COUNCIL WORK MINUTES
MARCH 2, 2022

The City Council held a meeting on Wednesday, March 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; Leisure Services Director Ken Nielson; City Planner Don Boudreau; Water Superintendent Robbie Mitchell.


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

AGENDA ORDER APPROVAL: Mayor Green requested that Item #19 be moved to the beginning of the agenda. Melling – item 13 still has items to be worked out, it may be best to table this item at this time. Tyler – just pull the item.

Councilmember Phillips moved to approve the agenda order moving item 19 to beginning and pulling #13; second by Councilmember Hartley; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■ Mayor – Ken – will you do a study on the price of Cemetery lots. ■ Phillips – on item 17 and 18 the date is wrong, it wasn’t approved on March 9th, but February 9th. I also want to acknowledge for the City and myself we stand behind the people of Ukraine, there is an outpouring of love and support through the country. We are so blessed to live where we do and stand by those that are trying to have a democratic state. ■ Riddle – I was getting on the freeway at the Center interchange going south, to the right off Center Street, the end of 1400 West the City crew was digging out the drainage channel, as we talk about wow is the city going to take action or not, it has been about 1.5 weeks since we decided where to start, we need to give a pat on the back for those lining it up and to the City Employees working early getting that channel cleaned. When they get instruction, they are on top of it. ■ AED Conation. Gold Cross Ambulance/Chief Adams. John Miller Director of
Operations for Gold Cross Ambulance and we go way back. I appreciate the Chief’s friendship and partnership. John — although my office is in St. George, I worked the past 20 years in Cedar City and Iron County and my heart is here. In the past few months, we put a Lucas device on our trucks, and automatic CPR machine on the trucks. We could not do what we do without your Police and Fire Departments. I don’t know a time when we ever beat a police officer on a cardiac arrest, and I have seen them work to exhaustion. Fibrillation is a key to survival. It is important to get the AED’s to the people that are already there. We are donating 6 AED’s to the Police Department, he has needs for more and we will try and get more to you. As a director it is important to have defibrillation. If we get to a patient without that it is rare that we get the patient back. We would like to go to more family reunions than mortuary. You have the very best. I work with 140 staff throughout the state, and we have the best in Cedar City.

PUBLIC COMMENTS: no comments.

CONSIDER APPOINTMENT OF JAY JONES TO THE HISTORIC PRESERVATION BOARD. MAYOR GREEN: Mayor – I took the liberty to move Jay Jones to the front. Jay has been appointed to the Historic Preservation Board. It was a wonderful pleasure to meet and visit with Jay, his father was Willard Jones. Back in the 70’s when gas was high, they came out with a VW Rabbit with diesel and his father sold them. His card calls him the Southern Utah Historian, we looked for plaques that used to be in the City Park, there is one that couldn’t be found. Phillips – I know where it is, it is in Special Collections until we place it. Mayor - Jay will finish a term until July and then we will reappoint him to a full term.

CONSIDER VICINITY PLAN FOR THE ESTATES AT SOUTH MOUNTAIN PHASE 3. GO CIVIL/DON BOUDREAU: Dallas Buckner, Go Civil – we have had final plat for Phase 1, we recently completed phase 2. Similar lot size, a little bigger on the north side, RE lots. Phillips – is this south of the current phase 1. This is falls off South Mountain Drive, it will connect the two roads. Phillips – are we talking about double fronted houses tonight? Dallas – we are proposing an ordinance change, but with the current ordinance, 4 lots are double fronted, there is about 30’ of fall and a site obscuring fence doesn’t do much for anyone. Jonathan – they are also proposing a variance from 66’ row to 45’ to connect the two roads and to do borrow ditches. If the slope is greater than 5% the ordinance requires curb and gutter, they are asking for a variance. Dallas – the city has changed the road right-of-way to 66’ so we are hoping to get a variance to keep the 45’ right-of-way. We are asking a variance with the proper rip rap stabilize the channel, with slopes I don’t see an issue conveying the water. We will do that at final plat or as a separate agenda item. Consent.

CONSIDER VICINITY PLAN FOR THE BLUFF AT SOUTH MOUNTAIN PHASE 2. GO CIVIL/DON BOUDREAU: Dallas Buckner, Go Civil – this is an R-1 Subdivision, we just got phase 1 final plat approved. This ties into that phase. These are 10,000 square foot minimum lots and extend the structure. Consent.

CONSIDER VICINITY PLAN FOR THE IRON WEST LEIGH FARM SUBDIVISION PHASES 1-5. GO CIVIL/DON BOUDREAU: Dallas Buckner, Go Civil
– this is at Iron West, Leigh Farm parcel, it was fronted off Hwy-56, this is west of the original parcel Iron West purchased. This is the next set of phases. We came through with an R-2-1 zone changes a few weeks ago. Phillips – Iron West is the entire project and Leigh Farm is one segment? Dallas – yes. Phases 1 & 2 are subdivided, the Leigh Farm is 80 acres. Phillips – that is a lot of homes, where is some open space, parks, and places to recreate? Dallas – we laid out roads with 7,000 square foot lots. There is 35 acres Burgess has talked to the city about donating for a park. Mayor – it is 22 acres; they took dirt out to do leveling. It is flat and not deep, and they offered the 22 acres and offered to buy a gym on it if we are willing to maintain it. Dallas – the groundwater is relatively high in that area. The Quichapa channel boarders their south boundary. There is a 115’ power easement, there is potential for parks and trails there also. That has been excluded from this parcel. I am sure roads will cross it. Phillips – will it connect to the rest of Iron West or go to Hwy-56? Dallas – it will tie into Iron West, there are also Thorley Ranch roads existing, but nothing to Hwy-56. Melling – can you talk to regulatory issues to this layout. Dallas – there are a lot of accounts to look at when we lay out a subdivision, existing roads. When in grids, there are engineering standards keeping sewer manholes 4’ from centerline, they are each about $5,000 to $6,000 so curved roads add costs. The other challenge is it is very flat, with slopes there is not a lot of room to play with grades and add curves and character without elongating the drainage paths. This goes east/west it is about .4% or .5% so on flat projects you keep it linear to keep the slopes. Melling – items like this have criticism, but we also tie your hands. Phillips – do they plan to develop simultaneously? Dallas – we have 5 phases shown, when we get into construction, we need a lift station and how much will drain. We will start the east side and work west, where it will make the challenges more challenging for the drainage to the lift station.

Wendy Green – I don’t see emergency exits, there is a lot of land there. Dallas – the city requirement is over 80 units there is a secondary access. The roads are not developed, but we have 2 roads in Thorley Ranch and the Center Street and one to 4500 West. Wendy – what about the north end? Dallas – it is owned by the University; we can’t stub into that property. Consent.

