

**COUNCIL MINUTES**  
**FEBRUARY 26, 2020**

The City Council held a meeting on Wednesday, February 26, 2020, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

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

**STAFF PRESENT:** City Manager Paul Bittmenn; City Engineer Kit Wareham; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Darin Adams; Fire Chief Mike Phillips; Leisure Services Director Ken Nielson; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall.

**OTHERS PRESENT:** Jim Rushton, Kelsey Cooke, Larua Henderson, Carter Wilkey, Bruce Anderson, Dixon Tiffany, Joel Hansen, Teri Kenney, Chris Marx, Tom Jett, Jess Bulloch, Ernie Bulloch, Richard Crommie, Linda Bush.

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

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

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

**COMMENTS:** ■Melling – I want to report on the North Cedar Blvd walk, we had Police Chief Adams and Paul Bittmenn, we had a good walk. I was pleasantly surprised to see the newer units in the area and improvements. There are also some issues to work on in the future. Next month will be the 400 North area.

**PUBLIC COMMENTS:** ■Bruce Anderson, Cedar City Children’s Musical Theatre, we are a nonprofit 501(c)3 organization that focuses on providing opportunities for children whether they have the experience or the ability to pay for the last 11 years. We work with over 600 children with mini musicals, summer productions and various other activities. We have 6000 patrons in the Heritage Center. We are in need of some help. In the last 12 months we have had to move locations 3 times which is very hard on a volunteer run organization. Our current location is fitting the needs, it is for sale, but out of our financial reach. We are doing fundraising and applying for grants, but we need more help, time is crucial for the organizations. We hope to have some help. We are committed to the youth of Cedar City. We hope to find connections here tonight.

Phillips - you are in a capital campaign? Bruce - Yes, we are looking to purchase part of the old hospital, it is listed just over \$500,000, if we get 500 people to donate \$1,000, we

would be there. Phillips are you seeing progress? Bruce – yes, we have raised over \$35,000, we hope to get \$100,000 for a down payment and then carry a mortgage.

**CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED FEBRUARY 5 & 12, 2020; (2) APPROVE OF BILLS OF FEBRUARY 21, 2020; (3) APPROVE DISPOSING OF 0.31 ACRES OF CITY PROPERTY LOCATED AT 820 WEST COAL CREEK ROAD. KADE ADAMS/TYLER ROMERIL:** Councilmember Phillips moved to approve the consent agenda items 1 through 3 as written; second by Councilmember Melling; vote unanimous.

**CONSIDER ALLOWING THE USE OF CITY WATER FOR LIVESTOCK WATERING OUTSIDE CITY LIMITS. ERNIE & JESSICA BULLOCH /TYLER ROMERIL:** Hartley – I do have a few concerns. In the last 30 days we denied a family from tapping in the City water, so it doesn't set well, to me to have animals watered but not families. This was when it was more rural to get the animal outside the city limits. A good example is on Horse Alley, small lots with a few horses. I wonder if the ordinance is outdated. If there is a water shortage we can cut the water off, the water engineer says we are mining 7,000 acre feet more than we are replacing, so I am concerned to let culinary water go to livestock, there is no way to monitor it once allowed. The underlying intention was to move the animals outside the city limits, they are already out of the city limits.

Melling – I appreciate Hartley's comments, she raised valid points. I come from a different angle; I think the ordinance is outdated. My main distinction in this case versus the family up the canyon, is this eventually could annex into the city, but up the canyon I asked if it would ever annex, and the answer was no. In this case they are very close the boundaries and, in the area, to be annexed. I was able to check with the City Attorney and this was a simpler way to deal with the water without having to annex. They will pay their way for the line; municipal water is more expensive. If it becomes more feasible to drill a well at a later date, he will probably do that. He is trucking water there now; they are still using municipal water. I am inclined to approve, not just because of the ordinance, but because the infrastructure is on the property line and it is on our annexation plan and at some point, the parcel will probably be developed.

Phillips – I have similar concerns, when I recognized the issues with 30 days ago, and we have had similar ones in the past. How do we control the amount of water and if we have 6 head of cattle and 5 horses, how do we control the water? I agree with Melling, it will probably be annexed in the future. There are a lot of property along 3000 North and we could have a number of people coming and requesting similar things.

Melling – before the issue was brought up, I hadn't done the research, it would not irrigate because of the cost, it would just be animals. Do we know what it would cost to irrigate 10 acres of alfalfa it would be several thousand dollars. I am not too concerned about opening flood gates because of the cost. Do you have shares in the irrigation company? Ernie Bulloch – yes. Adams – they comply with the ordinance currently, it

requires engineering standards as they put the lines in, the city will be reading the meter and the rate is double the normal user. I don't see a problem; it is in the annexation zone.

Councilmember Melling moved to approve the use of City water for livestock watering outside the City limits; second by Councilmember Adams; AYE – 2 NAY – 3 Hartley, Phillips, Isom.

Hartley – let's move forward on eliminating that from the ordinance. Adams – Robbie thinks we have 13-15 hook-ups already.

