COUNCIL WORK MINUTES
FEBRUARY 2, 2022

The City Council held a meeting on Wednesday, February 2, 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; Scott Phillips; Ronald Riddle.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Tyler Romeril; 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; Economic Development Director Danny Stewart; Golf Superintendent Steve Carter; Director of Golf Jared Barnes; Library Director Steve Decker; Building Official Drew Jackson.

OTHERS PRESENT: Ryan Talbot, Dane Leavitt, Adam Hahn, Kristine Cowan-Hanks, Terry Hanks, Ann Clark, Laura Cotts, Teri Kenney, Laura Henderson, Mike Platt, Tom Jett, Sue Markham, Sean Hemmersmeier, Kaden Finlinson, Kavin & Cindi Godwin, Chad & Brittany Westwood, Jeff Richards, Wendy Green, Carter Wilkey, Joel Hansen, Nathan Westwood, Amber Westwood, Juli Westwood, Milton McLelland.

CALL TO ORDER: Hussein Samha of the Al-Hekma Center gave the invocation; the pledge was led by Jason Norris.

AGENDA ORDER APPROVAL: Mayor - others have input on #10, not just Councilmember Melling.
Councilmember Isom moved to approve the agenda order; second by Councilmember Hartley; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS: STAFF COMMENTS: ■ Mayor read a letter, attached as Exhibit “A”. Also, I would like to thank Steve Decker for the new pictures in the Council Chambers. Steve Decker – we appreciate everyone that is willing to display for us. We call it the Mayor’s Gallery. We took down a display spearheaded by Councilmember Phillips, it was of elected officials personal collections, whether they or their spouse painted them or if it was part of their collection. This is a 42-piece display from the Southern Utah Watercolor Society, it has been in existence for several years, and of course they are all watercolors. Many are for sale, it is between the artist and the buyer, some are under contract with a gallery. They will be up for 90 days. There is an exhibit by Wendy Green and Carol Van Waggoner that will be up for another 2 weeks. On Feb 17th a traveling photograph display will be coming, it is through the Utah Arts and Museums, we pay a small fee to get them here. We really appreciate the Watercolor Society for their work, they are always willing to come and display. Phillips – it is a wonderful addition to our council chambers. The Watercolor Society opted not to do an opening because of COVID. ■ Riddle – a while back the Council changed the speed limit on Bulldog Road. I have been approached by a few individuals that own trucks, it is 45 mph, the last few time I went to my farm, which is later in the day, I really tried to keep the speed limit. I stuck at 45 and had 3 people pass me doing well over 60
mph. I know we can’t hit every spot in town. They would like to lower the speed limit more. The road is narrow. The cars that passed me were moving at a high rate of speed. I talked with Western Rock and Sun Rock. If possible if set at 35 you may keep them under 60 mph. Jonathan—would you like another speed study? Riddle—no, but if you talked with them, or I can arrange for them to come in. I went down that road this morning and people move at a high rate of speed. Mayor—they have a hard time getting their speed up. Riddle—from Sun Rock to the new interchange they can’t get up to 45 mph. Early mornings and late afternoons is hard to get out of their yards. Melling—I know there are calming measurers that don’t work in Industrial area, is there a possibility of having a button for them to push and get a flashing sign when they are trying to get out of their yards? Phillips—the other issue, and I don’t disagree with Councilman Riddle, but as we continue to develop to the north there will be more cars, it is a dual edge sword, it is not just industrial, it is people coming to and from work. We need to find a balance for the large trucks and the thoroughfare. Paul—next week we will have a RDA and MBA meeting to appoint a new chairperson. We did not publish those this week, it is a simple nomination.

PUBLIC COMMENTS: Ann Clark—I have deep roots in Utah, my dad grew up in Salt Lake in the Avenues, I went to BYU, we have 6 children that all graduated from SUU, I have a deep vested interest in Cedar City. I want to thank you, the cage in front of the Aquatic Center was cleaned up. #13 last week, I was dismayed by zone change from R-3-M to SHD. When I come to City Council I listen to people, I remember one time a granddaughter got up for her grandma. I look across from the ball fields, I see all these people come and I feel it is falling on deaf ears, they are tearing houses down for apartments, have you been there? Do you know the colors of the houses? Tyler Melling said they are a blight, I went to see what a blight is, I was furious, and then sad, they are not a blight, someone will tear them down and destroy the charm of Cedar City. Look at 200 North and 300 West, they were darling brick bungalows. The blight is the apartments and the terrible thing happening to the residents of Cedar City, you should talk to the people that live there. First came down the trees and then the buildings. Maybe they have no idea they are being torn down because the City Council does not give a wit. Why are these houses/neighborhoods, they are the history of Cedar City and they are being torn down. We need student housing, there are so many cars parked that you can’t get around those streets. Most kids come with a vehicle, why not have student housing out where there is space, and they can drive in. I think Mr. Phillips is the only one that cares about the houses. I think you better care, as soon as they get enough money, they will tear your house down also. I wish you would put a freeze on what is destroying the community. Give incentive to fix the houses. It is a shame, sad and disgusting. Who owns that land? Laura Henderson - Faucett. Ann—15 years ago I heard a lot of people say the Leavitt’s come in and get that house and that house and then they tear them down. My observance over the past few years, I believe it. Phillips—I have never been a fan of SHD, but there are a few things you may be mistaken about. The property owners were notified about this so they can voice concerns. The people living there, in all likelihood it could be students living there. Ann—why come to a hearing, I have heard it and no action is taken to support the residents of the neighborhood. I voted for a number of you, and I hope I am not sorry, we vote for you to represent the citizens. Melling—I need to check exactly what I said, I am careful not to point out one property owner. I have used the word blight, but generally. Our policies encourage blight, it is tear it down, or leave it as it is. Ann—can’t you encourage people to keep them. Melling—that is what we are working on in our housing committee, to improve
on smaller scale without tearing everything down. Ann – who makes the ordinances, they can change easily when they want to rezone. Take consideration of people that live there. Once apartments go up it is not the same as a neighborhood and they do all sort of things that are stupid when they are young. Can we have a historical neighborhood, who approves the historical?

**CONSIDER APPROVING THE FINAL PLAT FOR MOUNTAIN VISTA PUD PHASE 3.**
**PLATT & PLATT/TYLER ROMERIL:** Mike Platt, Platt & Platt – this is Mountain Vista PUD, Phase 3, the final phase of the master plan. They are doing townhomes on the south end. It is in conformance, no zone change. We designed it to the new PUD standards.

Tyler – fees, CC&R’s and title report and all requirements have been met. We are waiting on the bond, once in place it will be recorded.