CONSIDER VICINITY PLAN FOR CRESCENT HILLS SUBDIVISION PHASE 5.
GO CIVIL/DON BOUDREAU: Dallas Buckner, Go Civil – we recently completed phase 4, we started on Cross Hollows and went down, phase 5 is getting into the steep portion. Because of the topography it is not feasible to do similar size lots as the rest of the development. We will access the lots and then went 500 feet with a cul-de-sac with larger lots. They will all be single family R-2-1 lots, but much larger than the other phases. Phillips – the road to the north does it connect with Meadow Street in the Cove? Yes. Phillips – not too long-ago Steve Platt was asking that we not go there. Dallas – he has a nice big lot that backs up to them, I think he will be alright with this layout. Phillips – is the intent to leave it natural as it is and allow the water to drain? Dallas – I would think so, what we cut on the high side we flip to the low side and create a pad. Phillips – any thoughts Jonathan? Jonathan – there was initial discussion to get some larger area to city open space. Dallas – we had shown a layout, but input at Sketch was that the city would not want it as open space because of topography. Paul – we have the same open space with the topography to the south. Dallas – if the city is open to that we can revisit it. Phillips – I was just
wondering. With all the flooding I don’t want to set up for worse situations. Melling – they tie into their drainage studies. Dallas – there are a number of culverts from the old subdivisions, there is not any flat space or open basins for those either. Jonathan – the Building Department is watching close. They cannot increase the drainage over what is existing. If they change the topography, they have to get the drainage to the street or retain it on site. We will see that in the construction drawings. Consent.

CONSIDER VICINITY PLAN FOR THE FIDDLERS CANYON HILLS PUD PHASES 1 – 10 LOCATED AT APPROXIMATELY 1900 N. FIDDLERS CANYON ROAD. BROWN CONSULTING/DON BOUDEAU: Steve Kamlowsky, Brown Consulting – we are proposing a multifamily town home residential project, across from Fiddlers Canyon School. The buildout would have about 600 units and will be built in phases as the market dictates. We are trying to follow all ordinances. We have open space with landscaping. There is also natural open space. It is pretty steep; we want to minimize as much cut in the hillside as possible. The interior roads will be private, except for Fiddlers Canyon Road and the Sandstone Road. We think it is a nice fit for the area and needed type housing. Mayor – how will they bring the water? We dedicated about 40-acre feet of water; it is a little under 40 acres. Paul – water is an interesting concept; the water acquisition ordinance doesn’t kick in until June 15th. Vicinity plans have a 2-year life span, unless they are brought in and developed within 2 years the vicinity plan will not vest in the current water acquisition ordinance, it will be what is on the books at that time. We have a lot of vicinity plans rushing in to stay under the rules, but this does require more than 40-acre feet. Melling – are they coming with a fee to supplement? Paul – I guess, we collect it at final plat. Melling – under the current ordinance, it is only about ¼ of the water needed which is 160-acre feet for 40-acre development. Mayor – the 500+ units is max of 4-acre feet per acre? Melling – yes, we don’t see developments using more than that. They are bringing ¼ of the water needed. They probably need another 120-acre feet of water. We have vesting ordinances because as we make changes, unless they build all the units in the next few years, they bring the water required at the time.

Phillips – we have to take it on face value that you want to develop this. I am concerned with 540 units with 2 cars and 5 trips a day, that is 5,000 more trips on Fiddlers Canyon Road. Steve - we are working on a traffic study and will comply. It is a 66’ road only half built now. A 66’ is a major collector, that is the second largest road other than an arterial and that can carry about 8,000 trips per day. Phillips – we have to assume that is what you will do. Melling – that was on the general plan for years even before Fiddlers Canyon was developed. Phillips – you can only go out through there and DL Sargent. Melling – we have planned for this area as high density, and I want to see the traffic study. Steve – we are working on it. Tyler – put on your administrative hat and take off the legislative hat, if it conforms to our ordinances that is what we need to do. Phillips – was there discussion on putting a street through this project. Tyler – staff is not a fan of roads in a private development. Paul – there is a water line through the PUD and we will need access to maintain that lot. We need to compel a public access to access to the CV on the hill, I would recommend we preserve access for that. Melling – would that be an easement? Paul – whatever gives it access so they kids are not getting chastised from the PUD. Steve – we would be open to an easement.
Tom Jett – many moons ago I owned the Roller Rink, and it was the first catch basin from Fiddlers Canyon. What are we doing as we continue to develop up there? I know water runs down hill, who will foot the bill for the cost to capture the water as it runs downhill. Melling – there are multiple detention basins. Tom – they are not catching the hard surface, that will run down Fiddlers Canyon Road. Melling – everything here has to go in a detention basin. Jonathan – there are 3 detention basins to catch the onsite drainage. Tom – it is not just about this one subdivision, we continue to build south and the hard surface water from the flood last year, the long-term plans is what we are planning. How do we plan one here and jump from here to there? Who will pick up the ultimate costs? The drainage fees are minimal to the costs to rip up roads and catch water. Melling – we just made major changes to those requirements on developers. Tom – we extend it out so far, we have the vesting coming and new projects rushing in, we will have more problems and if we look at integrity in development, there is probably very little. Melling – that is why we changed the standards, the basin requirements doubled. Jonathan – on the City’s current Storm Drain Master Plan it does show a detention basin on this property. To the NE Brian Nichols has constructed a large basin, there was discussion on moving this to the NE a little. Their plan is to take drainage from two canyons and put it in one basin and on site they will capture the drainage from the PUD in the NW corner. In the meantime, Sunrise is working on the update, and they recommend a detention basin, and it will also catch water of Fiddlers Canyon Road and the developer does not want to do that. They are willing to take the drainage from the canyons and put it in the detention basin. Steve – we know it is a large canyon that brings a lot of drainage and the master planned basin, Brian’s basin is 12’ deep. We will build one in our project also. If there are additional detention ponds needed, it is a challenge to flow uphill into the basin. Jonathan – Sunrise is proposing to install a storm drain down Fiddlers Canyon Road and there is not one now, it is all surface. If there is no storage the future storm drainpipes would need to be a larger size. That is a huge cost to run a storm drain down Fiddlers Canyon and take it under I-15 and through Cedar Willows and it would need to be upsized or have a parallel and take it to a drainage pit on Bulldog Road. It is a huge issue and we have been looking at it closely.

Carter Wilkey – during the floods last year we were sent out where the drainage comes out of Cedar Willows it just ditches and it backed up into some of the homes on Cedar Willows.

Phillips – on the amenities you talk about a club house and a pool, it comes in phase 6. That is a large piece of property, is there any bike paths or trails? Steve – yes it will run through the PUD and residents can walk through this. Jonathan – that is a City Master Planned trail so there would need to be a trail easement for that. Phillips – where are we with the traffic study? Steve – it is under contract but not finished.

CONSIDER A VARIANCE REQUEST FOR PERIMETER FENCE IN THE FIDDERS CANYON HILLS PUD LOCATED AT APPROXIMATELY 1900 N. FIDDERS CANYON ROAD. BROWN CONSULTING/JONATHAN STATHIS:
Steve Kamlowsky, Brown Consulting – this goes along with the vicinity plan. Currently the boundary needs a fence, we don’t see a need where all the open space is up the hill, we don’t see a need, it would cause more disturbance of the land. We will build the wall along the sides where we have units, but not along the back. Melling – if we follow the ordinance to
the letter, it will be uglier. Where you are proposing the wall, it makes sense. I don’t know how best to make that in code. Tyler – that was put in the ordinance a few months ago, it can be done if it meets one of three reasons. I assume it is more than 150 feet from any existing structures. Steve – yes. Phillips – if you only develop 3 phases because of market, would you consider coming back if the project is suspended? Steve – yes, it would be considered. Phillips – is the line to the north as high as the road goes? Steve - no, Sandstone Drive is only dedicated up to phase 3, we will dedicate and build the rest of the road.

