Phillips – the top piece in white? Dallas the NE corner is zoned R-2-2 and everything else is RE, when we overlayed phase 1 boundary from Willow Creek we realized we had some overlap after the lift station was put in. This is a cleanup, transferring R-2-2 density and taking some to commercial. Phillips – does your client worry about R-2-2 without transportation and accessibility to commercial. Dallas – I don’t think so, from general master plan, Lund is a 100 ft master planned road, right now it is far out there, but there is more coming and further west is more dense projects. Phillips – I don’t want to unintentionally trap residents without transportation. Also, I am concerned about schools in
the area. Riddle – do they have a particular commercial in mind? Dallas – every type of land use within the zone is considered. What we discussed is a C-store on the corner. A portion with higher density storage units come up. It is about 5 acres, it is not giant, but you can put a decent size convenience store/gas station. They just want to reserve it now. Phillips – I don’t think we want storage units on the corner of Lund Highway.

This is the Chelsey Subdivision with 3 parcels, 3 is the cleanup, 2 is taking the remainder outside phase 1 and making the area and adjacent R-2-1.

Councilmember Phillips moved to approve an ordinance amending the general plan from low density residential to central commercial on property located at 2400 N. Lund Highway; second by Councilmember Hartley; roll call vote as follows:

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

AN ORDINANCE AMENDING THE ZONE FROM RESIDENTIAL ESTATE (RE) TO CENTRAL COMMERCIAL (CC) ON PROPERTY LOCATED AT 2400 N. LUND HIGHWAY. GO CIVIL/TYLER ROMERIL: Councilmember Isom moved to approve an ordinance amending the zone from rural estates to central commercial on property located at 2400 N. Lund Highway; second by Councilmember Hartley; roll call vote as follows:

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

AN ORDINANCE AMENDING THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON PROPERTY LOCATED AT 2500 N. LUND HIGHWAY. GO CIVIL/TYLER ROMERIL: Councilmember Isom moved to approve an ordinance amending the general plan from low density residential to medium density residential on property located at 2500 N. Lund Highway; second by Councilmember Hartley; roll call vote as follows:

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

AN ORDINANCE AMENDING THE ZONE FROM RESIDENTIAL ESTATE (RE) TO DWELLING TWO UNIT (R-2-2) ON PROPERTY LOCATED AT 2500 N. LUND
HIGHWAY. GO CIVIL/TYLER ROMERIL: Councilmember Isom moved to approve an ordinance amending the zone from low rural estates to dwelling two unit (R-2-2) on property located at 2500 N. Lund Highway; second by Councilmember Hartley; roll call vote as follows:

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

AN ORDINANCE AMENDING THE GENERAL PLAN FROM MEDIUM DENSITY RESIDENTIAL TO RURAL ESTATE ON PROPERTY LOCATED AT 2600 N. LUND HIGHWAY, GO CIVIL/TYLER ROMERIL: Councilmember Phillips moved to approve an ordinance amending the general plan from medium density residential to rural estates on property located at 2600 N. Lund Highway; second by Councilmember Hartley; roll call vote as follows:

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

AN ORDINANCE AMENDING THE ZONE FROM DWELLING TWO UNIT (R-2-2) TO RESIDENTIAL ESTATE (RE) ON PROPERTY LOCATED AT 2600 N. LUND HIGHWAY, GO CIVIL/TYLER ROMERIL: Councilmember Phillips moved to approve an ordinance amending the zone from dwelling two unit (R-2-2) to residential estates on property located at 2600 N. Lund Highway; second by Councilmember Isom; roll call vote as follows:

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

AN ORDINANCE AMENDING LOTS 19A AND 19B OF THE CEDAR PINES SUBDIVISION LOCATED AT 212 W. AND 214 W. 1150 SOUTH STREET, PLATT & PLATT/TYLER ROMERIL: Bob Platt, Platt & Platt – this is a twin home where we replatted the division line because of how the house was constructed.

Councilmember Hartley moved to approve an ordinance amending lots 19A and 19B of the Cedar Pines Subdivision located at 212 West and 214 West 1150 South; second by Councilmember Isom; roll call vote as follows:
AN ORDINANCE AMENDING LOT 41 OF THE ASHDOWN FOREST PUD PHASE 1 AND LOT 25 OF THE ASHDOWN FOREST PUD PHASE 2 LOCATED AT 1044 E. AND 2030 E. FIDDLERS CANYON ROAD, PLATT & PLATT/TYLER ROMERIL:
Bob Platt, Platt & Platt – this is to move the lot line between the two lots owned by the same individual, 2-feet to give clearance for a shed. Phillips – it doesn’t have anything to do with the HOA. No.