Phillips – Green Street, south end of the project, could it tie in? Mike – because it is a PUD we have to have the cul-de-sac. As far as going to the west I don’t know what will happen. Jonathan – there is a project coming where the road will be tied through to the west on Green Street. Right now, it ends into a gravel road. Phillips – it could eventually connect? Yes, and then get to Joe Thurston Way to the stoplight. Phillips – we have so much development in this area. With the subsidence and we have sidewalks, curbs and gutters in bad shape, what do we do about it. Mayor – if the street settles, then the water and sewer is at risk. Phillips – we have to address the infrastructure. Tyler – Mr. Hunter goes to every section every 7 years and if there are sections that are bad, he puts them high on his list to fix. Paul – that is one reason we have a difficult time approving public subdivisions, we compact, new material and new asphalt and concrete and then 8 years later we are doing it again. Once water is introduced it is a never-ending costly factor. Phillips – what do we have as the City to fix the PUD’s? Tyler – they owners need to reach out to the HOA. Mayor – are the sidewalks and curb and gutter a responsibility of the homeowner. Paul – the developer builds them and then deed to the City. The adjoining property owner is to keep them free and open for public use. If someone is liable if someone is injured, they come to us. Mayor – some of those are older homes and are quite rough. We went into our mechanics place and put new in because it was so bad. Phillips – it is not this project; it is all over. Mike – if you have the budget, do it right, spend a little more money. Mayor – people would love to get on that new road. I know Jonathan is getting numbers, it is a little lower in some areas which creates a water issue.

**CONSIDER APPROVING A ROAD DEDICATION AT 1700 WEST 400 NORTH.**
**PLATT & PLATT/JONATHAN STATHIS:** Mike Platt, Platt & Platt – this connects by Pine Hollow shop, 400 North and 1700 West. Melling – it is a master planned road? Jonathan – yes. Phillips – it is a good thing.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM DWELLING MULTIPLE UNITS (R-3-M) TO SUU HOUSING DISTRICT (SHD) FOR PROPERTY LOCATED AT 356 SOUTH 450 WEST. PLATT & PLATT/TYLER ROMERIL:** Mike Platt, Platt & Platt – they are requesting a zone change to SHD. I don’t know anything about the site plan, but it will be in conformance with the ordinance and engineering standards. Phillips – there was discussion on the property lines. Mike – we surveyed the
property to the south; some sticks out into the road. We know the boundary will have to get cleaned up. The developer or a neighboring property hired a surveyor and we used that. Phillips – Ms. Clark stole some of my thunder. Here we go again, I am not in favor, the SHD which is an overlay, we are essentially doing a spot zone. We are in the process of making changes to this zone now, this was not the intent, it is misleading. Developers are looking at the maximum building with minimum parking. This is a detriment to our community. If the University has a problem with housing, then they need to deal with it. They say they don’t do parking structures, that is ludicrous. We have to do something, and I will go to the legislature. Mike - I agree with the parking. My parents lived on 700 West, my brother lives there now, they have students park in front of their driveway. They call Code Enforcement, and they don’t do anything. If you want input on the SHD zone acreage, feel free to contact me. If we involve engineers and surveyors, we can provide help going forward if you want to modify the ordinance. We hate designing to cram everything in small lots. I was born and raised here, moved to Salt Lake and moved back. I want to be part of the solution. Phillips – it is not in the best interest of Cedar City. I believe the University should step up.

Mayor opened the public hearing. Terry Hanks, 450 West 400 South, Cowan Property is my sister-in-law at 424 South, we have a duplex and a single family. The Leavitt property came in and then the DeMille’s did a fine job without asking anything, stayed within zonings. We would like to see what they want to do before we talk about it. They want a zone change for what. Half the days of the week, parking is everywhere, there is no parking. We want to know the plan, not just give us a zone change and then we will show you. We are required to have 2 parking spots for each of our units, we have enough room for 6 parking in the driveway. There is an elementary in the area as well, it is getting out of hand, someone needs to control it, we can’t do it, it is up to you. They will just keep going down the street. They will get into Circleway and goes all the way to 600. We were told 3 years ago by the SUU President that it their projection is 600 South is their limit, he is not here anymore, but the plan is still there. Phillips – they have to buy property to do that. Terry – the developers are buying it and they will sell with a good offer and another big building with no parking will go up.

Christine Hanks – I have a problem with the address, 356 South is Ira Schoppmann’s home and then 366 which is also a Schoppmann home. Mike – it is the furthest south Schoppmann house. The County had the wrong address. Christine – we would like to improve our property, but we are nervous to do that because we don’t know what will happen. Why put in improvements in when developers scarf everything up. This is not a high-density lot. I think we need to slow it down and think about what we are doing. At the bottom of 450 where the big building the University did, they have the parking along the street a fire zone, what happened to the access into one side or the back. The house is very old and needs improvement, but to zone high density. Phillips – it is already zoned R-3-M. Christine – but they had to have more parking. Hartley – they must have minimum parking so they are limited on what they can do. Also, if there is parking, students park on the street even if they are next to a parking lot. Christine – kids come to school with cars.

The hearing closed.
CONSIDER PRIORITIZED LIST OF PROPOSED STORM DRAIN IMPROVEMENT PROJECTS. SUNRISE ENGINEERING/JONATHAN STATHIS: Christian Bennett, Sunrise Engineering – we appreciate the opportunity to work with you on this project. We looked at the ordinance standards and flood damage and provide recommendations, then modeling the existing infrastructure and GIS and put together a detailed flood study based on zones and then looked at recommendations. We are in February, and these are things to get done before the monsoon season. We met with Jonathan, Dave Nakken, Ben Lamoreaux to see what could be done before this season. Urgency identified is Cody Drive, we can do channel and hillside improvements to have conveyance on the north and south side of Cody Drive, it will improve the water flow and reduce what ends up in the street. It will route water under Cody Drive and keep it from the development. We have a 10% slope, so to provide a secondary drain and increase the size of the berm and make sure it is engineered appropriately to give another layer of protection. K-rails can also be used. Increase the 15” pipe section to a 30” pipe. We have costs, estimated drains $90,000, improving the channels estimated at $100,000 and the berm along Cody Drive $83,000 assuming it is dirt, the 15” increase to 30” is $150,000 and can be done before the monsoon season. Phillips – how much of this can be part of the long term. Christian – this will align with the permanent fix. Mayor – I took measurements, 30 feet of fall by the pit and the lowest by Cody Drive, if a field line with pressure or bring a culvert along the edge, 100 feet of fall, can go on gravity feed or pressure through the low spot and put the water in the pit instead of down the road. Christian – we explored that, the slope to the south is only a 7’ drop in a 2200-foot span. There are areas it could maybe be routed. Hartley – who owns the land south of Cody? Christian – I believe the improvements there are in the public right of way. Isom – funding? Paul – In 2 weeks we will amend budget for $4.2 million from American Rescue Plan and then we will bring the projects back, that is the source.

Christian – Cross Hollow area, two improvements, 8x10 box culvert that routes the water with a grate, we recommend removing the grate, so water gets to the basin. Also install a berm on the north side of the channel to get the water to the pond. Remove the box culvert and channel it to the basin. A lot of that work can be done in house. Berm on the north side of the channel and remove grate $38,000. Remove the box culvert and open channel to the basin $100,000.