**CONSIDER AN ORDINANCE REVISION AMENDING CHAPTER 14 OF THE CITY'S ORDINANCES CONCERNING BURIAL RIGHTS. WADE**

**ORME/TYLER ROMERIL:** Phillips – we removed the written permission, why? Tyler – the language was already there in another paragraph. Hartley – to be filed with the Recorder of all persons herein named, do all approve or can any? Paul – right now we have folks that buy a plot at one generation and they don't pass for a number of years and the family grows. They pass and still own them, we go to the heirs to get written permission for all of them. Hartley – do all have to agree? Paul – that is how we are doing it now. Sometimes people transfer before they pass or have it in a trust or a will.

Councilmember Melling moved to approve the ordinance revising Chapter 14 concerning burial rights; second by Councilmember Hartley; roll call vote as follows:

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

**CONSIDER AN ORDINANCE REVISION DEFINING A BEDROOM FOR PARKING CALCULATIONS. DON BOUDREAU/TYLER ROMERIL:**

**TYLER ROMERIL:** Tyler – I provided material for the Council to look at on 4 developments, one we are pretty confident and another one confident that hasn't been built and 2 with strong indications, one had a study with a walk-in bathroom. One is advertised as a semiprivate bedroom, it had a ¾ wall, we think they may have finished that off. Those are examples that people are taking advantage of the deficiency. We presented what we feel is a fix to the deficiency.

Melling – I appreciate staff's work; I don't think it is appropriate for some to scurry the ordinance and other penalized for it. I asked if we had data on some of the developments on whether they had sufficient parking, Tyler provided the information. I went out last night in the middle of the night, I did reply all to the council. I posted the data to social media also. My interpretation is not only in the units provided by City Staff, but also 3 other units that I have heard different opinions around town where they had a secret deal with the City to lower parking, one built before the ordinance. There were many cars parked on the street, but there were more empty parking stalls in the development. In

each if you took cars off the street and put them onsite parking, they ranged from 60% to 100% full. Despite the skirting of the ordinance, there is sufficient parking. I am inclined to vote no. I think the loophole needs to be closed, but keep the discussion open for more fine-tuned parking request, more parking spots required people have to live further out of town and drive.

Adams – I feel the ordinance reads well with the intent. It is hard to come up with an actual number, we have to go with the worst-case scenario, you can have 3 bedrooms with 6 students and that is 6 parking stalls. That is worst case scenario. You can also have a family with one car. I appreciate Melling’s work, but I am in favor and I know the work that has gone into this. Phillips – I think it is important to define a bedroom, it has been an ongoing discussion from short-term rental to SHD, it is a step in the right direction.

Councilmember Phillips moved to approve the ordinance revision defining a bedroom for parking calculations; second by Councilmember Isom; roll call vote as follows:

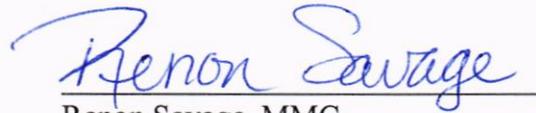
Ron Adams	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Tyler Melling	-	NAY
Scott Phillips	-	AYE

**CENSUS 2020 DISCUSSION. SCOTT PHILLIPS:** Phillips – some time ago we had folks come visit us and we recognized how important the census is and I hope all realize the importance of this. The Mayor asked me to help head up the efforts in Cedar City with Commissioner Blake, Interfaith Alliance, school district, Paiute Tribe, we want to reach everyone. The first census was in 1790 and is done every 10 years. The census website is live census2020.utah.gov has tons of information. They were still looking to hire at last check, they pay \$16 an hour, it is flexible hours. It is the first time it will be done online. A lot of people will have intermittent internet service, some don’t want to do it. April 1, 2020 is the date it will be available online, or if you are at a rural situation like western and northern Iron County, they will get a paper survey. They do not ask social security number, banking, political party information. It is a simple 10 questions that appear on the form. This is important for people in Cedar City and Iron County. Where you lay your head on April 1<sup>st</sup> is where you dwell. If you are a student at SUU you reside in Cedar City, you use our roads, hospital, fire, police, etc. every house not counted costs us \$1,866 per person for 10 years that Utah doesn’t get in Federal funding, it is millions of dollars. It will be simple. If you don’t fill out the online form you will be sent a postcard, if you don’t respond you will get a letter, if you don’t respond you will get a knock on your door. It is schools, hospitals, road, CHIP, \$5.7 million dollars annually come directly as a result of this. You will see a lot more about it. You matter, be counted.

Melling – if anyone is asking for SS# or banking information please call the Police Department and let them know. I see the seniors being taken advantage of often.

Phillips – no citizenship questions are asked; they ask national origin and ethnicity. The Census Bureau does not share with the FBI, CIA or ICE and it is confidential for 72 years. It is to help with community roads and infrastructure.

**ADJOURN:** Councilmember Isom moved to adjourn at 7:04 p.m.; second by Councilmember Hartley; vote unanimous.



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Renon Savage, MMC  
City Recorder