Councilmember Phillips moved to approve an ordinance amending Lot 41 of the Ashdown Forest PUD Phase 1 and Lot 25 of the Ashdown Forest PUD Phase 2 located at 1044 E. and 2030 E. Fiddlers Canyon Road; second by Councilmember Hartley; roll call vote as follows:

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

MOTION TO RECONSIDER THE DECEMBER 8TH CITY COUNCIL DECISION TO REZONE PROPERTY LOCATED AT 3000 NORTH 2300 WEST FROM ANNEX TRANSITION (AT) TO DWELLING TWO UNIT (R-2-2). COUNCILMEMBER HARTLEY: Phillips – I can’t recall from last week, have they considered a development agreement on this project? Dallas – they are not inclined to do an agreement; the expectation was to get the zoning and develop within it. I understand the need for development agreements for R-3 zone to restrict, or R-2-2 with R-1 density, but a project R-2-2 and we plan R-2-2 and there is natural constraints with road dedications and detention ponds, taking 20-30% for roads. Mike and I had talked about an agreement and he said we would lay out with R-2-2 and where the density fell knowing it wouldn’t be 8 we felt it was worth pursuing. Phillips – in December Mr. Coronado agreed to listen to the neighbors and know they and him would be proud of the development. Hartley – that is what I was going to ask. Based on the discussion on infrastructure and plans moving forward as the developer originally planned.

Councilmember Hartley moved to deny the motion to reconsider the December 8th Council decision to rezone property located at 3000 North 2300 West from Annex Transition to dwelling two unit (R-2-2); second by Councilmember Isom; Melling – the motion is to reject the prior motion to reconsider. Yes. Rollcall vote as follows:

Terri Hartley - AYE
Craig Isom - AYE
Tyler Melling - AYE
Phillips – I voted against that in December because of a flaw in the General Plan and I will stay with that.

AN ORDINANCE AMENDING CHAPTER 26 RELATED TO PARKING REQUIREMENTS. DON BOUDREAU/TYLER ROMERIL: Don Boudreau – at the last meeting we proposed many proposals, most centered on mixed use developments and changes in use reductions. The discussion centered on staff recommendation with the applicant providing parking analysis and parking cueing analysis for carwashes, drive throughs, anything that doesn’t require stacking. The intent was not to impede traffic flow and circulation. Staff proposed a few changes, for car washes 1 per employee and language for circulation, a detailed site plan for staff to review based on best engineering standards and should the applicant not agree with staff’s conclusions they can provide analysis themselves and we can take them into consideration. Phillips – it is a good step. We don’t want undue burden on local businesses, but they can bring proof if they don’t agree. Hartley – one question on 26-V-19, refers to a diagram. Don – currently parking gives guidelines and drive aisles. A lot of cities will use a diagram to clarify what needs to be shown on a site plan. Isom – I like the provision for mixed use developments. Phillips – Melling you had questions about 26-V-15, have you had more thinking on that? Melling – the % reduction at staff discretion. I would like to give 25% wiggle room; I think more than 10% would be appropriate for repurposed buildings. The last thing we want is blight. Phillips – I was going to propose 20%. Riddle – I think 20% is ok but like 25% also. Jonathan – we are recommending 10%, the more discretion we have the more possibility we can run into problems if there is not enough parking. I think we can handle 20%. Paul – if the proponent has enough land but still requests a reduction, do you expect we will just reduce or is it to facilitate when they don’t have enough land? Phillips – we require way too much parking on big box stores. Isom – I have faith in staff to do what is right. Don – it would be automatic. Paul – that is ok if the Council wants to take a broad approach. Hartley – if it makes sense, not just an automatic if they ask for it. Don – the way written, if they expand the use and we enforce even if you have the land for parking. The intent was to give us some cushion. The 10% is negligible, I understand where Scott is coming from. I don’t know how we would answer no. Phillips – wouldn’t that be the same with 10% as 20%. Mayor – the City Building Official may approve a minor exception. If you don’t have the land. Hartley – also if they have the land but feel they have enough parking. Not an automatic waiver. Phillips – it has to be in compliance as they construct, this is if they make changes or expand. I like the 20%. We want to encourage businesses to expand and look at business operations. Paul – it is only on redevelopment, not on a new big box coming in.

Councilmember Phillips moved to approve an ordinance amending Chapter 26 related to parking requirements with 26-5-16 change to 20%; second by Councilmember Hartley; roll call vote as follows:

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<tr>
<td>Terri Hartley</td>
<td>AYE</td>
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<td>Craig Isom</td>
<td>AYE</td>
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Councilmember Isom moved to approve a resolution registering Cedar City in the National Opioid Settlement; second by Councilmember Hartley; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

CLOSED SESSION – PENDING LITIGATION

Councilmember Isom moved to go into closed session at 6:20 p.m.; second by Councilmember Phillips; roll call vote as follows:

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

ADJOURN: Councilmember Isom moved to adjourn at 6:55 p.m.; second by Councilmember Hartley; vote unanimous.

Renon Savage, MMC
Cedar City Recorder