

**COUNCIL MINUTES**  
**MAY 8, 2019**

The City Council held a meeting on Wednesday, May 8, 2019, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

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

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

**OTHERS PRESENT:** Ron Larsen, Jill Bassett, Brad Bassett, Rick Lunt, Daryl Owen, Leigh Owen, Lisa Natwick, Eric Natwick, Carter Wilkey, Brent Turek, Lyn Turek, Mary Slack, Minnie Pitman, Sombryn Williams, Jill Mallek, Rebekah Mallek, Patrick Sawyer, Sue Harris, Mitch Alger, Denise Roberts, Susan Tyner, Tom Jett, Jana Leavitt, Lynette Herzberger, Marilyn Grainger, Richard Grainger, Walt & Marilyn Kidwell, Beverly Buckner, Terri Lonas, Janice and Ed Padgettj, Wyatt Ihler, Joel Hansen, Holly Reed, Paul Roelandt.

**CALL TO ORDER:** Councilmember Adams gave the invocation; the pledge was led by Councilmember Phillips.

**AGENDA ORDER APPROVAL:** Hartley – I noticed a bill for SID research, are we to the bottom of that? Paul - we have hired a title company to do that. Councilmember Hartley moved to approve the agenda order; second by Councilmember Phillips; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS:** ■Phillips – with increased flights, we need to do some work on the entrance, we need weeds sprayed and the street succors taken care of. Ken Nielsen – Aviation Way from 56 to Airport Road was sprayed on Monday. Scott – what about the succors on the trees? Ken – we will get the crews to cut those. Cozzens – will they clean them up? Ken – yes. ■Cozzens – I had complaints about the Soccer Fields not having enough parking. Paul – Ken and I looked at that and we can put in temporary parking, but it will only be gravel. If we do that we may want to look at asphalt. We will cut the curb and put approaches in. Soccer ends Saturday. With Jeff's crews being busy it probably won't be until the fall. Cozzens - Item #9 our family business will probably be bidding on some of the projects, I want that disclosed. ■Mayor – today was the last of the elementary DARE graduations, they are doing a great job teaching the students. It is 10 weeks of class; the kids are getting a bunch from the program.

**PUBLIC COMMENTS:** ■ Cedar City Disability Action/Awareness Team presentation – Minnie Pittman, most of the City Council members are aware of our history, so I won't go into the history other than one thing, CDAT is almost 19 years old, started in 2000 with Mayor Shirley and Charles Brinkerhoff was the instigator, the person to say we need some work done to help disability accessibility in the City. Since that time, we have worked closely with the City on projects, Ron Adams is the Council liaison. One member works with the Building committee, going to the meetings on new construction to make sure the buildings are accessible. I want to tell you about what we are doing and recognize some member. Charles Brinkerhoff was the first organizer and set up a good committee, he went on a mission and when he came back was elected as chair again. We have 3 events to tell you about. July Jamboree, July 13<sup>th</sup>, second Saturday in July. We have a booth and talk about what we do, answer questions and get suggestions. Our participation started many years ago and is made possible and organized by Jana Leavitt who is one of the original members of CDAT, she is an inspiration to us all. One feature of the booth is a puppet show to illustrate how to handle disabilities put on by Amy Bates, we also have a fish pond, while the kids are playing the parents are talking about CDAT at that time we name resources and answer questions. This year the Shakespeare Festival is doing a different play which is about suicide prevention which is a concern of our group. The play is called A million Brilliant things, if you get a chance go see it. Also, this fall we will participate in SUU's disability week, the University puts on a series of lectures, I don't know what disability they will feature this year, but this usually happens the second week in November. There is also an obstacle course for people to participate in. if you have questions, concerns or suggestions, please share them with us. Disability week, the whole project is headed by Carmen Aldredge, she is over the disability at the College, she is on the committee and was an original as well. Some of the helpers at July Jamboree are from Oasis House, we get volunteers from different organizations. Phillips – I would like to publically thank Charles and Darlene for their support over the years. It is a great thing, keep up the grate work. Adams – I set on two committees you may not know exist, this and Iron County Homeless, I have learned a number of resources in the community for those in need. I am overwhelmed with the support in our community, the committees are a great resource. ■ Tom Jett – sometimes we only see the negatives, I have always heard the negative on the interchanges, this year it is positive, they are clean, neat, spotless, they look really good. I want to thank the Parks Department for keeping it clean. ■ Lynette Hersburger, on April 3<sup>rd</sup> I came and talked about the traffic on Talon in Eagle Ridge. I am thankful to the Police Chief, he and Kit came to find sign for us. I am concerned about rock trucks going through our neighborhood, the way the stop signs are they roll the sign and are going to hit the people on Talon. The neighbor across the street, when she pulls out of the driveway before the stop signs she was almost hit and has not had an incident since. I know we haven't done a traffic count, at what point is it 4 way. Kit – there is a national standard where we need a certain count for a 4-way stop. The Chief and I were out last week, and we will do some modifications. Phillips – there does need to be a stop sign coming off South Mountain. We need to have a traffic study, so we know the numbers. Lynette – when we do the count can we add the houses being built? Kit – no, it is on the cars that drive it. Phillips – I would suggest you also talk with the school district, the buses are turning around, so why not drop the kids on the other side of the road, so the kids don't have to cross. ■ Bree