I-15 – we met with Dave Nakken and Ben Lamoreaux, our recommendation is to punch a hole under Center Street and bore and run it to the channel. The channel is overgrown so it needs to be cleaned out. Install rip rap and allow the water to flow freely. It won’t solve all the problems, but it will help. The costs jack and bore a large pipe $931,000 and included into the final recommendation. To clean and grub out channel $234,000 and increase the capacity. Those are emergency recommendations.

Paul – to clean the channel, you should see the Storm Drain and Street Departments down their cleaning in the next few weeks, we think we can do it cheaper than $234,000. Phillips – with this you think can get done before the monsoon? Christian – yes, we hope to have this design done by the end of March. Mayor – the big pipe 150 feet bored through there is a large project. Christian - it is fill material under there. Mayor – can we get the pipe? Christian – we will look into that now. Mayor – can the boring people do it with concrete or steel? Christian – we think they can do it with concrete.
Paul – our own crews have been in Fiddlers Canyon cleaning out the detention basin and the flood channel on the north side of Fiddlers Canyon and redoing the sides and face. They have another detention basin to clean on the southeast corner where Fiddlers Canyon Development meets with Ashdown Forest Development. We are in contact with Ashdown Forest Developer to put the berms back in.

Jonathan – prior to action Sunrise will have a fee proposal.

Kevin Godwin, I live in Sunset Canyon – we have water coming off the hill, you didn’t mention water coming off the ditch. Christian – it is tough on the slopes. We don’t have a good answer yet, we have a ditch in the permanent solution. Kevin – it cost me several thousand for a new yard. I took approximately 25 loads of dirt from the neighbor. The City Engineer knows there is a problem, he showed me where they planned to put a ditch in at one time. Our Building Department head, the access road that runs below the development, there is a 3’ trench that runs into the neighborhood. It took me 2 days with 2 tractors to move the mud. It flooded another garage. Another guy dug a trench, and the water goes into the houses on either side. That needs to be looked at. If I hadn’t put planter boxes in it would have gone into two other homes. The big house with the retaining wall had water come through the wall and into the house as he was building. Jonathan – these are just the emergency improvements; we will work further on permanent improvements. I did mention a new storm drain on the south side, we got costs back it was about $1 million, we don’t feel we can do that on the emergency improvements, and it depends on the detention basin, if we do the basin that pipe will not be necessary. Paul – if the solution is to pipe water south into the large detention basin on the Armbrust property, the blue line is wasted. We want a bigger picture before we spend a million dollars.

Jonathan – on the Center Street, 1400 West there are drive approaches where the water goes into the driveways, we will work with property owners to get those fixed and keep the water in the street. Mayor – it is on a 2’ pipe, but if it goes through the driveway to the east, it doesn’t get the full potential. There is a pipe and ditch to the east. We should let the 24” pipe take as much as it will. The overpass is the problem, and the low driveway needs to be fixed. If there is a flood the secondary plan is the street.

Jonathan – Sunrise will get the emergency stuff designed by the end of March. Christian – Cody Drive has some uncertainty because of the property available.

Cindi Godwin – 300 South, we were so excited, we have been here 7 years, we fell in love with this town. When we moved up there, my husband has worked so hard in the back yard. We had 2 city dump trucks full, and we were afraid of the rain, it is a small back yard. Part of what I feel the problem is the people living up above needs to maintain the soil. There are a lot of new homes built. The first time it happened we had been there 2 years; a back yard was created. It rained and we had to redo the back yard and we had to do it again with the last rain. My husband worked so hard. It was an inch from coming into our basement, we were so blessed, but the potential was there. We were told by the engineer they would put a drainage in. I think people were building and they sold the property, and nothing was done.
Jonathan – I have been up there with Drew Jackson and Jeff Hunter. The Building Department is watching the homes more closely to make sure the water and soils are maintained on site. The Street Department has looked, the city has sewer and storm drain in the area, we have looked at possible options to retain water in that area also. I will follow up with the street department. The long-term design is to put a drainage channel in. Cindi - what about a ditch to divert.

Teri Kenney – I am hearing that the difficulties are not included in emergency measures, I would like to draw attention that fine influential people of the community came, and their problems are being addressed. I would like to see this addressed in the emergency measures. Jonathan – the City owns green belt, but to the north is private property, that is why it is not in emergency measures, it will take time to get the property to the north. Melling – we would need property acquisition or easement to dump water there. Jonathan – the ultimate goal is to get the water to the detention pond. Tyler – we reached out to the property owner to put a detention pond in, and it would help him also and he wanted nothing to do with the city and I am putting that nicely. Melling – look at mitigating measurers on our property. Paul – we own the property, but there is a deed restriction when Mrs. Jones gave it to us, that we would keep it open and natural, she relaxed it to let us get the utilities in there. I don’t know if a detention pond would meet that. Jonathan – we have looked at options on the top. A ditch down lower is a longer-term project.

**CONSIDER REVISIONS TO THE CITY ENGINEERING STANDARDS REGARDING DRAINAGE SYSTEM DESIGN. SUNRISE ENGINEERING/JONATHAN STATHIS:**

Christian Sunrise Engineering – we looked at Cedar City engineering standards and other communities’. We presented to Planning Commission and got a positive recommendation. First to have standard for a drainage control plan, a framework for what developers should submit. Next is to 3.3.2 general language, provide specific language and give specific direction on how to put together DCPR. Change from 100 year to a 3-hour storm similar to what Cedar City has seen. Storm pipe – change design storm to 100-year 3-hour design to a 100-year 24-hour storm. Change to 100-year 3 hour storm. Culverts – general standard for 15” culverts we recommend 18” for driveways from 15 to 18 inch and they are easier to maintain and less likely to plug.

Jonathan – the biggest change is to use a 100-year 3-hour storm. Based on the storms we have been seeing, they are more indicative of the storms hitting in the summer months. The Drainage Control Plan, we have required plans in the past, but there has not been structure. When we review a project, it is difficult because there is a wide range in quality of the reports. We wanted to standardize those reports for all engineering companies. That may add a little cost up front to the developments, but it will be a benefit in the long run. Isom – what is the cost between a 12” and 18” pipe? Mayor – a 50% up charge, but culvert is cheap.

Hartley – when they provide design reports, Phillips and I met with engineers and they asked if they would have an updated master plan, they felt they were designing it for the city one development at a time. The DCPR to be submitted with the plan, will we have a master plan. Jonathan – Sunrise is working on the master plan for that. Another thing is we will have a working storm water model which we currently don’t have, and it will be a benefit to developers. Phillips – it is coincidental that we planned for the storm drain Master plan when all this happened. Jonathan – we wanted Sunrise to focus on the critical areas first and now they will
focus on the entire city. Phillips – are the revisions and changes on this portion of the standards, will they mirror in the master plan? Christian – they should be mirrored in the master plan.

