COUNCIL MINUTES
APRIL 27, 2022

The City Council held a meeting on Wednesday, April 27, 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; Airport Manager Nick Holt; Public Works Director Ryan Marshall.


CALL TO ORDER: Father Lee Montgomery of St. Jude Episcopal Church gave the invocation; the pledge was led by Jonathan Stathis.

AGENDA ORDER APPROVAL: Scott – I have a question on item #10, I want to make sure it won’t impede golfers to get from one portion of the golf course to another. Paul – the path of Hovi Hills Drive is the new road developed through the Golf Course and we are relocating t-boxes. There is a playable, small par 3 hole, there is a little trail by the t-boxes that goes to the east. The trail is still on Cedar City property. They don’t have a right to encroach on Cedar City property.

Councilmember Phillips moved to approve the agenda order; second by Councilmember Isom; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS: STAFF COMMENTS: Mayor - I put a map in front of you, a preliminary rough drawing for the catch basin at Cross Hollows. We are interested in a few things; one we need to put a culvert under the parking lot and it will be the walking trail. We would like a park with a restroom, gazebo, viewing areas. There are 3 bike paths in the basin, one more difficult, medium difficulty and one figure 8 for children with tricycles and scooters. Parents can watch the kids. The idea we have come up with is to route the water to the north end and create a basin so 95% of the time the water will not cover the bike track. When it does fill up, we have the big plugs to release the water and then we will have to clean it up. That is a rendering we had done. I presented it to the Armbrust family, they have some questions, they will come next week maybe via zoom, and they will have things to say. They want to meet the council and are interested in knowing we are ready to build a park and make it something better than it has been and it benefits them by their subdivision with a small city park. We would like them, if possible, to offer the land to do the top portion. It will be during public comments next week, nothing to vote on. He will tell us part of the history and he wants some assurances that we will do a park. They have been very generous with the city. Melling – the city has an obligation at that property to do some recreation. Mayor – when the development
reaches 30%, we have the obligation to put in the park. Now is a good time. Melling – I want that to be clear on the record that it is not just for their property, but we have an obligation. Phillips – hasn’t the basin been deeded already? Mayor - yes, but not to top portion. We have an easement for the culvert, we are concerned about that. We have done improvements on the east side; we would like to take the grate off. Phillips – does the color indicate something specific? Mayor – the yellow is shrubs with drip irrigation, small area of grass, the tracks will be built out of dirt, it will be similar to the one in St. George. The blue is a pond for minor storms to collect in that area and weep out of the system. ■Mayor – I have been impressed and amazed with the spring cleanup. In Springville they allow one truck load to a transfer station without charging you. Other cities ask why we do this, it costs a fortune. I say it is a gift to the citizens. I appreciate the efforts. The Fire Department had a busy week with a plane crash and helping others. I would suggest the intersection of Kitty Hawk and Airport Road is a mess, it may be time for a traffic light. Jonathan – we are in the process of a traffic study. Melling – did we put a conduit in? Paul - no, that is Bulldog Road. ■Phillips – a follow up question, have we had any follow up on the demolition of the hotel? Chief Adams – we have not, they are still waiting on a permit. Phillips – what can we do to expedite that? Adams – we can threaten with legal action. Melling – can we clean up and send a bill? Tyler – yes, there are a number of steps, we can start. Riddle – what is the permit? Phil Schmidt - Asbestos and State notification, which takes about 10 days, also contact the gas company.

PUBLIC COMMENTS: ■Elizabeth Eastep sophomore at Launch High School. I want to provide a solution for light pollution, it is caused by manmade light. It causes less sleep which leads to depression, anxiety and harms birds and harms animals. 35% of light is wasted in about $3 billion in wasted energy. Cedar’s light can be seen by Cedar Breaks and Bryce Canyon and people come here to see the milky way. If we provided a darker sky it could increase tourism. We could put motion sensors, timers and dimmers so lights are only used when needed. Also, can makes them be downward lights. Launch is project based and students could be involved in drafting an ordinance. Phillips – do you have examples from other cities? Elizabeth – the City of Flag Staff became a dark sky city, increase in wildlife and people could see the night sky. 99% of people in US and Europe have not seen a dark sky. Phillips – we are transitioning all city lights to down direction. We have to protect the safety of the people here also. Elizabeth – shielding helps with safety and the night sky. ■Melling – I have had several people contact me since the grading permit came up. There are several that have begun dirt work. I wanted to have a discussion with Council and staff to see if in the meantime there is adjusting to be done in the ordinance, maybe a stiffer penalty for stubbing utilities but less for grubbing. While working through that I would like to see about permitting staff to issue grading permits even if grading has been done and note the stage it is at when the request is made. Are the surveying, over excavating, etc. Tyler – ideally the city is consistent in how we have done it. We have not issued the permit. If the Council wants us to change direction, we can but it is inconsistent as has been done in the past. Melling – in the process see when requested. It will only be a month or two, if we could make note when requested or give staff direction to issue permits with that note. Paul – what would that accomplish? They have already violated the ordinance. Melling – it would note that the grading after the request was ok. The current ordinance it is subject to penalty. I want to look at adjustments need to be made if any and judge requests in the future based on that. Jonathan – we can do that with the understanding that they have already started work before the permit was issued. The question becomes when the fee needs to be paid is it
at final plat. Melling – they pay the fee at final plat or if we change the ordinance and they say we asked for a permit at this stage, and they pay X fee. If it is a lighter infraction if the Council decides that we assess it on that. I would like to have a record with the notes that clearing brush is not the same as stubbing utilities. Tyler – that is how it reads now. Paul – you are asking Engineering to gather more information if you come for an ordinance change. Melling – yes. Tyler – my fear is they say I have my permit and I thought I was ok. Paul – information is the important part. Phillips – we made the change because nothing could be done before final plat and then we allowed the grading permit. Isom - how clear is that information, in discussion from 3 weeks ago he was not aware of it. Our PR is not right or not in the subdivision portion, I don’t think people blatantly will do this. It is important for us to let people know, but they need to look also. Tyler – it is as clear as any other ordinance, it is in the ordinances that are on the website, it is posted on the State notice website. Melling – whether on a check list or where so we are on the same page with home builders. I just want good records and the changes in the future if a fee waiver comes in, we can make better decisions. Jonathan – I have asked the requests to come in email, so we have the exact date and time of the request. Phillips – do those go to you? Yes. If you are gone does it just set there? Jonathan – I try and get out within a day. Phillips – If you are sick or gone it is not being dealt with. We need a system so the process can move forward. Mayor – they need to tell us where they are. Phillips – If I am the developer, it doesn’t cost anything, so it is better to drive in and get the permit. Riddle – is it often? Jonathan – no, but there are a few that happened recently that has been an issue. Melling – I have seen this happen a lot over the past few years, if it is billboards on SR 14 or culinary water agreements, we have a lot of things almost done as a handshake and as we are growing and formalizing more things, we will have some issues for a better documented system. Jonathan – there is a proposal going through the process. It will go the Planning Commission next month.