Ann Buckner – we received notification from Go Civil? Tyler – that was on Planning Commission last night. Before it comes to council it has to be advertised. It will probably come the first two weeks in June, but watch the agendas.

**CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED APRIL 17 & MAY 1, 2019; (2) APPROVAL OF BILLS DATED MAY 3, 2019; (3) APPROVE THE FINAL PLAT FOR THE SOUTH MOUNTAIN ESTATES, PHASE 1. WATSON ENGINEERING/TYLER ROMERIL:** Councilmember Hartley moved to approve the consent agenda items 1 through 3 as written above; second by Councilmember Isom; vote unanimous.

**CONSIDER WAIVING OR REDUCING A WATER BILL FOR THE SOUTHWEST WILDLIFE FOUNDATION. SUSAN TYNER:** Tyler – if the Council is inclined, the public money has to come from an account to pay for that. It would have to post notice and have a public hearing. Paul – if you are going to do that let us know.

Councilmember Hartley moved to post it for a public hearing; second by Councilmember Phillips; vote unanimous.

Susan Tyler – I passed out the April bill, the meter was read between March 4 to April 1. We went up Sunday to look at the meter and then I checked with the City today and we have only used 1,000 gallons the past month, we normally use 1,000-2,000 gallons. Hartley – the bill shows a penalty, is that on the bill? Susan – we paid a \$260 bill and thought it was fixed, but I didn't know about the delay in the bills being processed. The overage is from the previous month. Hartley – so that is a penalty. I was told there is a penalty for turning the water back on is that part of it? Susan – I don't know, we had a volunteer fix the problem and he turned it on. If we broke policy, and we should be responsible for that. I appreciate learning as we go.

**CONSIDER AN ORDINANCE AMENDING THE GENERAL LAND USE PLAN FROM INDUSTRIAL AND MANUFACTURING TO MEDIUM DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 2300 NORTH 600 WEST. JOE BURGESS/TYLER ROMERIL:** Tyler – this is Mr. Burgess' property under the overpass by Canyon View High School.

Councilmember Cozzens moved to approve amending the General Land Use Plan from Industrial & Manufacturing to medium density residential for property in the vicinity of 2300 North 600 West; second by Councilmember Isom; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Scott Phillips	-	AYE

**CONSIDER AN ORDINANCE CHANGING THE ZONE FROM GENERAL COMMERCIAL (GC) TO DWELLING, TWO-UNIT (R-2-2) FOR PROPERTY LOCATED AT 2300 NORTH 600 WEST. JOE BURGESS/TYLER ROMERIL;**

Councilmember Isom moved to approve amending the zone from GC to R-2-2 property in the vicinity of 2300 North 600 West; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Scott Phillips	-	AYE

**CONSIDER AN ORDINANCE AMENDING THE GENERAL LAND USE PLAN FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 1022 SOUTH 860 WEST. INSITE ENGINEERING/TYLER ROMERIL;**

Ron Larsen – do you have any questions? Phillips – what is the intended use if it is changed? I am not crazy about a 3-story building, the owner does not have a plan, they are planning to sell the property. The problem with this property, there is minimal frontage, so to do lots you need 70 feet of frontage, so it could only be 3 lots and one would not have much frontage. It is not wide enough to put a city street on it. It is a difficult piece of property. You can put a driveway with buildings on both sides. Hartley – is that more a form of PUD? Ron – it could be PUD or apartments. Hartley – the rest of the property is all R-3? Ron – yes, Three Fountains is R-3, then HS and at the bottom R-1. Phillips – do you know the history, why R-1? Ron – way back when you brought something in the City it came in as R-1, so I am assuming that is why. Now when you annex it comes in as annex transition. When they did highway service along the front they didn't change that zone. Hartley – I walked the property with Rick, it only goes behind about ¾ of one home. Adams – you have development on the corner where Chartway Credit Union is going in which is more commercial.