CONSIDER AN ORDINANCE AMENDING CHAPTER 38 OF THE CITY’S ORDINANCES REGARDING DRAINAGE IMPROVEMENT DESIGN AND INSTALLATION STANDARDS. SUNRISE ENGINEERING/JONATHAN STATHIS:
Christian Sunrise Engineering – we performed the same process for the drainage ordinance. We recommended from 12-18” diameter and went up to include drainage control plans and reports submitted, and detention from 25, 24-hour storm to 100 year 72-hour event. The 72-hour will have less peak flow but a larger volume. The capacity will increase, but it depends on the location. 100-year 24’hour storm is more widely used. Jonathan – currently we require 25-year, and we are proposing to go to the 100-year storm, so more property will be required. Christian – do a low impact development study to maintain water on site. A developer keeping a detention on site and have less impact regionally. Some put native rivers to collect water onsite before it reaches the city infrastructure.

Verl Prestwich – I lived in this town many years; I have seen the streets full of a lot of water in the past. When we don’t take the street level down then the street doesn’t drain the water. Now you have a street so high in the center the gutter has to take care of the water, or it drains on to the citizens. I propose you take the streets down, consider this in the master plan. Christian – in the recommendations we looked at the street level, crown and designed the pipe size accordingly.

CONSIDER AN AGREEMENT WITH CLAYTON CHENEY FOR DEFERRAL OF FRONTAGE IMPROVEMENTS ON PROPERTY LOCATED AT 2209 WEST AND 2211 WEST 580 NORTH (HORSE ALLEY). CLAYTON CHENEY/JONATHAN STATHIS:
Jonathan Stathis – Mr. Cheney has requested a building permit on his property. There was an agreement in 2000 where the improvements were deferred, and Mr. Cheney is requesting the same deferral. Mayor – are there any improvements on Horse Alley? Jonathan – a few, but most are not. Isom – we need to have a bond or protection. Hartley – we made an ordinance change to allow us to do improvements and lien private property. Would this fall on that? This has no teeth, the prior one agreed to an SID. Tyler – the City has got away from SID’s. We don’t have a design for the road yet, so they don’t want to put the improvements in and then have to tear it out. He agrees to put them in with 180 days of the design, if he doesn’t then we have enforcement avenues. Tyler – I will add language consenting the city to lien his property if we install improvements. Consent.

REVIEW QUOTES FOR FINISHING THE RIGGING AND PROJECTION SCREEN AT THE HERITAGE THEATRE. JASON CLARK:
Jason Clark, Heritage Manager – two projects, the screen you approved a budget item to buy a high-resolution projector and screen, we investigated a lot of options, we want a dual screen to project from the front or rear to get the right kind of visual affect. 4 Wall Entertainment out of Las Vegas provided the only quote, it is sized to our facility, and it is in budget. We will get a projector with the money we have left. Phillips - this is long needed and adds so many options/flexibility to the space. It is important to fully utilize the Theatre. 4 Wall is a great company.
Jason – there are line sets in theatres, they have electric lights. For the depth and size, we need to get the fifth electric. We looked at bare bones options and in the process of purchasing the rigging and a great fortune happened, the Church of Jesus Christ of Latter-Day Saints redid the lighting in Temple Square, and they donated the old lighting to our theatre, we got it and to integrate took upgrades to our system. We are at the final stage, to make the lights in more permanent operation, only one company returned a quote. The bid is $26,000 and additional line set. To use this gift, we are short of funds. I put option to live without the additional line set but would like it in the future. We would like to increase this expenditure by $15,000 and complete the project as envisioned. Phillips – we have budgeted $10,000? Jason – yes. There are 48 spots on fly rail, half utilized as we use more and more, we run short. Phillips – if we don’t do it now, we can do it in a year, but it will continually go up in price. The fifth electric should have been done when the theatre was built. We have a really first-rate theatre but second-rate equipment to support it, no reflection on you Jason. We had to retrofit the theatre to put lighting out front. It is not a high school auditorium. I personally think we should make the expenditure; it is important.

Jason – the projection screen is the best quote and customized to our space, we would like that approved. To do the other we need an additional $15,000. Phillips – the screen doesn’t need our approval. Jason – we need to increase the budget to do the line set.

PUBLIC HEARING TO CONSIDER AN ORDINANCE INCREASING WATER USER RATES. JONATHAN STATHIS: Jonathan – it has been a long time since the water rates have been increased. For several months staff has looked at options to changes for water rates. It is proposed to phase in over time. Single family would phase over 4 years to 2025 with the first increase on July 1st. The current tiers are not changing, it is a tier grade structure, the more you use, the more you pay. See attached Exhibit “B”. in 2023 a surcharge would be added in for water acquisition. Similar change for multi-family, also included in Exhibit “B”. Phillips – the gallons are less than single family, it that because they don’t have big yards? Jonathan – yes, and smaller families. Melling – a town home uses about 1/3 the water of single-family residence. Most is because of yard size. Non-residential is a change from what currently is in place, there are not tiers. This proposal would put in place a tier structure, see Exhibit “B”. Phillips – it appears that if you look at the single-family home 0-8,000 $1.00 and then with non-residential it is 0-20,000 is also $1, they are paying the same for more water. Melling – Hartley and I spent a lot of time with Jonathan and Staff. Commercial is at such a low rate versus residential, since homes are already paying more for overages, even though a lower dollar amount, by percentage this is a more sever rate increase on businesses. Eventually we will have to do more. About half of the businesses don’t even use 20,000 a month year-round. Some peak above that in the summer, some don’t. We have some users in a lot of gallons per month, the percentage increase is far more severe than residential, that is why we give them 5 years to phase in. Those using more than expected will get the increase. Phillips – the tiers are good, I just wanted to understand it. Melling – the commercial rates will go up more. Mayor – if a business uses water in their businesses fine, but a lot only have a restroom.

Mayor Green opened the public hearing. Laura Henderson – I was thinking car washes, the older ones I would think don’t recycle their water, do the new ones? Phillips – at different levels. Melling – they will have more incentive to recycle, one stuck out that uses about 2-acre feet per
month, about 600,000 gallons per month. Laura – are we incentivizing car washes to recycle. Melling – some residents are like car washes.

Carter Wilkey – is it based on the zoning of the property, commercial versus residential. Paul – it is use, not zone. Carter – home based business would stay under residential? Yes. Mayor – I have a building in Springville, and I got a call that said your water bill is 3 times what it was last year. I called and the manager, and he was watering every day. We need to help people figure out if they have a leak. Jonathan – part of the increase is to encourage conservation. Phillips – we have had cheap water for a long time. Riddle – we still will be compared to other cities. Melling – if you look at single family home, normal indoor use plus if watering properly you are only at 20,000. We are not seeing large increases for regular water bills. Carter – do the rates include, SUU, Iron County School District, etc.? yes, everyone in the City. Jonathan – there are separate rates for outside city limits, like Milt’s and Rusty’s, we may need to look at that.

Joel Hansen – a few comments on the graduated scale, it is long overdue. It is still cheap water and as we will get in later in the meeting, we have graduated scale for existing residents, we will have a hammer drop on new residents. I have an issue that we kicked the can down the road this long. We are pushing this down 5 years; why not do the same for new development. It is not anyone’s fault in this room. As far as I can tell in the water rates, the people that pay the most are new single-family homes built in this valley. In my opinion commercial should be paying more and should have been for a long time. Seeing this phased in until 2025, I would like to see the same for water acquisition fees.