Paul – you have a proposed privacy wall on the east side, will there be openings for traffic circulation? Steve – yes, the roads will be open to the road, the wall will be along the landscaped areas. Jonathan – are you proposing to eliminate the wall along the street frontage? Steve – no, it will be built along the road. Hartley – where they are at the property line, is that up the hillside? Steve – yes, it gets very steep, we are trying to eliminate cuts. It is over 35%. Tyler – it is 150 from existing structure or proposed structures. Melling – the wall should not be in that area. Action.

CONSIDER AN ORDINANCE ADOPTING A COMPREHENSIVE UPDATE TO THE CITY’S GENERAL PLAN. RURAL COMMUNITY CONSULTANTS/ JONATHAN STATHIS: Mayor – I will allow 10 minutes and up to 3 people to talk.

Don – at the last public hearing the council tabled action on the document. I have had some discussion with a few council members, Exhibit “A” shows changes. A lot of mixed use on 200 North, changes or discussions are shown in blue which would eliminate the mixed use and make it CC consistent with the existing zone. The regional is like highway services, central commercial as is it in the zoning. CC dance studios are allowed, but not in HS, HS is for traveling public. Towards 1150 West there was proposed high density, there was an error, the blue will remain as regional commercial. 3100 West 2400 North, changed to commercial the blue is added changes. 3000 North swings to the north, there was discussion on if we want commercial areas. 3000 North there was commercial proposed, one changed with the areas that homes are already built. 2400 North, Sage Springs moving north, original had commercial to Sage Springs, so some was removed. We have high density changed. At the “Y”, commercial discussion, as roof tops come out, we need some commercial. Red lined up with CC, it was suggested to extend to 5900 West. South of Eagle Ridge changed to commercial.

Melling – This is going to take about 10 minutes, but there’s a lot in here that needs to get on the record. To summarize, the main points are that I will remain present for the discussion and vote on this issue, that the Melling farm issue needs to be left alone, that the entitlement mentality in our community most recently exhibited through communications from the Flying L subdivision is a cancer that is destroying our community and preventing us from exploring real solutions, and that policy changes need to be made to improve the quality and feel of our community.

During the last two weeks of discussion on this agenda item, I have stated an apparent conflict of interest and recused myself from the city council chambers during comments and voting for the entire general plan update, despite protests from staff, council members, and
members of the public. I decided to do so, in part, because I was accused last summer in these chambers of having a conflict of interest on an issue where I had absolutely none, and those accusations were permitted without any intervention by those present, and have never been withdrawn or clarified on the record, despite assurances otherwise.

Now, in a situation where it does appear that I have a conflict of interest, I have been especially cautious, to the point of recusing myself from the entire general plan update. This was not planned or expected, but I removed myself from discussions on the general plan once I learned that my parent’s 22-acre farm parcel was singled out to be changed from medium density as designated since at least the year 2000 to rural estate in this plan update based on comments from neighbors of the subdivision. This was the only undeveloped residential parcel in the entire plan update to be selected for downzoning, from a higher density to a lower density.

There are important issues to address here that impact the future of our city, and I have decided to stay for discussions on this issue and for voting on the general plan. A careful review of state law and city ordinance does not require or even recommend that I recuse myself in this case, and I only did so for fear of how things would look. However, what I feel obligated to contribute to the discussion and the citywide impact of those remarks outweighs those fears, and I’ll let public opinion fall where it may.

Where the purpose of the ethics and conflicts laws in the state and of our city ordinances is to ensure there is public trust in the process and in the system, I am confident that my participation in this discussion, in light of comments made in recent weeks, does not undermine that trust in the process. Especially because Wayne and Melanie Melling are not asking for any kind of special treatment, they are simply asking to be left alone, to leave the plan for their farm as it has been for at least 22 years, to not be singled out as the only property owners devalued in the plan change, and to not be treated differently than the several hundreds of acres of undeveloped farmland in their area that is adjacent to major planned transportation corridors and the flight path. This is not a zone change or a general plan change, it is simply a request to leave things as they have been and to take the change lobbied for by nonresidents of our city out of the proposal. I hear concerns about parking, water, and density. The water and parking policies have been taken care of in recent years, but frankly I have a hard time giving weight to density complaints, especially when those complaints come from people who greatly increased the density of the farmland that they displaced, and now make demands of the neighboring families who chose to farm their land a little longer. This entitlement mentality has no place in a community founded by mining families and that values hard work and education. This community does not raise its youth to believe that government should force our will upon others at the point of a gun when we aren’t willing to solve problems ourselves. As a government body with compulsion as our only tool, we have to plan for all of our residents and not simply listen to the loudest, richest, or most powerful.

To those in the Flying L subdivision, I think of you often. Every time my 5 year old wants to wrestle and pulls on my left hand, a sharp pain reminds me of the finger I probably should
have had a doctor look at after I broke it filling sandbags for your subdivision last summer. This general plan process has been quite open and generous in allowing those who do not live in our city to provide input and the consultants have been gracious to include some of that input in their recommendations. For those county residents who take issue with my remarks and participation in this agenda item, I encourage you to annex into the city yourselves and make your concerns known at the ballot box in the event I suspend my better judgment and sign up for another 4 years of this. In any case, I would hope you treat new neighbors in the future who live on smaller lots than you with the same open arms my grandparents on 40 acres greeted you with on your paltry half acre lots.

I recognize the lackluster work product we have seen as a community from medium density developments. Many medium- and high-density projects have led residents to resent and fear growth, and I don’t blame them. However, I believe the work product we see is the result of our zoning codes more than anything else, and we will continue to get subpar results without meaningful change.

Our current policies encourage subdivisions with little variation in lot size or configuration, and we end up with wide swaths of our community that are segregated to only serve a narrow economic range. On the lower end of this spectrum, it perpetuates intergenerational poverty as children grow up without neighbors in a different economic class than them. On the higher end, we end up with homeowners who build on an alfalfa field and later lobby to keep the alfalfa fields that develop slightly later from ever possibly serving a market need below their own. I also recognize this prospect could be especially embarrassing if these lobbying efforts prove unsuccessful, and one day you find yourself singing in a church pew about being children of God and loving your neighbor with a working-class family sitting in front of you, and you wonder if they know how hard you lobbied to prevent them from living anywhere near you.

I hear concerns from a wide range of residents. Usually, the complaints are about the potential of a higher density, but on occasion I also hear complaints about identical homes being built because the open space was preferred as long as someone else maintained and funded it. On one project near Lund Highway, I was told by one resident that the townhomes were an abomination, while another resident of those townhomes was in tears when explaining that the same townhomes were the nicest homes he’s ever lived in.

