COUNCIL MINUTES
MARCH 9, 2022

The City Council held a meeting on Wednesday, March 9, 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: Craig Isom; W. Tyler Melling; Scott Phillips; Ronald Riddle.

EXCUSED: Councilmember Terri Hartley.

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; City Planner Don Boudreau; Leisure Services Director Ken Nielson; Public Works Director Ryan Marshall, Police Lieutenant Jimmy Roden, Corporal Tyler Uresk.


CALL TO ORDER: Councilmember Riddle gave the invocation; the pledge was led by Ryan Marshall.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS: STAFF COMMENTS:

Mayor – Phillips contacted me about the Youth City Council, and he has volunteered to try and bring it back into motion. Phillips – I had the opportunity to attend Boys State as a youth and it is important to bring up the next generation of leaders that bring up the State and Nation. There is a colleague that works for Canyon Creek Services that will work with me. We will visit with the two high schools and their administration to come up with great young men and women to serve. Mayor – we look forward to seeing high school seniors here. Isom – we need to involve the young people more in the community. In years past we have had some do special projects. We need to find a way for them to sign up and work in the community, so they have a pride of ownership. COVID stopped many things, one such as meeting with the Iron County School District and the Superintendent we had a quarterly meeting. The elected bodies should do that. If you Mayor would reach out to them, I would encourage that. Phillips – I am not sure where this falls, any update on the demolition of the Value Inn, it is an eyesore in the community. Chief Adams – I talked with Sgt. Williams about reaching out to the owners and see what is going on. Phillips - we had a discussion a while back on the large trucks going on our City Streets, they were on 200 East hauling big commercial loads, can we remind them. Paul – the owner of the mine was very helpful to try and keep the traffic on Center and Main, I will reach out to him. Riddle – as
we continually talk about the drainage system, a note for people of Cedar City, the City Crews were on Cross Hollow Road by Silver Silo, I had 3 people call and show appreciation to the city for the crews doing what they can. Mayor – I saw them by Lady Bug Nursery today. ■ Introduce new Senior Engineer, Christian Bennett. Jonathan Stathis – Christian started last week; he comes from Sunrise Engineering. He is licensed as a professional engineer and has hit the ground running. He is well versed in the storm drain projects. Christian – I have been here a few times. I was with Sunrise working as a PE and worked with Jonathan, before that I worked in public service with the County of Sacramento California for 7 years working with a municipality working with water, I am new as a professional engineer, but I am committed to public service and to learning. I am excited to be here and be a part of the team. My wife Rebecca is here with me, she worked as a planner for Sunrise Engineering. ■ Discuss preordering a garbage truck. Jeff Hunter – the world has changed a little and when we are ordering vehicles it is interesting. Historically we order after July 1 and have them by October or November. Those days have gone away, the last two vehicles we ordered in July, we are looking at April 1st for the garbage truck and it may go into the new budget year on the dump truck, it keeps getting pushed back. We will be asking for another garbage truck, and talking to the gentleman if we order now, we may have by April next year. Paul – normally you don’t order things before the budget is approved. It is enterprise fund with capital reserves sufficient to purchase the garbage truck, we are confident it will make it in the budget. All departments are jammed up, Darin is still waiting for vehicles he ordered in July. They are already scrapping an old garbage truck to get by. We just want to know you are ok. Phillips – every new development has a garbage can. Jeff – we have 11,300 cans that we are billing, it slows down a little in the winter. The average is 9,300 a week right now. We went from 3 drivers to 4 and by next year we may need 5. When I first started with 3 trucks, we were trying to purchase a new truck every other year, I think we will need to do one a year to keep up. We have 2 trucks with over 10,000 hours on them. ■ Citizen Commendation. Chief Darin Adams – we want to recognize good work of a citizen who does not have to get involved. This was recommended by Corporal Uresk. On February 19th officers were dispatched to a residence in Cedar City on the report of a male who had assaulted a female with a baseball bat. While the incident was occurring Coulter Bennett heard a female calling for help and he rushed into the residence. Inside he found a male suspect holding a female in a headlock. Without hesitation Coulter rushed toward them to free the victim. Coulter was forced to strike the victim several times in the head and as a result broke his hand. The strikes were successful, and the suspect released the victim from his grasp. Coulter was struck several times in the face, the female was able to escape, without this she would have received more injuries. An altercation ensued between the suspect and Coulter and Coulter was struck several times in the face by the suspect. Coulter’s intervention provided enough time for the female victim to escape and then escape himself. We strongly believe that without Coulter’s heroic intervention the female victim would have likely received further and more serious injuries. Courage like Coulter’s is rarely seen in today’s society, his swift and decisive actions are to be commended, and for those reasons he is hereby awarded the Cedar City Citizen Commendation award. Coulter – the lord is aware and present, without the lord and God I wouldn’t have been able to do what I did.