Laura Cotts - I don’t understand who is in commercial and who using over a million gallons? Melling – We have some large factory’s using over a million and they have paid large impact fees. Phillips – they will be paying a lot more in the future. They have gone through billing data, so they had the history of the actual use and that is how the structured the tiers. I have a large yard and use a lot of water; I will have to decide if I want to continue to do that and pay the extra fee. Laura Cotts - are there any incentives to the businesses to reduce this water usage, it is a lot of single family homes at 20,000 to get to a million gallons. Melling – their bill will go up a lot. Phillips – there will be incentivizing in the future. Laura Cotts - do we consider the amount of water use when we encourage them to come? Phillips – yes, we do, high water users have been turned away. Paul – we did a matrix a few years ago, the largest one is water use, how they interact in the community, if they pollute, how many jobs, and what they pay. Laura Cotts - does Cedar City own certain water rights, and how much? Yes, currently about 14,000-acre feet. When we get to 21,000, 4,000 will be municipal and 17,000 agriculture. Melling – we have many junior rights, when home built, business built, residents overuse water we go on the market to purchase agriculture rights and we have to find new resources, acquire water rights to supply our residents with water if nothing changes. There is a lot in place and a lot is price, if bringing water from somewhere else is cheaper than treating water that is what we will do. Laura Cotts - we are continuing to drain the aquifer, is that in our best interest? Melling – that is why the state has the cut off. We cannot sustain this forever, but we can for quite some time. The plan would be accelerated if we are in dire.

Hartley – we didn’t talk about the water acquisition surcharge. Jonathan – the surcharge will follow up with the next discussion, it is based on a $10,000 acre foot appraisal, we could put that,
so it is increased on appraised value which was the previous appraisal, we are now at $14,000 an acre foot. Hartley – we do allow for the surcharge to be the current appraised value, I would think we would increase that to $14,000, so we are not giving the water users 5 years to phase in, it is based on what we have to pay now. The water user rates, but the surcharge will increase every time the price goes up. Joel – but you are still phasing the user rate. Hartley – yes, but they will pay a higher market rate. Joel – we are still phasing in the water usage; we are taking time to get to the upgraded scale until 2025. Hartley – if needed the water acquisition surcharge can be updated on the appraised value. Phillips – we are still phasing the water usage fee. Joel – it should start today with the 2025 rate like you are doing the water acquisition fee. They are not paying the upgraded fee until 2025. Melling – if we updated the surcharge based on the appraisal, we would have to publish a new schedule. Paul – you have to send out notice to all of the water users to tell the proposal to raise rates. If we now change that and put the surcharge on the $14,000 appraisal, we have to redo the spread sheets and send out to all users. Melling – with water acquisition we have working on it for a year and working out flaws, we already did the conversion, it is not like buying ag rights for $10,000. It is up to the Council if we want to start over. I imagined phasing it in and once we get toward the end of this another council already has the system in place. When you look at depletion value, we are 5% shy of the Pine Valley water. If rates go up significantly, the percentage increase on a household is closer to 20% or 30%. Phillips – wouldn’t it be easier to keep it with adjusting the acquisition fee each time it changes. Paul – you still need to give notice every time you increase it, and you must have a rate hearing every time.

Milt McClelland – I appreciate when government does what it is supposed to do, the effort is appreciative. I know that doing these jobs are hard, I want to start off refresh and apologize for things I have been involved in and hope, Councilwoman Hartley, that we can work together. Is the reason of the graduated rate because we already have these water rates? Paul – the acquisition portion is new, we have had a graduated tier, that has been in place a long time. We are going to charge higher users higher rates for us to buy additional water, that is a new tool. If we encourage people to take different behaviors, you have to take time. Milt – we can’t stop growth, but we can incentivize. I want to praise everyone that worked on this.

Verl Prestwich – question about the increased rates, are you planning to purchase water for expanded size of the city or the current limits? Paul – our water rate acquisition is targeted at both. If the ground water plan goes into fruition, then we need to acquire more rights for our existing population. Melling – the purpose in this, developer fees have gone up a lot. Verl – are they purchasing water and bringing it to the City? Melling – either that, or they are paying a fee. On the usage, for the existing residents and businesses using more than allocated for their home, for that amount they are paying for their overage. Verl – is it because their water rights will be cut by the State? Melling – no, we are stopping the hemorrhaging, over the next 50 years we need to find funds in the general fund for the gap. Verl – are we talking about Wha Wha Valley water? Melling - No. they say it could increase rates $40 to $70 per month. If we stopped growth, it would be about $50 a month per household in the county to cover the cost of that water. That is a separate issue, we are not planning on that, if not on the table. Over time if that is an option or if we dedicate funds for wastewater reuse then we would allocate funding for that. We don’t have a project allocating money now, we are just looking at the market price of water and stop widening that gap. Verl – if Wha Wha water is brought in would the fee be trough tax
on property or additional water right fees to the city? Melling – we would have to decide that we don’t know yet. Ag rights will plummet if we have another water source in the valley. This body would have to decide how that would be funded. Verl – the 5-year plan could be scrap at some point? Melling – if Pine Valley were approved and it was $17,000 an acre foot, this plan would go up about 5%. If people try and shut down that project then we will have to take this up another 80% potentially. Verl – if it does work and we get Pine Valley and Wha Wha valley and it raises our rates an additional $50 per month, does that take care of the problem of not having enough water currently? Paul – Cedar City has enough rights for our residents. Melling – we only use about ½ of our water now. Verl – if you expand the city limits? Paul – no that is if the ground Water Management Plan makes the cuts. Verl –What percentage senior rights do we have? About 4,000 ag rights, 2400 on the books now. Verl – if they cut it today how short would we be? About 6,000.

Carter Wilkey – when they vote on this will it vote for a 5-year block? Paul – the proposed ordinance would adopt the entire schedule out through 2025. Carter – if they want to adjust in 2023, they can with noticing? Yes.

The construction costs for Pine Valley is $260,000,000, the interest is $400,000,000

The hearing closed.

CONSIDER AN ORDINANCE AMENDING CHAPTER 37 OF THE CITY’S ORDINANCES REGARDING WATER ACQUISITION. COUNCILMAN MELLING:
This item was discussed with the next item on the agenda, the consolidated fee schedule.

CONSIDER A RESOLUTION AMENDING THE CITY’S CONSOLIDATED FEE SCHEDULE CONCERNING WATER ACQUISITION, WATER USER RATE, & GOLF COURSE FEES. TYLER ROMERIL:
Mayor – we are going to discuss items #10 and 11 together in this meeting but will vote on them separately. Phillips – can we talk about the golf fees first, that will be quick.