As long as we continue to encourage segregation through our zoning policies, those tensions will never go away. This general plan update, while addressing a few needed changes, does little to effect meaningful change. Where change is truly needed, is in our policies that prevent blends of lot sizes and housing types in new neighborhoods and that give in to other market or regulatory pressures that reduce owner occupancy and drive prices beyond attainability for middle-income families. As we assess policies in the future, we have to keep this in mind that neighborhood protests will be a chronic issue as long as every subdivision is regulated into one of three sizes of rectangular boxes. I hope that future policy changes and the communities they create can encourage a shift in segregative attitudes, whether within hearts or, that failing, a shift in residency of those attitudes to other communities that reward
fear of others. As we find better ways to blend housing types, we will have more sense of community and grow more sustainably. On that note, I would invite further discussion on the plan and the particulars.

Hartley – read the following email that was sent to a resident in the area: First of all, thank you for your interest in the community and becoming involved in the land use process. Although a decision has not been made at this point, I would like to share some information under consideration that is consistent in most emails I have received from you or your neighbors:

1) The first Master Plan for Cedar City was created in 1972.
2) The year 2000 Master Plan update shows all the properties in your vicinity within the Cedar City annexation boundary at RPA-6 which was a medium density 6 dwelling units per acre. As I suspected, and stated last week, Flying L was developed at a lower density than the Cedar City annexation plan designated it to be, and left the surrounding properties at their historical designation of medium density.
3) The year 2009 Master Plan update included the current 2 “islands” of Rural Estate known as the Flying L subdivision, and the surrounding properties within our annexation boundary remaining at their historical designation of medium density.
4) The year 2012 Master Plan update remained the same as 2009.
5) The current General Plan update we are reviewing includes changing the historical designation from medium density to Rural Estate on one parcel (approx. 23 acres) of the Melling property on the east side of 2300 W. Most of the emails I have received are asking for the zoning to remain at the historical zone which would be medium density. Moving it to Rural Estate would be a 2 zone change from historical annexation master plans.
6) You as property owners have a right to develop your property, other property owners have that same right within the legal constraints. If as you say the property needs to be developed according to another vision than the current owner, maybe a purchase of the property could be negotiated so it can be developed in a manner acceptable to your neighborhood.
7) Just to clarify, last week was not a public hearing on this matter. Public comments were allowed at the beginning of the meeting regarding the General Plan changes in your neighborhood. However, the subject property owner was not there to represent views as he had already attended and stated his position the prior week at the official Public Hearing concerning their property.

There will be some discussion Wednesday night on a few changes, but I am not sure how much public comment will take place as this week is again not a public hearing. If you would like to discuss with me further, or if you would like to view the 2000 and 2009 plans please let me know.

Dan Jessen – on the property at 3000 North 2300 West I want to support the update. I spoke with Scott, he has been a listening ear, we didn’t want our houses designated as commercial. I am in support of removing that commercial area.
William Schryver – As a preface to my remarks today, I simply want to note that literally NO ONE among the current residents is in favor of rezoning the undeveloped land in our neighborhood upon which to shoe-horn so-called "affordable housing" in the middle of what has been, up until now, one of the most highly desirable areas in Cedar City for single-family dwellings – so-called "Ranch Estates" built on minimum ½ acre lots. Any perception to the contrary owes to a misunderstanding of the differences between the zoning designations specified in the Cedar City General Plan Coloring Book and the legally binding zoning within Iron County.

In other words, in pushing for radical zoning changes, you will be acting deliberately contrary to the wishes of ALL the people in the area.

This being the case, we are left to wonder WHY? What are YOUR motivations? I have my own theories and suspicions, but will leave off airing them publicly for the time being, and instead focus upon what I perceive to be a poorly understood aspect of what your myopic development policies are causing.

Whom does this push for unbridled development of so-called "affordable housing" most benefit? I expect most of you would reply: it benefits those who are in need of affordable housing. But this is, I am convinced, a fallacious conclusion.

Quite to the contrary, the greatest beneficiaries are the speculators, the developers, and yes, THE BANKERS, who will garner substantial short-term profits, with little concern for the long-term degradation of the character of our city and county.

Unlike the Bailey Savings and Loan development philosophy illustrated in the classic film, It's A Wonderful Life – where smaller single-family starter homes were the development objective, your policies are producing Pottervilles by the dozens throughout the city. And these "affordable housing" developments we build today with the cheapest materials and the least-rigorous design qualities will become, in only a decade or so, like Gemini Meadows has highly undesirable blights upon the landscape.

We cannot permit transitory perceived "acute needs" to dictate the development trajectory of our city. Civic planners should always remember they are in the business of planting and nurturing trees for our grandchildren, not petunias that provide a few weeks of blooms and then are gone. We must plan for 50 years down the road instead of reacting to the whims of each and every new speculative financial cycle.

And make no mistake, the current speculative frenzy is the single most influential driving force behind the push to construct as many euphemistically named "medium density" housing developments as possible.

To be sure, I fully appreciate how enticing it must be for landowners to sell at prices that even five years ago would have been inconceivable. The fundamental axiom of investing is to buy low and sell high – and we are presently at the highest peak of speculative real-estate mania ever seen in American history – substantially worse than the one seen 15 years ago,
with the only difference being that this one is being driven by multi-trillion dollar Wall Street investment firms and rapacious mega-banks, like Wells Fargo.

The house immediately adjacent to ours sold just five years ago for $400,000. It sold again last month for $835,000! Many will be inclined to say, "Great, rising property values in our lovely city produced a huge profit." But, of course, few will sell at the top, and the bubble will eventually burst – likely sooner than later. And then we will see a rash of defaults sweep across this county such as has never been seen before, and real estate prices will once again find an equilibrium far below their current level.

But to my main point:

The "Field of Dreams Effect"

You assert that there is an "acute shortage" of "affordable housing" in Cedar City. To confirm the reality of this "acute shortage", you cite the "fact" that no sooner is it built than it is occupied. But I submit that your reasoning is logically flawed, and that what we are really seeing is a "Field of Dreams Effect". You are artificially attracting the "demand" for this particular category of housing … BECAUSE THAT IS WHAT YOU BUILD.

WE CHOOSE WHAT THE CHARACTER OF OUR CITY AND COUNTY IS GOING TO BE.

By myopically creating an inordinate "supply" of "affordable housing" we artificially attract a populace in acute need of affordable housing. But this need is demonstrably not commensurate with the corresponding creation of industrial enterprises, profitable businesses, and the gainful employment and economic base they provide.

I want to emphasize this point:

It is indisputable that Iron County simply does NOT, at present, have the capacity to provide gainful employment for any more than a small fraction of the people who need this "affordable housing". Therefore, if these people are gainfully employed, we know it MUST be outside of Iron County. And, in fact, we all know a large number of residents in our neighborhoods who work in St. George, Mesquite, and even as far away as Las Vegas.