PUBLIC COMMENTS: ■Laura Henderson – I am excited about the youth council, I wish there was a way to incentivize the students to attend, such as credit for a government class.
CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED FEBRUARY 16, 18, 22 & 23, 2022; (2) APPROVE BILLS DATED MARCH 4, 2022; (3) APPROVE VICINITY PLAN FOR THE ESTATES AT SOUTH MOUNTAIN PHASE 3, GO CIVIL/DON BOUDREAU; (4) APPROVE VICINITY PLAN FOR THE BLUFF AT SOUTH MOUNTAIN PHASE 2, GO CIVIL/DON BOUDREAU; (5) APPROVE VICINITY PLAN FOR THE IRON WEST LEIGH FARM SUBDIVISION PHASES 1-5, GO CIVIL/DON BOUDREAU; (6) APPROVE VICINITY PLAN FOR CREST HILLS SUBDIVISION PHASE 5, GO CIVIL/DON BOUDREAU; (7) APPROVE A LIFETIME GOLF PASS FOR ALLEN DAVIS, RYAN MARSHALL; (8) APPROVE CONTRACT AMOUNTS WITH ENGINEERING FIRMS FOR THE DESIGN OF CITY CAPITAL PROJECTS. JONATHAN STATHIS; (9) APPROVE THE APPOINTMENT OF JAY JONES TO THE HISTORIC PRESERVATION BOARD.

MAYOR GREEN: Phillips - item #3 has variances that will come back, the width of the road, the curb and gutter and the double front lots. Jonathan – the variances come before the council at the time of final plat. The double fronted lots will come as an ordinance change. Phillips – item #8, is the Cross Hollow Old Sorrel Trail and the Kitty Hawk improvements. Jonathan – yes.

Councilmember Phillips moved to approve the Consen Agenda items 1 through 9 as written above; seconded by Councilmember Isom; vote unanimous.

AN ORDINANCE AMENDING CHAPTER 37 SECTION 32 BY CREATING A WATER CONSERVATION CLASSIFICATION FOR WATER ACQUISITION.

CITY COUNCIL: Tyler – all I have done is rearrange so it made more sense in the ordinance. Melling – one item came up since last week, we may only want to become effective as the other water acquisition ordinance which is June 15th, we don’t want it come and have a 40% subsidy on the other end.

Councilmember Melling moved to approve the ordinance amending Chapter 37 Section 32 creating a water conservation classification for water acquisition becoming effective on June 15th; second by Councilmember Phillips; roll call vote as follows:

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<td>Craig Isom</td>
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<td>Ronald Riddle</td>
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AN ORDINANCE CREATING A WATER CONSERVATION RATE FOR THE CITY’S WATER FEE SCHEDULE.

CITY COUNCIL: Melling – this is to make it clear on the rates. None of the funds changed.

Councilmember Melling moved to approve the ordinance creating a water conservation classification for the City’s water fee schedule to be effective June 15th; second by Councilmember Isom; roll call vote as follows:
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 where we combined the two lots on one service.

Councilmember Isom moved to approve the ordinance amending the final plat of Phase 4 of the Coal Creek Industrial Subdivision by combining lots 11 & 12, 2354 West 850 North; second by Councilmember Phillips; roll call vote as follows:

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

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 – nothing changed from last week.

