

**COUNCIL MINUTES**  
**FEBRUARY 24, 2021**

The City Council held a meeting on Wednesday, February 24, 2021, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

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

**STAFF PRESENT:** City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Police Chief Darin Adams; City Planner Don Boudreau; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall.

**OTHERS PRESENT:** Hussein Samha, Garth Green, Dan Kidder, Tom Jett, Cindy Rose, Angela Hackwell, Briget Eastep, Emma Savage, Michelle Hunt, Malorie Hunt, Connie Sowards, Dallas Buckner, Brent Drew, Jeff Richards, Timothy Daniels, Teri Kenney, Brian Nichols, Trudi Nichols, Frank Nichols, Tim Watson, David Holmes, Josh Nowell, Brad Green.

**CALL TO ORDER:** Dir. Hussein Samha of the AL-Hekma Center gave the invocation; the pledge was led by Paul Bittmenn.

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

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF**

**COMMENTS:** ■ Melling – last week I made a statement that I stand by that I think it is dumb we don't do things waiting on the general plan. I talked with someone with a different perspective and the Planning Commission gives us counsel on the current general plan and it is hard to navigate and deviate from the general plan. I still think it is dumb to do that on some issues. I wanted to let you know I got another perspective and I appreciate the Planning Commission's unique position and did appreciate the input. ■ Referendum Update. Tyler Romeril – I will also give a quick review on the neutrality laws, so we conduct ourselves appropriately. First, the petition, signed petitions were due on February 18<sup>th</sup>, they have been collected and handed in. Jon Whittaker indicated they have checked all signatures; they are tightening things up. When we receive them two clocks start, we have a 2-day window to verify what the County verified, we can go through those signatures. The second clock is a 20 day clock where I get a ballot number and put together a ballot title that is 100 words or less, I send that to the sponsors, they have 5 days to look at and make any proposals on changes to the language. They get it back to me and I have another 5 days to finish up the ballot title. If there is discrepancy after that is finalized, they can take it to the District Court. I think this is black and white, we have a decent relationship and should be able to work that out. We will then start working on the voter information packet with arguments on both sides and how the ballot is received. That is due 45 days before the election. There is a big window between the finalized ballot title and that. We will give 90 days to write in an argument for or

against and then finalize that and it is done by State Code. Phillips – for those not aware of the referendum, let the audience know. Tyler – the City Council passed a resolution authorizing the City to bond for money to build a recreation center, the addition of gyms and walking trail and other amenities. A group that opposed that went through the statutory process and got signatures from residents of Cedar City to put it on the ballot, so citizens have a say whether or not we move forward. It is important that those for and against want to make sure the public is notified so they are informed before going to the poles. There are restrictions on government because of our resources, we can push better than a common citizen. There are guidelines by the State, a few of those are: public entity, the city, cannot expend public funds to influence the proposed referendum or publish on the website for or against. We can use a reasonable expenditure of funds to gather information for or against the referendum, so if it is on costs, things people will be interested in to make a decision on their vote. That can be research, collecting and compiling information. We cannot use the information and put it on the website the city owns and controls which is [www.cedarcity.org](http://www.cedarcity.org). An entity other than the city if requested can put it on their own website, but not the cities. An exception to what can go on. If a citizen would like to see the gyms they could start their website and put that on it and the City can put a link to the website as long as we notify the sponsors and they can put a link to a website of their own as well. Prior to the referendum the City did have information on the city website, what it would look like and answer questions. We took it down and sent to sponsors that we could put neutral language on the website that both agree on. If not, they can create a website and someone else can and put links for that access. One other exception, the proposition information pamphlet can be put on the website, it is the sponsors and the City's information and fiscal impact. City Council members are not to use [cedarcity.org](http://cedarcity.org) email address for political process to for or against or solicit campaign finances. You cannot use the email address, but you have your first amendment rights to argue for or against on Facebook, your own email, however you see fit, but not cedar city email or Facebook. Hartley – those are the email addresses that are public, and they email us, so can we not answer emails. Tyler – if you are responding to questions from the public it is ok and if you are corresponding with another public email it is ok. You can communicate to the sponsors on that email. The last item is, nothing prohibits the city to neutrally come out and vote, city council members can advocate for one side or another. If a member wants to make an argument in City Council meeting, that is ok, but we need to give the sponsors notice and an equal amount of time at the same meeting. Melling – that is a lot of information, is it written down. Tyler – State Code is 20A-11. I can put it together and email it to everyone. If you are going to say something, please run it by me first.

20A-11-1203:

1. The City may not make an expenditure from public funds to influence the referendum; or publish on the [cedarcity.org](http://cedarcity.org) website an argument for or against the referendum.
2. The City may make a reasonable expenditure of public funds to gather information in order to respond directly to an inquiry regarding the referendum.
3. The City may conduct research or collect and compile information or arguments.
4. An elected or appointed official of the City may use this research, information, or arguments for the purpose of advocating for or against the referendum via a website other than [cedarcity.org](http://cedarcity.org).