Phil Schmidt – I want to thank the councilmembers and everyone looking at the ordinance. We have had discussions with quite a few, it was 2 days. When we found out a grading permit was required, we had already started to grub. It is my fault for not knowing. The word is out now. I talked with Tom and Dane and the Leavitt’s will not pay any more fines, a grading permit will be requested. They didn’t know either, now they do. We appreciate your efforts; you have talked with Roger and myself. There are some that were blatantly rude in what they did do and paid. However, you want to charge I don’t care, I won’t do that again. It needs to be evaluated. The fine on the Trails is $45,000 and the same for Rogers and that is a lot for clearing brush. We will ask for a variance on the fees.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED APRIL 6 & 13, 2022; (2) RATIFY BILLS DATED APRIL 15, 2022; (3) APPROVE AN AIRPORT LAND LEASE TO HOFFMAN FAMILY TRUST, NICK HOLT; (4) APPROVE A CONTRACT WITH JAVIATION ENGINEERS AS THE AIRPORT ENGINEERING CONSULTANTS, NICK HOLT; (5) APPROVE CONTRACT AMOUNTS WITH ENGINEERING FIRMS FOR THE DESIGN OF CITY CAPITAL PROJECTS, JONATHAN STATHIS; (6) APPROVE THE INSTALLATION OF A 4-WAY STOP AT THE INTERSECTION OF 1100 WEST/600 SOUTH, JONATHAN STATHIS/DARIN ADAMS; (7) APPROVE A SINGLE EVENT ALCOHOL PERMIT FOR A BEER GARDEN ON MAY 6, 2022, WAREHOUSE BAR & KITCHEN; (8) APPROVE A SINGLE EVENT ALCOHOL PERMIT FOR THE UTAH WINE FESTIVAL ON SEPTEMBER 2ND – 4TH, 2022, IG WINERY; (9) APPROVE VICINITY PLAN FOR THE TRAILS AT SHURTZ CANYON LOCATED IN THE VICINITY OF 2901 S. TIPPLE ROAD, PLATT & PLATT/DON BOUDREAU; (10)
APPROVE VICINITY PLAN FOR THUNDERBIRD GARDENS PLANNED UNIT DEVELOPMENT LOCATED IN THE VICINITY OF 900 NORTH HOVI HILLS DRIVE, PLATT & PLATT/DON BOUDREAU: Councilmember Phillips moved to approve the consent agenda items 1 through 10 as written above; second by Councilmember Melling; vote unanimous.

CONSIDER AN ORDINANCE AMENDING LOTS 9 AND 10 IN THE COVE CANYON SUBDIVISION LOCATED IN THE VICINITY OF 2222 WEST AND 2228 WEST COVE CANYON CIRCLE, PLATT & PLATT/TYLER ROMERIL: Bob Platt, Platt & Platt – this is a lot line adjustment to change how it was platted several years ago. Melling – is there a way to have these handled administratively? Tyler – no, not if you are amending plats, there are public notice requirements.

Councilmember Phillips moved to approve the ordinance amending lots 9 & 10 in the Cove Canyon Subdivision located in the vicinity of 2222 West & 2228 West Cove Canyon Circle; second by Councilmember Melling; roll call vote as follows:

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

CONSIDER AN ORDINANCE VACATING LOT 2 FROM THE NORTH FIELD APARTMENT SUBDIVISION LOCATED IN THE VICINITY OF 340 WEST 2100 NORTH PLATT & PLATT/TYLER ROMERIL: Bob Platt, Platt & Platt – it is a vacation of one lot prior to doing a private project. Phillips – lots 1 & 3 remain? Bob – yes, one lot out for a private PUD.

Councilmember Isom moved to approve the vacating lot 2 from the North Field Apartment Subdivision located in the vicinity of 340 West 2100 North; second by Councilmember Melling; roll call vote as follows:

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

ADJOURN: Councilmember Isom moved to adjourn at 6:15 p.m.; second by Councilmember Phillips; vote unanimous.

Renon Savage, MMC
City Recorder