Councilmember Phillips moved to approve the ordinance annexing 1.75 acres of property at 3000 North 175 West into Cedar City; second by Councilmember Melling; roll call vote as follows:

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


Councilmember Phillips moved to approve the ordinance amending the final plat of Phase 6 of the Ashdown Forest PUD by combining lots 7 & 8 at 1960 N. Mahagony Circle; second by Councilmember Isom; roll call vote as follows:

Craig Isom - AYE
Tyler Melling - AYE
Scott Phillips - AYE
CONSIDER VICINITY PLAN FOR THE FIDDLERS CANYON HILLS PUD PHASES 1 – 10 LOCATED AT AP proximately 1900 N. FIDDLERS CANYON ROAD. BROWN CONSULTING/DON BOUDREAU: Steve Kamlowsky, Brown Consulting – I talked about 40-acre feet of water last week, we have enough water for 40 acres of development. Mayor – total of 748 potential, is that the maximum 160-acre feet? Steve – we have 100-acre feet of water shares to deed to the city, we only have about 38 acres of developable property, the rest is steep hillside. Melling – as long as it meets the ordinance, even our highest densities don’t exceed 4-acre feet.

Steve – we have preliminary traffic information back; we had A-Trans Engineering generate a trip generation memo was sent over. It was confirming the trips they anticipate the site will generate, it would be between 300-400 trips, so 4,000 trips total and a peak hour would be. Phillips – about 4,300 on weekdays and about 4,800 on Saturdays. Steve – the last paragraph talked about Fiddlers Canyon Road and the capacity being about 13,000 trips per day. Phillips – what is the current load on Fiddlers Canyon? Jonathan – the last counts were in 2016 at Wedgewood and Fiddlers Canyon and the average was 4,300. Melling – so we would be in the 6,000ish now. Phillips – there are two other developments we have approved. Jonathan – Avenue Consultants in the General Plan used average daily travel at 5,000 per day on Fiddlers Canyon Road current load. Isom – they didn’t see any failure in that part of town. Jonathan – they didn’t. Melling – the projection is that it is developed in conformance with the general plan. Jonathan – they mentioned capacity of 13,500 vehicles per day, based on my communication with Avenue Consultants today, that would be a level of service towards a D or E and we require in our Engineering Standards a level of service C which is in the range of 7,500 vehicles per day for a 2-lane road at a level C. Letter A is the best and F is the worst being completely congested. If we take the 7,500, we would be in excess of that based on the current traffic and then add the additional 4,800 vehicles. Melling – when we had the study it was planned for being built out, can you explain the discrepancy. Jonathan – Avenue Consultants recommended getting current counts, and this study did not prove that the counts we have are 5-years old, so they are recommending getting current counts and looking at the intersection of Wedgewood and Fiddlers Canyon Road and see if it warrants a 4 way stop or signal. Also, there is the Elementary School, it did not warrant a 4-way stop a few years ago so we put in a waterway to slow traffic. The intersection of Main and Fiddlers Canyon is also an issue. There will be a new signal at Nichols Canyon Road, Avenue Consultants did not think that would help a lot, they figured less than 5% would go to that light. I think there needs to be more study getting current counts on Fiddlers Canyon Road and how the additional traffic would affect it, and also do a warrant study at Wedgewood and Fiddlers Canyon Road. Jett – 7,500 is what Avenue thinks is would carry? Phillips – to keep at level C. Tom – the new developers will generate about 4,000, do we have an idea on what the two adjoining subdivisions are going to generate, are the 500 lots? Jonathan – Shadow Cove was 98 units and Fiddlers Cove is about another 40 units. Melling – it is a substantial project, but if they cannot build everything in 2 years they can’t vest. Phillips – I think it is important to remind us that the elementary school is there, I think it would be wise to do a current study at that intersection. Melling – there is a good chance those kids will live in this project. We plan based on things being developed out and then we
do further studies, where does that stand on vesting rights. If we plan for Fiddlers to accommodate development and then we have a question about it play into the decision process. Tyler – the legal opinion can be very narrow. When we general plan high density and the developer plans high density and submits a vicinity plan meeting the standards, the safest thing for us is to approve the project. We will have to do a study on traffic, but the developer has met city standard. Melling – transportation impact fees are to help us upscale to meet the demand, what is that on a townhome, $2,000? We don’t know. Melling – over a million dollars to cover the pro rata on the deficiencies. If they want to develop out in 2 years good for them, but in the meantime, we will work on making sure the roads are able to accommodate that. Phillips – we need to try and develop as much as we can to get people to the south. Melling – I disagree with Avenue Consultants on the signal on Nichols Canyon Road, I would always take a protected left turn and I think behaviors may change when we have a signal.