In other words, if you build it, they will come … and they'll keep coming so long as you keep building it – and then we can change the motto on the signs at either end of town welcoming people to

Cedar City: We Make Soviet-Style Housing Great Again.

In conclusion I want to make it perfectly clear to all of you that you are now widely perceived as being inimical to all that is good about Cedar City. You are perceived as a collection of power-grubbing, self-interested exploiters. You are perceived as being fully in the pocket of big-money developers and their short-term profit schemes. And if this
perception is seen as a harsh judgment, it is nonetheless one you have brought upon yourselves.

You would do well to NEVER seek to annex our area into the city, because in so doing you will be introducing into the electorate a body of highly motivated voters who will act in unison to remove each and every one of you from office.

I repeat: Civic planners must always keep in mind they are in the business of planting and nurturing trees for our grandchildren, not petunias that provide a few weeks of blooms and then are gone.

STOP PLANTING PETUNIAS AND START GROWING TREES.

Dave Loescher, I Live in Flying L Subdivision. My comment has to do more with respect for current neighbors. I also understand the zone for the Melling 20 acres is currently half acre residential in the County, I understand that. I also understand that a master plan is simply a guideline, simply to give direction to somebody should that piece be annexed into the city. It is not the end all rule for what will be developed, Flying L was zoned R-6 and not built with that. I would ask that the updated plan be consistent with the current county zoning that is in effect right now. I know if urban sprawl continues to happen and it all lines out that we will need commercial nature, but with this property I don’t believe it is a consistent fit. Med density is going all over the city, every developer is throwing it in, and a developer wants to maximize profits, I know that because I was a developer in Flagstaff, Arizona, but let’s do it consistent with neighboring property. The 118 acres recently zoned, how it went through was unfortunate. That could produce up to 600 units and I believe traffic and water is a problem and parking is also in areas like Cedar Bend, the same is happening in areas of Gemini, cars and trailers are parked everywhere and it is a nuisance for plows and everything. Please consider all the adjacent properties west of the canal with larger lot and work with the property owner as well. I believe Wayne is trying to make it consistent with the master plan. Terri said A bunch of the neighbors want it to be R-6, but I don’t believe that is true as you see all the people here. Hartley – no, that is not what I said, the emails I received said leave the zoning as is. Dave- we don’t want it left as is. Hartley – people think it has been changed, but it has not been changed. Dave – we don’t want it changed. Dave – I understand the City zones and the County zones, and I just want you to consider that. Hartley – we are taking it all in consideration.

Melling – my father does not want to do anything with the property now, he wants to farm it as alfalfa, he just doesn’t want the door closed on when the farming is done what they are going to do, he just doesn’t want to sell the water and leave it dry. He is not planning to develop fight now. Audience member - is he saying it in the context of the County or the City? Melling – he is saying leaving it as the general plan is now, leave everything alone. Audience member - if he developed would it be in accordance with the County. Melling – it depends on the ordinances of the City and the County at the time. He wants the city plan left as it has been for 20 years.
Tom Jett – the City Planner short of begging with signs on the street to participate in the planning and very few people were involved. 10 years ago, very few people were involved. This is when it is important to be involved. This is for the general public. This is a result of what we are getting because, so few people get involved. You are here after the barn closed. You can be involved at the County or the City master plan level. No one asks for ID’s at the door. I hope people take this as a lesson to be involved, they only know from what they see.

A 10 minute recess was taken at this time.

Riddle – I know some of you well, I spent a lot of time on baseball fields with Bob. I will mention one thing, very few cities let people from counties speak at the mic. Go to St. George City and try and speak if you live in the county and they don’t let you. Melling farm is not trying to annex into the city, no one has proposed or asked, they want the General Plan to stay as it has been for a long time. You say look at my property values. We just are saying let it stay as it has been for a long time. And never say I am in the pocket of anyone, I will give you an earful and maybe more.

Phillips – I want you to know we hear you and we understand, you don’t need to repeat yourselves. We need to continue to look at the text, analyze the map and then make the decision. We hear from you.

Isom – I applaud the effort that has gone into the plan. There has been a lot of public participation and hard work and we have a very solid plan in front of us and execution rolls that have been outlined by the consultant so we can implement this. I am pleased and I ask the question what the hang ups are, can we between now and next week get to a point we can lock it in and vote. It is a hope and request.

Hartley – the changes suggested by Don, does anyone have issues? No. Don – we will get it online in the next day or two.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM RESIDENTIAL-1 (R-1) TO DWELLING MULTIPLE UNITE (R-3-M) FOR PROPERTY LOCATED AT 2530 NORTH 400 WEST. ALPHA ENG./TYLER ROMERIL: Jared Madsen, Alpha Engineering – this went through Planning Commission with the vicinity plan, but needed more coordination, so we removed the vicinity plan. The General plan calls it for high density, we are proposing R-3-M consistent with the general plan. We have Central Commercial, R-2-2 and to the west R-3-M surrounding us. Phillips – is the line off, or does it really jog there? Jared – I think it is actually straight. Hartley – where is this located? North of Sage Springs.

Mayor Green opened the public hearing. There were no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE FINAL PLAT OF PHASE 4 OF THE COAL CREEK INDUSTRIAL SUBDIVISION BY COMBINING LOTS 11 AND 12 LOCATED AT 2354 WEST 850 NORTH. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – this is a final plat amendment.
The family bought two different structures on two plats, but put in only one water meter, so we need to make them one parcel.

Mayor Green opened the public hearing. There were no comments, the hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE FINAL PLAT OF PHASE 6 OF THE ASHDOWN FOREST PUD BY COMBINING LOTS 7 AND 8 LOCATED AT 1960 NORTH MAHAGONY CIRCLE, PLATT & PLATT/TYLER ROMERIL:** Bob Platt, Platt & Platt – we are only amending two lots. Lot 8 was combined with the meets and bounds parcel, but now we are adding lot 7 to that. Tyler – the new lot is 7A.

Mayor Green opened the public hearing. There were no comments, the hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE ANNEXING 1.75 ACRES OF PROPERTY AT 3000 NORTH 175 WEST INTO CEDAR CITY, PLATT 7 PLATT/TYLER ROMERIL:** Bob Platt, Platt & Platt – this has been through the annexation declaration process, and this is the final step. This is by the Old Farm Subdivision.

Mayor Green opened the public hearing. There were no comments, the hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 26 BY CREATING A MINIMUM LOT AREA REQUIREMENT IN THE SUU HOUSING DISTRICT (SHD) ZONE, CITY COUNCIL:** Isom – we have seen recently very small projects introduced as SHD, at first it was disconcerting to me, although some of the projects I am not as much disconcerted because they created student housing with parking requirements. Maybe we were hoping for more projects like Leavitt’s did on 300 West and 200 North and the Lofts at 800 West. The one Mr. Mineer is doing we envision. When we got this at Planning Commission, staff was looking at guidance for the size, and I didn’t have an answer. I throw it out for discussion.