Jared Barnes, Director of Golf – it has been 5 years since we have increased any fees, and they are very minor. It is $2,00 for 9-holes green fee $1, 9-hole cart. For 18-hole with cart rate it is going to $44. For comparable with municipal golf courses, going south the fee is at least double, Richfield is at $42, we are currently at $38. Spanish Fork north is between $50 and $60. We are still providing the best value around. Paul – is the 7-day pass an annual pass, meaning you can golf all days? Jared – yes, the 5 day excludes weekend and holiday. Phillips – is this enough, are we going to be back in two years to increase it again, I hear how cheap it is to golf out there. Jared – two years for a rate increase is average, so if I come back in 2 years it is normal. There are golf courses that don’t publish a rate, the rate goes up on the weekend and down during the week and they fill up. The last two years we have a phenomenal revenue year and covered our improvements. This will help decrease the subsidy other than capital. Carter Wilkey – how does this affect our tournaments; do we pay per person? Jared – yes, it will increase as shown.

Mayor – a year ago I supported the water for water initiative the council voted on unanimously. I heard Dane Leavitt and other developers problems; I felt the setback, the two-month study was
probably a good idea. After 6 months in December I was frustrated, I was on an email Dane sent out, quoting from that “this morning I conducted a cursory inventory of the city’s water rights, I categorized 130+ water rights with priority dates before 7/24/34 I was stunned at the outcome. I suggest more time and thought be given to this issue, I suggest the council not rush to support an ordinance that does not provide a path to the right solution, measure several times on this issue, and cut once. I assure you that I am personally taking this matter very seriously and I think the staff and Councill are as well”. That was November 30th last year. The State of Utah issued a mandate, I don’t like mandates, but it clearly got our attention and has screwed with the market in unbelievable ways. I have not seen a market react so radically on any asset in my life. We are only just beginning to take affirmative action; we are looking for new water sources to allow us to rest Quichapa. We are providing by this ordinance an incentive to try and buy water. What can we offer agriculture, money and effluent. Washington County is $30,000 an acre foot of water, maybe they are, and maybe we are heading there, but remember, we are working on Pine Valley, todays price of water that is being proposed, even as high as is, is the high estimates to develop Pine Valley. We have undeveloped water in our basin, and we need work on that. We have Coal Creek, and we have our effluent water which is 3200 acre feet of water that comes out as good type 2 water. Maybe the opportunity is ripe, owners of water should be given the chance, I believe the surcharge is sufficient to encourage to try and buy the water and make the deals. Developers still have the option to bring cash, but we still need the water.

Paul – our previous appraisal is $10,000 an acre foot, a new appraisal is $14,000 an acre foot north or south of Highway 56, that is the base proposal to increase the fee. The other is the surcharge of 15% to insulate us from fluctuations in the market, we have seen a 40% increase in value and that is why the 40% surcharge instead of 15%. If that is added to the $14,000 an acre foot the cost would be $19,600. Tyler – the new appraised value at 15% and then 40% and that was before the depletion language came in, which would take the $19,600 higher.

Melling – I think when we put a name on it, it politicizes the issue, there are automatic proponents and opponents. Hartley – I agree. Tyler – it is how staff has done it, when a council member comes forward their name is on the agenda item. In the future I will put City Council.

Phillips – the dilemma we have is regardless of the cost per acre foot, Cedar City has to provide water to its citizens. When new development comes along, we are responsible or the developer, the cost has to be paid and we can’t find a comfortable cost. We can’t subsidize, whoever pays it has to pay the real cost. How do we find that cost, whether they are current or new citizens.

Melling – one other item on the adjustment, the depletion diversion calculation that came up in the acquisition fee meeting last year, it raises the cost 70%, but we can’t kick the can down the road. We don’t have apples to apples, ag rights are not the same as Pine Valley, ag rights are diversion, you can’t deplete it all, you have to show 40% is making its way into the aquifer, so it is only 60% depletable, Pine Valley is depletable water. You multiply 1.67 to get to that number. Ag is more than Pine Valley, $14,000 of an ag right when converted it is $22,000, acre feet of water rights are different. People using a certain number of rights in their home are depletion rights, but our assessment is diversion rights. I discussed how we do that with Jonathan, and we determined all quantities in the ordinance are diversion amounts and need to be depletion amounts, so the City doesn’t have to find money in the general fund to make up the difference.
If flood irrigating the state says 40% goes back in the aquifer, so that is the 60% diversion. The more we looked into it and consulted with experts. At the end of the day if we don’t make the adjustment, we will have to acquire the 40% somewhere else. Our other option is to invest a lot of money into systems that turn our wastewater into culinary and that is also very expensive and that exceeds the cost of Pine Valley water. In our basin with the appraised values that is what we need to do to properly assess.

Jonathan – water meter is on commercial and industrial users. Phillips – would this fee be able to be adjusted by council on an as needed basis, we don’t have to notify everyone. If 40% has dropped to 20%, is it different? Paul – this is different, you don’t have to notify everyone on the water acquisition fee. We changed in June and probably 6 months before that. In our appraisal it charted the increase. Phillips – are we as the City part of that problem because we are the money changer. Paul – I don’t know if we are, I am talking to one party that holds water and we are not the high bidder. A few weeks ago, several thousand dollars were being offered for water rights above the appraisal. Laura Henderson – is it a bidding war? Paul – we buy like everyone else.

Dane Leavitt – thank you. Clarity, long term, and short-term suggestions. Clarity – with the math, $14,000 x 1.4= $19,600 and times by the depletion of 1.67 $32,732 and x .9 per door charge to $29,458 unless you are under 3,000 square feet of lawn and it you x .6 and it takes you to $19,639 for an R-1 lot.

Long term – the developer folks may panic. You are on track; it is a problem that needs attention. I am elated to see the attention given and impressed with the intellectual capital and spirit for which it has been done. We all wish this effort would have started in 1960, but we had no idea what would happen with the aquifer or with the population. Long term we need to acknowledge it ways that engage more than just developers. They are the immediately bearing the burden of a R-1 lot going up $30,000 in price. The buyers of first-time homes are most affected. People buying, $150,000 lots won’t feel as much for $180,000 as the one paying $90,000 instead of $60,000. It will slow development. I agree with your assumptions that water costs will go up, I don’t disagree with your positioning, maybe a little over aggressive, you can have appraisals any time you need. I applaud the rate increases to citizens in general, it is needed, we can’t afford cheap water, it causes people to use it cheaply.