Paul – that is a vicinity plan, if you want developers to look at traffic study relative to the school put that on the record now. Last week we talked about a public access on the south end to the top of the hill to the CV and we can maintain our water line. Melling – we will want that before final plat. Phillips – also access to the trail, how it is developed and how it ends up. Jonathan – we work through those on Construction drawings, that is a master planned trail so we will show easements. The City also has a water line that needs to be protected. Steve – we want to work with the City. Phillips – and there will be a fence in the front? Steve – yes.

Councilmember Melling moved to approve the vicinity plan for Fiddlers Canyon Hills PUD phase 1-10 located at 1900 N. Fiddlers Canyon Road; second by Councilmember Isom; vote unanimous.

CONSIDER A VARIANCE REQUEST FOR PERIMETER FENCE IN THE FIDDLERS CANYON HILLS PUD LOCATED AT APPROXIMATELY 1900 N. FIDDLERS CANYON ROAD. BROWN CONSULTING/JONATHAN STATHTIS:

Paul – wasn’t there another apartment house come at the south end of Wedgewood that would extend the fence further south? Jonathan – yes, Rockville Apartments, south on Wedgewood Lane.

Steve – that would not be on us? Paul – the ordinance said it is a development or known development. Tyler – there are 3 options, developing less than 60% density, a minimum density of 150 feet of open space for existing or proposed structure and any geological features we want to preserve such as hillsides. Steve – the hillsides is what we want to protect. Melling – the apartments are Phase 4. Paul – they extend Wedgewood further to the south and will be built on the east side of Wedgewood Lane into the hillside. There is some slope difference. Melling – with the landscape consideration, I am comfortable with that. Phillips – It makes sense on the north and west side. Paul – there is a considerable slope. Phillips – is this something we need to decide now since it will be phased and we are only at vicinity plan stage? Melling – technically we could do it at final plat, but they are trying to figure it before then. The proposed property to the SW will be like that to the north? Jonathan – similar. Melling – I think a fence would be a hazard, possibly tipping and water
going through it. There is a lot of water going down the hill and it could create an issue. Phillips – where will it go? Melling – where it goes now, and they will have to retain some on their project. Phillips – I think it is a discussion we need to have with the other developer, they will get water. Melling – all the water will have to flow into their detention basin, the SW corner, a wall would make it cut in the hill even more. I don’t think there would be an issue with the other owner. Jonathan – the proposal is the tan area is open space, and drainage will be routed through the adjacent development. If there is a wall, there would need to be a drainage channel probably to the north. Steve – part north and part southwesterly. Phillips – they need to not destroy the other developer. Steve – any drainage on our property is our responsibility to get to the street and the storm drain areas. Melling – they have to capture drainage to their property? Jonathan – that is why I asked if it was open space. Steve – it won’t be graded; it will come off. Phillips – some will go to the south. Steve – it won’t be increased from what it is now. Melling – they are taking some out so it will be less. Phillips – there needs to be discussions.

Russell Skousen – there is a difference between natural flows and manufactured flows due to development of property natural flows continue to where they have gone and the downstream accounts for that in their development. Drainage issues are better dealt with at staff level. Melling – you won’t have a wall; a solid wall would fill with sediment. I would suggest we approve the variance and talk to Mr. Watson; you will be moving some of the flow. And we can do a motion to reconsider next week if needed. Phillips – I don’t have a problem to not have a wall there, I just want to mitigate the potential damage from one property to another. Melling – that is addressed at final plat? Jonathan – yes, they have to do a drainage study and show how it is handled. Melling – I will talk with Mr. Watson this next week.

Councilmember Melling moved to approve the variance request for perimeter fencing in the Fiddlers Canyon Hills PUD located at 1900 N. Fiddlers Canyon Road; second by Councilmember Isom; vote unanimous.

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: Todd Gardner, Alpha Engineering – there are residential R-2-2 zone to the north, to the west R-3-M and commercial on the other sides. It also meets the general plan.

Councilmember Isom moved to approve the ordinance amending the zone from R-1 to R-3-M for property located at 2530 North 400 West; second by Councilmember Melling; roll call vote as follows:

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

AN ORDINANCE ADOPTING A COMPREHENSIVE UPDATE TO THE CITY’S GENERAL PLAN, RURAL COMMUNITY CONSULTANTS/JONATHAN STATHIS
Don Boudreau – the General Plan website was updated in accordance with the discussions last week. Other than that, there is nothing new since last week.