Tyler – that is the background and why it came forward. I put three options and then a citizen asked me to put another option in. The Planning Commission did not help much. There are pros and cons to both sides, smaller projects or larger projects. Melling – some of the smaller projects salvage the existing home where SHD allows that, and R-3 does not. On the other side, we just ordered a parking study on the open parking, multi-family residential, and when we get the results the changes that it warrants may impact some of the requests. As parking requirements match with reality and become more nuance, Mr. Erickson brought up some good points, lower parking makes sense with larger projects, but as you set smaller you may need a different minimum. Higher parking for smaller projects may be what happens and that will impact the requests for SHD. I am not sure we want to do an acreage at this time. A lot of multifamily leading to the major corridors is a good place to have a large project.

Phillips – for me, I echo Councilman Isom’s concerns. It has been like mixed use prior to us changing it, we had a MU zone, but it was really for higher density. We haven’t seen a lot of
that yet, if you want high density housing you go where zoned. Smaller lots will create smaller projects, but that is not how it was sold 4 years ago, it was larger projects around the University and if we have the ability to build large projects with less parking around the University there wouldn’t be as many cars. We have seen so many projects it became like the mixed use did, not to save the profile of the neighborhood. Let’s at least make it a project SHD was made to do.

Isom – I think we envisioned larger projects. Hartley – I envisioned the larger product. The thing I worry most about is trying to get less parking so they can get more on there. A larger unit with a few hundred units there are students without cars. You put 2-4 units on, and a good chance is they all have cars, and we create a parking problem. We need to allow smaller units, but parking not go to the .75. if you are less than an amount the parking goes up.

Melling – I would guess the recommendation will come out up to a certain number of units you need a parking space for each bedroom and as it goes up less. If we make the change, it does away with that. I like the small projects; it shouldn’t be solved for one of 4 last names. Barring those with smaller parcels from participating I don’t like. Phillips – how do you fix the mid-block issue. Melling – 200 North, 200 South, go ahead with the large project, otherwise wait for the transition of the rest. You also need to give people time to adapt. Phillips – it will help, for me I drive all over town, that is where so much of the stress is coming, when they take the mid-block property, maybe that is an option to look at.

Mayor Green opened the public hearing. Laura Henderson – I want to thank staff and the council for addressing this. I am not in favor of the SHD, but Mr. Romeril said the purpose was to provide a significant amount of housing for a significant number of students. Hartley said it they go for SHD to scrunch down the parking. I came in and asked Mr. Romeril what square footage had used. The smallest project in this cross section was 1/3 of an acre, 1.38, .98 and Founders Hall over 3 acres. The trend was at least an acre and larger to provide more housing. I see what Melling said about not closing all the options for students. I remember one thing that was said was the safety factor, fire escapes and the older homes don’t have that. Someone can bump out the back of an older home, and it will not be as safe. They have to have a certain size window in the basement to escape. Provide more housing for significant number of students, fire escape, sprinklers and flood lights, that is something to factor into it. It helps to clarify things and we are finding that more and more. Help people understand the intention and it helps the developer create a better project. I would like a minimum of 1 acre, that is a baseline.

Ann Clark – I am confused, I don’t know where Flying L is, and we are holding to the zoning ordinance and #8 was rezoned. Tyler – Flying L had nothing to do with zoning, it is general Plan, nothing alike. I looked at the map after meeting with some council members and wanted to see how it was zoned in the 60’s. In the 60’s there were about 10,000 people here, I could tell you 1,100 students, long range was for 5,000 students, in 1977 only 1,900 students and then I look at the map. Why would they be thinking of all the apartments in the 1960’s. There is no zoning ordinance, in 1969 there is a zoning map, a few references at City Council, but no zoning, what were people thinking. I may be wrong, but maybe the intent
was basement apartments and use it to make money. Everything is based on the thought that in 1960 there was a zone. The charm of Cedar City is torn down. The houses on 400 West we can tear those down, but on 450 West, the house they were tearing down, they said I would have voted against that. I was thinking you can’t do that; I am very confused. I feel like the city council when we want it, we will vote for it and when we don’t then we hang on the 20 years of zoning. I understand you want to have a moment we all live together. My worry is Cedar City is becoming all high density. I have a problem with tearing down houses to build apartments. You have no idea what you are doing to the schools, and I go to the School Board. You will have California type schools. Melling – our housing report came out roughly 2 months ago, and last year as far as a percentage of housing being added, we had more single family that we have had in 5 years.

Teri Kenney – I appreciate the thought in the consideration, especially on the parking. The larger project a lower parking requirement, but smaller you need adequate parking. I would like to see the zone conform with what it was meant to accomplish.

Carter Wilkey – on the map looking, when I look at acres I want to know how many lots, the majority of the homes are .9 and .23, a half-acre is 3 pieces of property. If looking at the lower end it would be .4 when looking at the numbers. Look at the average lot size. The majority are in the .2 to .24. Melling – SHD overlay goes over the R-3 zoning. In the older areas it was done to conformity at the time the ordinance was passed. Carter – in the ½ acre or less it is more of a concern, if larger it doesn’t go into play. Melling – some older lots are 4 rods by 4 rods, etc. the house on the front of the lot with a large garden in the back that uses a lot of water.

Jay Jones – I grew up in the Historic District near the University, I don’t know how to preserve that. I know there are needs for apartments, but there are also needs for the professors to live near the University. It was neat growing up and having on the street professors at the University as you neighbors. If we can preserve that as part of the equation it would be great.

Phillips – the notion of looking at the parking study. Jonathan – they were going to start this week but decided not to do it while SUU as on Spring Break. Phillips – based on the recommendations and the comments on parking and look at the number of units we have some work to do. I would rather table it and have a few of us sit down and bring back some recommendations.

Melling – this is specific to the zoning requirements; the parking would have to be different. Do you want to wait until we bring the parking ordinance? Phillips – yes, but we can look at this in the meantime. Riddle – doesn’t a lot of this, just because we have a ½ acre and you want it in the SHD zone, depend on you cannot shove 20 units in and call it SHD, we have to have the required parking. Phillips – but it is less and so is the setbacks. Melling – you won’t go to 50 feet on a small project. Riddle – do people have a misunderstanding? Phillips – they are well educated; they want to build with no setbacks and less parking. Melling – maybe there is a carrot instead of a stick.
Phillips – I would suggest we table it until we get the parking study back. Jonathan – probably the first of April. Paul – do you want to table it until we bring the parking back? Yes.

Laura Henderson – that was reminiscent of the property on 450, some property was zoned into the street. They wanted something bigger, so they wanted less parking.

The hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 26
BY CREATING REQUIREMENTS FOR EXTERNAL ACCESSORY DWELLING
UNITS. DON BOUDREAU: This item was pulled.

CONSIDER OPTIONS REGARDING A 20-FOOT-WIDE DRAINAGE EASEMENT
LOCATED IN THE VICINITY OF EAGLE RIDGE LOOP. TYLER ROMERIL: Tyler – last year I received a phone call from a concerned citizen when they had heavy rainstorms. The home further down the hill the adjacent lot covered in a drainage easement and put in a culvert and plugged it off because there was a skunk getting in. The rain came and it didn’t have anywhere to go so people called about it. We researched it and in the final plat the city had a drainage easement with rip rap to handle the water. Some of the citizens didn’t know or understand so they had filled it in. Based on the easement and the concern of at least one citizen a letter was sent out on January 6th to remove what was done and return to original condition and if not done by March 15th the city crews would come in and do it at their cost. The citizens contacted the Council and want some options.