Short term – look at the population, 40,000 +/- . You see a train coming, you have plenty of water rights, but the rights pre 1934 are about 15% so you have a looming challenge, and it causes you to anguish and stress over how you get the water. Warren Buffet says he buys when people are frightened. I am scared when other people are bleeding. It will increase on the current course. I would be cautious on the impact on the market. You are driving it, not the farmers or another municipality. It is people speculating on your fear. I don’t think you should ignore the problem. You are missing an immense opportunity in the way you have it structured. Why don’t you structure your ordinance so developers are more deeply incentivized to conserve, your problem is big enough that you should incentivize developers to get water usage down. It makes the lot look expensive, it makes the water use a lot less, it sets an example to the rest of the community. You provide a whiff of an incentive, but place an impossible hurdle, you want the developer to say what will be on the R-11 lot to get the .6 incentive. Make the incentive workable or developers will be afraid to reduce water use. If you buy this lot, you will do this, if
not you will be charged a surcharge by the city. That way they make a choice towards conservation. We cannot afford as much green grass as we have. We are spending our children, grandchildren, and great, great grandchildren’s water on grass. I applaud the spirit of how you tackled this. As history looks back, they will view the pivot the town made as favorable. You won’t get that accomplished on the small portion of people moving in each year. Your ordinance places a disproportionate fee on them. I still believe you are on the right track. Make it more nuance so it doesn’t kill the development industry. I worry a lot, a starter home with additional $30,000 should be structured in a different way. Give them a choice to pay $90,000 with limitations or $120,000 without. You want people to help with this process. Developers can develop produces consistent with reduced use. Your rate hikes need to be phased, but there needs to be communication to make changes. Melling – If we were to look at the conservation aspect and something with restrictive covenants, is it a gross overreach into your affairs or an additional tool? Dane – I see it as a tool, the reality is we don’t have enough water. The shortfall of senior rights is not the people moving in, it was us and those that have passed on. You need people to understand the gravity of the situation. You can deal with it by giving people tools. Conservation takes pressure off pricing. If over 3-4 years the community uses less water, look what it does to reduced need for water rights and then you buy water at the right time.

Tyler – the saving is $10,000 a lot, is that not enough? Dane – a 3,000 cliff, what if you have no lawn and has a rain barrel and uses 8,000 a month year-round, should he be rewarded by buying the lot a little less. You have the data; you know what everyone uses. Scott has a new home and uses a 15,000 gallons per month and if he uses 25,000 he pays a higher fee. You don’t want to measure lawns, but look at usage and then they pay more, spread the burden among everyone, let the developers have tools so people can afford them. You are on the right track, you can accomplish this by reduced fear, reduce impact on the development community and it will be smoother. This happened really quickly. The number of people that depend on the construction community is sizeable. You can do it so it doesn’t impact the industry. Measure twice and cut once.

Laura Henderson – I appreciate what Mr. Leavitt said, but I disagree, tools have always been available. Development agreements to incentivize came to mind. Student housing has a lot of students, but not grass. There are small ways, faucets that shut off automatically, showers with timers in student housing. Things can be put in place to force conservation. Those are small things. Development agreements to allow developers to get some of what they want but also get some things the city needs. It isn’t the city’s responsibility to come up with ideas. Melling – we did look at student housing, they used so much less than I expected. Phillips – I think Mr. Leavitt is saying it is on everyone, it is everyone’s responsibility. I hope we will continue to get ideas.

Carter Wilkey – is there a way based off new development with a CC&R that says you purchase saying you only use this much water. Is there a way in the software to trigger a bigger bill? Melling – yes, if we create another category. Hartley – it can, but should we have a different price per resident. We created it through the water tier. We had a lot of discussion on another tier. Carter – we have talked about this a lot, not against development, healthy growth. Having Cedar City be a place people want to live and can live. As we look at the tiered rate, a person has a lawn, can’t afford and xeriscape and on the way to Home Depot they pass a new development
and say I give up what I have for this. People say why do we still grow. Development has to happen, make sure they don’t feel like they are paying for another developer. Melling – that stops when we cover the costs. Carter – the fees are good I feel, it won’t be a large increase. We increase the water so development can continue, education needs to happen so people realize that is not what happens.

Verl Prestwich – the comment about 4-acre feet per acre is set for this area? Melling – yes. Verl – it can be changed. The city is on the edge I lean to free enterprise, the city is overstepping their bounds on purchasing water because you have junior rights. I understand senior rights are limited. I would like to see specifics on senior rights and junior rights prior to 1934. If it continues to go down, they can cut it again. Mayor – we could quit pumping entirely in Quichapa and we would be in the same position we are in. You continue to talk growth and what is sustainable, and it is questionable when there isn’t enough water. Look again at purchasing water outside the city limits. Horse alley guy signs an agreement and I know people are buying homes in Cedar City and has a drainage ditch for an irrigation company and her basement was getting flooded and she didn’t know she had to clean her ditch out. A guy can sell his property to someone else. People buys a home and flip it in a year and puts lawn in. Keep the rates you already thought about.

Dane – the project out west anticipates water that does not have depletion, it is an assumption to say the money putting aside will pay for water that does not have depletion. Melling – I would love to have a project that the price would not fluctuate. The situation may not be as dire as it looks. If you have ag rights, you are selling at $14,000 an acre foot for something with depletion. If you think Pine Valley will happen, sell now, it will be far less expensive. As a council we can’t set prices on a possible future project. I looked and looked, and I don’t know of another municipality without excess rights that has a fee option. Dane – you are 30 years late to that party. Mayor – I am not sure the municipality can do it, we have the money, but can’t make the deal a private person can do. I can get you a lot and build you a building and for this. I hope the incentive is there. We are not going out looking for water, they are coming to us. Dane – this group is driving the demand. Mayor – not alone. If we were only allowing water and not a fee. As long as we offer what we have for cash we have to acquire water, so we do drive the price up. Dane – you drive the price even if you don’t purchase the water. Melling – we want to track, what is the lead time, how long does it take to get enough money to purchase a block of water.

Adam Hahne – I appreciate the work that has gone into this, a lot of thought and analysis. Going by workforce service numbers 33.9% of Iron County is employed by construction, mortgage brokers, realtors, etc. is another 10%. When you raise prices, you are killing the industry. We have talked about impact fee; it is not good to raise them when it is a good market or a bad market. We understand the situation. We have a price war, lack of employees, everything is costing more. My parents bought a home the size of what I bought when I moved here, and I bought mine at a fraction of the cost. I talked to someone moved here for a management job and is paying $2,200 a month for rent and they are going to leave the job and move because they can’t afford to live here. You will see the market crash like never before. California is in a major drought except for San Diego County, they have some of the highest water fees in the nation, their top tier is 10,000 gallons at $8.50 and if you exceed it goes to $12 and change. They have invested in water purification, storage, recuse to help them. We need to balance the
desire for low water fees and no expansion of the water system. We need to acquire new water rights, but also reservoirs, reclamation, etc. If we acquire all the rights in the valley we will still eventually run out. With the incentive to xeriscape, one disincentive is the fact we lack parks, if you don’t have a park in your neighborhood, you need a lawn, kids need grass to play on. I appreciate you guys.

The hearing closed.

**CONSIDER AN ORDINANCE AMENDING CHAPTER 26 ARTICLE 3 REGARDING PARKING IN THE MIXED-USE ZONE. DON BOUDREAU:** Jonathan – this is a cleanup, the change states that any parking in mixed use zone refers to the zoning ordinance on mixed use.