Melling – there were concerns in our housing committee about how density was defined, especially with low density and that has been remedied in the new plan and I am comfortable with the narrative.

Phillips – this has been a long process, necessary and required by State law. It is a vision, a general plan not a specific plan, the intent is for all properties to be protected, personal, industry or residential. Great attempts have been made by staff, the steering committee and you Don. It is not the end all, we will be here, and someone will come forward with a project to test the general plan and we as leaders need to do the best we can. I commend everyone here; it has been difficult and there is no guarantee it will stay like this. Our goal is to do the best we can to create a vibrant livable community. I appreciate what everyone has done. I don’t know how people will vote. I still believe what I said some months ago, 20 or 25 years ago, when the current council adopted the general plan of 1998, 2002 or 2012 we made a mistake in making parts of the county property medium density. I think it makes sense that a portion be developed R-1 or RE under current designations. That is the current plan and I hope it is supported. Regardless I want the community to continue to grow and prosper and move forward.

Isom – I express gratitude to all the work. I have been through it and feel positive. I want us to focus on the implementation on page 28 of the plan so that we are adopting the update, it even suggests we have a cooling off time. And it suggests we go over permanent community impact board to help us to continue with a comprehensive plan, I defer to the experts on that. The one property that has been so contentious in all the discussions, I am not wanting to change what it has been and the expectation of the property owners for many years.

Melling – I appreciate the attention to the potential new south interchange reworking; it will be a critical area. It is a beginning step, there are a lot of changes we need to make within our zoning and land use policies to make sure future development will be sustainable and contentious of surrounding uses and various types of housing and as we do that this plan will be a great help to us.

Riddle – I am new to this and have been to meetings and have learned a lot. This gives us an opportunity to help us follow a general plan and have a better opportunity to have mixed use housing. I don’t know how all of you started out, but I started in an apartment building and it wasn’t a bad experience, there were older couples with nice homes and the younger couples making $230 rent payment. We progress in life; in the area of town, I live in we have the opportunity to be part of people that have low end housing. I can think of two young men who are better because they had the opportunity to be with people that live life at a different pay scale, and I see the opportunity to grow as a community. I feel as Councilman Isom, the property we have talked about should remain as medium density as has been for a long time. I am thankful for the opportunity to learn and I appreciate Don’s work. There are two ladies that come to a lot of the meetings and Mr. Wilkey also, I am grateful to the community that
comes. As I campaigned, I complained about the community not coming. I also complained about the money, we need to talk about that at the first and not the end of the meeting.

Isom – we have the general plan, is up to you, or is the next step changing the zoning map to mirror that? Don – the only change is to the general plan. Paul – the City for a long time has been reluctant to change zoning without the property owners request. We could go and rezone stuff, but we have not conducted business that way, but we feel it would cause problems. Melling – when people come in to change it is a chance to look at this. Tyler – the process is to have you look at this and make the changes as requested. Paul – Mr. Phillips asked when we revamp, I said when we change everything.

Councilmember Phillips moved to approve the ordinance adopting a comprehensive update to the City’s General Plan as presented by the consultants and staff; second by Councilmember Isom; Riddle – question on the motion, will the property we talked about remain medium density? No. Isom – then I retract my second.

The motion died for lack of second.

Councilmember Riddle moved to approve the ordinance adopting a comprehensive update to the City’s General Plan except to have the 2300 West Plat 14 remain as medium density as has been historically;

Melling – is that clear enough? There is the Melling piece, and one at the SW with the well. Parcel D-5707-0000-0000 that is the 24.15-acre piece discussed at length, and the SW corner of the field is D-0757-0001-0000, they are part of the same farm. Only the south part of the boot was the issue, all the others would remain as shown as rural estate and the part that covers the Flying L water system.

The motion was seconded by Councilmember Isom; roll call vote as follows:

Craig Isom - AYE
Tyler Melling - AYE
Scott Phillips - NAY
Ronald Riddle - AYE

Phillips – this is difficult, I read all 117 pages and I have a difficult time because I think two wrongs don’t make a right, but I will support the general plan.

ADJOURN: Councilmember Isom moved to adjourn at 6:50 p.m.; second by Councilmember Melling; vote unanimous.