Melling – some parcels put in a culvert and put beautiful landscaping. Our job is that people’s rights are protected and safeguarded from disaster. For some of those that filled it in we want to look at what drainage we are looking at, are some of the culverts sufficient, that is some of the discussions we had.

Jonathan – the original drainage study and the culvert size was reviewed. At the east end it would be minimum 18”, it varies as you go down, it ranges from 18” to 30” depending on the lot. There is one lot with a 12” culvert. The original intent was leave it as open ditch because it has to handle the water and convey it to the west. Melling – some of the development north of them is conveying its own storm water. How would that impact some of those numbers? Jonathan – it could decrease the flow, some of the drainage is picked up in the roads and some of Saddle Back Subdivision has a storm drain system. Melling – as we look at flexibility and other options, is a 12” culvert sufficient with the conveyance of the other development, but it would have to be a separate study, could that be an option, protecting property but leaving options on the table.

Paul – the concern is you won’t get infiltration of the water. Also, we don’t have access to get equipment to maintain a pipe; we usually have manholes to shoot water through the pipe to clean that out. With a ditch we can put a bobcat in there and clean it out. Melling - if every citizen agreed, could it be done? Paul – they would have to allow water from neighboring lands come in the storm drain and have liability for that. Phillips – with the
development to the north most lots will have fences. Melling – new water won’t flow. Paul – we have not seen their covenants; they want to leave land around the homes native and not landscape.

Tyler – on my side, we saw worst case scenario in the city this last year. Unless there is a study we are basing it on, when something occurs that opens us up to risk. Melling – we have that obligation as well, but we want to look at all options. Tyler – the March 15th date, I talked with Jeff Hunter that date was for him to get it Bueltedone before spring cleanup. He is ok to push that out but before the monsoon season.

Rich Buelte – I am in the middle on the lower spot, I was one of the first to fill it in. I want to work with you. I called and new to the area and was told the 12” culvert was fine. I have no drainage issues from behind me, no rip rap in the ditch, only dug out and to have useable landscape I filled it in. We just want to work with the city and have something we can utilize. There are 4 of us that have put in 12” culverts. And thank you for walking the property with us. We don’t want to cause problems for our neighbors and impede flow. The ditch adjacent to me is still full of debris. If we need to put a catch basin of a certain size, we will be amicable. I do understand your legal liability. We appreciate you pushing the date back. If it has to be an open ditch we want a spec, and we will do it, but if we can have the culvert, we would like that.

Eric Natwick, 2766 W. Eagle Ridge Loop, when I see my neighborhood putting a culvert in I did also. I started ripping out some of my landscaping because of the letter. I knew I had limited time to work on it. I had it put in by a professional contractor, he put caps in and drilled holes. Before the culvert the ditch was full of weeds, my house was the first to be built up here, it was compacted with Russian thistle, and I had to clean those out and it would come back every year. Weeds grow in the ditch every year. I put the culvert in, paid for landscaping, never was a skunk in it. The caps have been removed. I believe the storm drains are 16” culverts and I think 12” is adequate. When the ditch was there on each side was a large berm put in I presume by the city and the water would come down and wouldn’t make it over the berm. When we had storms water off the adjacent property would run like a river through my property to both to the north and the west. If the city ever wanted to get in there is a private road to the back of my property, it is not inaccessible. If you require a box for access to clean it out, I don’t think the city would have to do it I would do it on my own. I would rather not take it out but will put in a larger culvert if needed. It is 180’ to 20 feet, that is 3,600 square feet I lose out of my property, and it is a mess. If we go back to a ditch, I will lose that property because I will put up a wall, so I don’t have to look at the ditch.

Wyatt Ihler – resident I am on the water slide portion of the ditch, I want to say thank you to councilman Phillips and Melling for walking the area and I appreciate the change of date. I would love to do something, but at the time I am working on it. I don’t have a culvert but would love one. Thank you for looking at other options.

Ronald Shelley – we are the collection point of the water from the hill. We have to have an open ditch, or it will flood our property, we maintain the ditch ourselves. Our concern is when the water fills the ditch it has somewhere to go. I don’t care if they have culverts or
open ditch, but when the water gets to us it has somewhere to go. We built up a berm for the water to get in the ditch. Last summer when Cedar got nailed, we got relatively little rain. Even then it was about 2/3rds full. If we would have got the rain 5 miles further south, I don’t know if the ditch would handle it. We don’t have a choice of a culvert; we have to have the open ditch. Whatever decision, when the ditch is full of water there needs to be somewhere for the water to go.

I think with Saddleback Development it changes the flow issues, so I don’t know if the previous study is valid. I don’t want to impact the neighbors.

Melling – as far as the city goes, I will propose something. In the interest of protecting property keep a June 15th deadline, however if a group of neighbors got a study funded and done and coordinated with Saddleback developers to get information and we provide the existing study, you come back and say it will allow a certain diameter of culvert sufficient and everyone agreed to allow city access to the easement from the front of their lots, is that something we can look at. Paul – yes, we can share information. Tyler – I get comfort if there is an engineering study. Melling – I don’t want to get to the end goal and find out our hands are tied somewhere else. Is this something we caused by not keeping trash out of the ditch. We are not checking this annually. If we keep a deadline in mind and put it on the residents to procure the engineering, would the city, so long as the culvert is accessible and up to specs and allow us access for maintenance is that something we can do. Jonathan – it needs to be built to engineering standards which requires a manhole every 500 feet. That can get expensive. Melling – what if culvert to open drainage, can you open and have a basin and then a new basin. Tyler – then we are saying yes you can have a culvert and no you cannot. Paul – if you put pipes in the rear yard easements you cannot get equipment to maintain that it would have to be done by hand. Melling – if that happens it would be at the cost of property owners. Paul – I don’t want to put a wrench in this, but I don’t see the city doing that. The neighbors would be back saying your rotten staff is knocking over my wall. Melling – how long have they had culverts? 6.5 years. Tyler – we don’t waive rights to easements because we don’t clean it.

Eric – there has never been any maintenance of that ditch. We brought the property in 2014, it was built in 2012, and there has never been maintenance on that ditch. There was no plan other than my drive. The mason wall I was talking about was to the south of the open ditch, as of now you don’t have a way to get in either. I don’t understand when culverts require maintenance when ditches were not maintained. If you want a larger culvert, I will put it in and maintain it to not lose my property.

Tom Jett – we have a lot of ditches around the city, irrigation ditches, what normally runs through the ditch? Phillips – nothing, only rain. Paul – it is a storm drain ditch, that is why it was built and why we have an easement. The developer builds it, and we accept it.