**CONSIDER CONTRACT AMOUNTS WITH ENGINEERING FIRMS FOR THE DESIGN OF CITY CAPITAL PROJECTS. JONATHAN STATHIS:** Jonathan – this is a continuation of projects we are working on this year. This is a list from the engineering pool, I will have another list at the next work meeting. I added one project on the bottom, the streetlight engineering design for south Main. Isom – total fees are in the column, and we have fees to exceed all of these. Jonathan – some have construction with them, some are design only. Southview trail is design and build. Water master plan is only a study and the sewer master plan, both within budget. 500 West water line replacement, it is design and construction. Traffic study is study only. We may need to budget some improvements at the intersection. Street lighting on South Main, we only have money for design, that is out of the RDA.

**DISCUSS LOCATIONS FOR THE PICKLE BALL COURTS. PAUL BITTMEN:** Paul – this was brought up by a few council members. The City has in design 8 pickle ball courts, parking, trees and curb and gutter next to Elks Lodge on 100 East. Other property the city owns is at the Hills complex, behind the Seasons PUD there is a large section of land. By the Aquatic Center, the corner where we talked about the ice rink. The empty land behind the beach to the east that we own, and the location for the MAC center. Another site city property by Trailside Subdivision, empty, flat, but it does have soils issues. Property between the Canyon Trail and Coal Creek at the end of 200 South, we would have to stay away from the creek and maybe move the trail. Property by the horseshoe pits, we could rearrange the courts and put them there, or we could relocate the horseshoe pits. Property behind MCO Tire, we would give up expansion of 100 East to do that. Property between the Cemetery and Bicentennial Park, we own property left of the wash, it is for cemetery expansion. We have vacant land between the Bicentennial ball fields and skate park. We have vacant land behind Jones Paint and Glass, next is +/- 1.3 acres south of Canyon View Middle school, it is privately owned. Private property north of Canyon View High School. Private land next to Bowling Alley, SITLA property north of Nichols Canyon Road and land privately owned north of Wedgewood Lane. All have different pros and cons. Settlement issue is a big con. Private property con is we have to acquire it. Of the city owned lots, the biggest winner was the piece between the softball fields and skate park, you have parking, restrooms, power and water. To move the design somewhere else, the configuration costs stay down. If they move the configuration of post tension courts they have to start over and would be about a $30,000 redesign. If we put them next to water, power, parking and restrooms it would be a cost savings. Phillips – with that we can put more into the courts.
Paul – there is a grass area where the softball players warm up. It is not uncommon to have foul balls hit over there so we may have to put up some netting. If the council chooses to move it this would be the best place. Phillips – yes for infrastructure and the best bang for the buck. We have also talked about redoing the skate park. Melling – I am more comfortable with this location. Do we have an estimate on final costs? Paul – no, we did call the engineers and tell them to hit the pause button.

Ken Nielson – a few suggestions on pickle ball world, a few favorable things for the Bicentennial Park location is it is also close to pavilion and park. They also need to run north and south. It isn’t the softball world that hit in this area, it is the baseball with all the tournaments they go everywhere. There are a lot of pros to that area. Isom – can we get some costs for design, netting, etc.

**ADJOURN:** Councilmember Isom moved to adjourn at 9:38 p.m.; second by Councilmember Melling; vote unanimous.

[Signature]
Renon Savage, MMC
Cedar City Recorder
2 February 2022

Mayor Garth Green and City Manager Paul Bittmenn
10 North Main Street
Cedar City, Utah 84720

Gentlemen,

In this chaotic business environment, it’s easy to take for granted the efforts of people that help us move forward. Considering that, I’d like to praise one of our city officials who has shown outstanding competency and steadfast professionalism. He is our City Building Official, Drew Jackson.

Even though Drew has been saddled with the responsibility of enforcing sometimes unreasonable codes and an overbearing workload, he is reliable in his assistance, measured in his authoritarianism, and always cordial.

In a working relationship that is traditionally adversarial, Drew is an outlier. Drew is an exemplary city official; and exactly the kind of leader that makes our city great. He is a gem that may not be fully appreciated until his replacement makes it painfully evident.

We sincerely appreciate all you do and the tone that you set for our city employees. Thank you for taking the time to read this and for serving our wonderful city. There’s no better place than Cedar City, Utah!

Very Truly,

[Signature]

Shawn Ekker and Rick Szurgot
**Single-Family Residential Rates**
RATES PER 1,000 GALLONS OF USAGE

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<td>$3.85</td>
<td>$4.71</td>
<td>$5.56</td>
</tr>
</tbody>
</table>

**Multi-Family Residential Rates**
RATES PER 1,000 GALLONS OF USAGE

<table>
<thead>
<tr>
<th>Tier #</th>
<th>Tier Allowance times # of units (gallons)</th>
<th>Current Rates</th>
<th>Proposed Rates on July 1, 2022</th>
<th>Proposed Rates on July 1, 2023</th>
<th>Proposed Rates on July 1, 2024</th>
<th>Proposed Rates on July 1, 2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Fee</td>
<td></td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
</tr>
<tr>
<td>1</td>
<td>0 – 5,000</td>
<td>$0.90</td>
<td>$1.00</td>
<td>$1.00</td>
<td>$1.00</td>
<td>$1.00</td>
</tr>
<tr>
<td>2</td>
<td>5,001 – 10,000</td>
<td>$1.00</td>
<td>$1.50</td>
<td>$1.84</td>
<td>$2.18</td>
<td>$2.52</td>
</tr>
<tr>
<td>3</td>
<td>10,001 – 15,000</td>
<td>$2.00</td>
<td>$2.50</td>
<td>$3.35</td>
<td>$4.21</td>
<td>$5.06</td>
</tr>
<tr>
<td>4</td>
<td>Above 15,000</td>
<td>$2.16</td>
<td>$3.00</td>
<td>$3.85</td>
<td>$4.71</td>
<td>$5.56</td>
</tr>
</tbody>
</table>
## Non-residential (Commercial, Industrial, & Institutional) Rates

Rates per 1,000 gallons of usage

<table>
<thead>
<tr>
<th>Tier #</th>
<th>Tier Allowance (gallons)</th>
<th>Current Rates</th>
<th>Proposed Rates on July 1, 2022</th>
<th>Proposed Rates on July 1, 2023</th>
<th>Proposed Rates on July 1, 2024</th>
<th>Proposed Rates on July 1, 2025</th>
<th>Proposed Rates on July 1, 2026</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Fee</td>
<td></td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
<td>$17.00</td>
</tr>
<tr>
<td>1</td>
<td>0 – 20,000</td>
<td>$1.00</td>
<td>$1.00</td>
<td>$1.00</td>
<td>$1.00</td>
<td>$1.00</td>
<td>$1.00</td>
</tr>
<tr>
<td>2</td>
<td>20,001 – 50,000</td>
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<td>$1.81</td>
<td>$2.21</td>
<td>$2.62</td>
<td>$3.02</td>
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<tr>
<td>3</td>
<td>above 50,000</td>
<td>$1.00</td>
<td>$1.71</td>
<td>$2.42</td>
<td>$3.14</td>
<td>$3.85</td>
<td>$4.56</td>
</tr>
</tbody>
</table>