Carter Wilkey – if we look at the drainage easement, where does it go? Phillips – all the way to the road. Paul – we will access through the road in the ditch and take it up the ditch. Carter – if someone built a wall how would you get in? the street. Jonathan – if there is a culvert, they can put a scoop in, not a box culvert. Melling – if anyone agrees to a study,
what flexibility do we have on solutions. As long as the neighbors are on board, I would like them to keep their beautiful landscaping and not the ugly weeds. With other developments pay more attention to infrastructure.

Tyler - you will decide the risk we are willing to take. Melling - I don't like the risk beyond what is justified in a flood study. We can get creative and figure something out if the property owners want to find solutions. We can figure out an agreement.

Wyatt Ihler - the property down the canon, 2007 S 2988 West, what size of pipe is that? Jonathan - 24”. Wyatt - the rip rap was done very nicely there. Jonathan - if they put a culvert there is a possibility that drainage can come across their property and flood their property, are they willing to accept that risk. Phillips - with the ditch what happens. Paul - the water can get in the ditch.

Eric - before I put the culvert in the berm was so high that if it did it would fill in the ditch. If water came over it would go down my gravel road. I am willing to put in a larger culvert and a collection pan, I don’t want to cause problems for the Shelles, if the water goes over it will be on my property. My neighbor Duffy is open, and I don’t know how many lots before it is covered again. I don’t think any of the property is 500 feet, the pans should work, if we have the culvert. As far as getting an engineer, Councilman Melling you are an attorney, engineers cost a lot of money. Melling - if they have our study as a baseline, I wonder if it would be less expensive. Eric - the development behind us, there is water that comes down, when you get up further it goes the other way. There really wasn’t that much drainage anyway. The Shelley’s are right, it is designed to collect at their property. It is a collection for more than water. I was told that the property lines go to the other side of the ditch. They said it was ok if it wasn’t on top of the ditch. My fence cuts off 6’ of my property. If I had a culvert, I could go to the property line. Paul - even if you have a culvert, we have the right to come in and maintain. Mayor - if there is a change, the change has to work and it is not necessarily what the residents say, but an expert. We understand the problem and know you want a culvert, and it may be fine, get an engineer to tell you if that will do it. The flows are probably calculated. Make sure you don’t have a new feeder that gets to the culvert. Rich - we are at your mercy, and we want to cooperate. Mayor - ensure the city that what you put in will work. Johnathan pointed out that the length of the underground culvert is not over 500 feet, and you don’t have to have a box, do you need a pan at both ends? Yes. Paul - if they get an engineering study that we don’t need an open ditch we will look at it. They have until Jun 15th. Melling - the study already has flows predevelopment of 18” in some areas. Supply the neighbors with that and if they want to make a proposal, they can do that, or they get engineering to see if existing 12” culverts will suffice. But the drop-dead date is June 15th for a solution. Jonathan - the 18” culvert is the minimum size. The flow may show a 12” culvert will handle it, but the standards don’t allow that. Melling - so that would be a variance? Yes.

CONSIDER A LIFETIME GOLF PASS FOR ALLEN DAVIS, RYAN MARSHALL:
Robbie Mitchell - I am asking to grant Allen “Pup” a lifetime golf pass. With the request, he didn’t want a plaque, or a luncheon, only a lifetime pass. I have talked with staff and the mayor. I called him 3 times today. He has a lot of information in his head, not on a map and
he has agreed to take our calls. Melling – I am not a fan of how these looks, but in lieu of a consultant fee for 40 years of institutional knowledge I am ok. Anytime we do business planning, if a lifetime pass gets us consulting then great. Hartley – are you saying we could revoke this? Melling – if he doesn’t want to help us. Melling – as a general rule I don’t like these, but we are getting something for it. Consent.

CONSIDER CONTRACT AMOUNTS WITH ENGINEERING FIRMS FOR THE DESIGN OF CITY CAPITAL PROJECTS. JONATHAN STATTHIS: Jonathan – council approved the engineering pool in December, and we continue to get contracts. At the retreat we went through the long list of projects. I have 2, Cross Hollow Old Sorrel Trail from Detention Pond to the arena with Watson and the second is Kitty Hawk Improvements from Animal Shelter to the west of City property for curb, gutter and sidewalk.

Riddle – we should spend the city money first. People should set here while we talk about the city money being spent. Phillips – do you want staff items first on the agenda? Riddle – yes, money is hard to come by. I have a business partner that watches the pennies, people should take an interest. Phillips – the Legislature talked about a parenting thing in schools and proposed a $12 billion dollar budget with no discussion.

CONSIDER AN ORDINANCE AMENDING CHAPTER 37 SECTION 32 BY CREATING A WATER CONSERVATION CLASSIFICATION FOR WATER ACQUISITION. CITY COUNCIL: Melling – we amended the water acquisition and policies earlier; it was brought to light that the conservation options are cumbersome in light of savings. In talking to property owners and councilmembers and staff, a streamlined option would be warranted. .37-acre feet is 8,000 every month plus another 4,000 6 months out of the year which is in 1-2% for ½ irrigation on 1,000 square feet of lawn, that is where the .37 and 1,000 square feet. It is a stipulation that protects the covenants that says 1,000 square feet of turf max for the conservation rate billing.

CONSIDER AN ORDINANCE CREATING A WATER CONSERVATION RATE FOR THE CITY’S WATER FEE SCHEDULE. CITY COUNCIL: Melling – residential conservation chart has the same as the adopted rate, but the tiers changed, 2nd goes to 12,000 instead of 20,000 and the pricing has an acquisition fee built in to pay the full cost of market value of water when you reach 12,000 a month, so we get acquisition fee for the overage.

Paul – the base rate is it for comparison? Melling – no, the water rate funds, the excess is for water right acquisition. Paul – is it easier for billing to have the base rate plus acquisition? Melling – yes, this is just for transparency.

Carter – is this for subdivisions under the conservation tier? Yes.

Melling – we don’t have to phase it in because no one uses the tier now. When the adjustment hits in June this would save about $14,000 off the cost of the lot, but the city is made hole with the overage and as the appraisal adjust, we can change the tier in a more responsive manner if it gets out of control for the price of water. It is do we get everything
up front or bill it as it is used. It allows more sustainable development without too much city oversite.

Tyler – this new conservation tier, is it applicable to single family homes and R-2-2 and R-3-M? Melling – it would be available to single family, if higher density the incentive is not there to do this, once past 12 units per acre you are at the 4-acre feet maximum, so the economics are not there. When the Water District did a study on townhomes, we settled on .35 and some were closer to .25, but it gave us a buffer. The .37 give the city plenty of wiggle room based on the numbers and it is picked up at the meter on the acquisition fee. Tyler – I will move it to the other zones. We will leave the other in. Melling – another change regarding a constitution change. Tyler – the statute doesn’t allow you to charge a higher rate if you are outside the city limits, that is the other change.

CLOSED SESSION – PROPERTY NEGOTIATIONS:
Councilmember Isom moved to go into closed session at 9:07 p.m.; second by Councilmember Melling; 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 9:30 p.m.; second by Councilmember Hartley; vote unanimous.
Cedar City General Plan

Map Discussion

EXHIBIT "A"
CITY COUNCIL – MARCH 2, 2022