**Councilmember Hartley moved to approve amending the General Land Use Plan from medium density residential to high density residential for property in the vicinity of 1022 South 860 West;**

Tyler – Planning Commission is explained it was a recommending body that it could come to the City Council and we held the public hearing last week. It was posted on the State Public Notice Website, on the City Website in the paper.

Mayor – I will do 15 – 20 minutes to speak to this. Try not to repeat each other.

Lyn Turek, I live on Cedar Knolls South, we are asking for a major safety issue for the High School, we have traffic on 860 West, 600 South, 1100 South, we have already increased a great deal, it is almost impossible to get on Main Street. We have a lot of foot traffic on those roads as well. They will go to the University by way of the High School.

600 South and 1100 that plus we have buses and a lot of traffic and this will add a great deal to that. Main Street is almost impossible, and the only light is on 800 South, we are increasing a huge number of traffic. Also, flooding is still an issue, Clarion, Tag-N-Go, Quail Court, vacant lot and this area drains to 860 on the south side of Three Fountains, if there is an overflow it jumps the street and into Three Fountains. Hartley – doesn't Main Street drainage go into the storm drain? Kit – it does on the south side of the High School and goes down 860 West to 600 South. When it gets to the intersection of 800 South 860 West there is plenty of drainage

Jill Mallek – I am the house adjacent and we have an increased amount of debris. Eventually we will need a stop light because of traffic.

Marilyn Granger, 996 South 860 West, there is one door between me and the street. I am concerned because we don't know what it is that is planned. Three Fountains is R-3, where I live is more like duplexes, it is more like houses. I have high school traffic, twice a day, a police officer could ticket all day long. It concerns me already, but the traffic, drainage, we also need street lighting, coming off Main Street there is not a light and there are deer that are still there, so there have been many times I almost hit a deer. The street light across the street and the one north flicker and doesn't stay on. Someone will get hit because it is so dark. We can't have a big apartment building with extra cars.

Sombryn Williams – I appreciate the opportunity to let us speak. I live in Three Fountains and I want to speak for the many retired and disabled residents that live on a fixed income. Three Fountains drainage is old and maintained by Three Fountains. We are directly downhill from the area and don't like the drainage. As a resident I avoid the area on Main Street from 8:00 a.m. – 8:00 p.m. what is exciting is the development, but we are putting a lot of strain right there. High density apartments could be alot, townhouses would be great.

Harmony Rosenberg – I live at the top of Fountain Drive. the ordinance was presented at Planning Commission and we presented concerns and they gave a negative recommendation. I asked Planning Commission members about the plan for the property and the representative indicated it was to sell the property, this is irresponsible to request a change without any knowledge, it is an uneducated decision for a zone change and land use change. Has anyone seen plans for the property? We have a concern for traffic. There have not been traffic studies for a high-density impact. 860 West is high traffic for the high school and Southwest Tech, I don't know if you have tried to get on Main Street and the only light is 800 South and that light is not for a lot of traffic. The traffic on 600 South in front of Cedar High traffic has increased, we have kids cross the street to get to the elementary. I would hope before a zone change without knowing what is going on we need traffic studies and plans for the area. an approval goes against land procedure and process.

Mitch Alger – I live next to Harmony. In Planning Commission, it was mentioned a traffic had to be put on South Cedar Knolls because of the high density housing to the southwest of the development. That would bring traffic on both sides that we can't

handle. Our concern is we don't know what is going on. We had duplexes and that is something we could tolerate and is a nice buffer. We would be in favor of something like that. Phillips – did you indicate at Planning Commission that you had pressure problems with your water. I set my sprinkler for a certain pressure, and a plumber said they would pressurize or equalize because we are the end of a line and it has not happened. Phillips – would an additional user have an issue? Kit – our water model doesn't show a problem. Mitch – when I did my sprinkler system it was around 80 lbs and now it is 50 lbs pressure.

Adams – one thing that came out is UDOT is studying a light on Main Street, so it is in the study process.

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

<b>Ron Adams</b>	-	<b>AYE</b>
<b>Paul Cozzens</b>	-	<b>AYE</b>
<b>Terri Hartley</b>	-	<b>AYE</b>
<b>Craig Isom</b>	-	<b>AYE</b>
<b>Scott Phillips</b>	-	<b>NAY</b>

**CONSIDER AN ORDINANCE AMENDING THE ZONE FROM RESIDENTIAL 1 (R-1) TO DWELLING, MULTIPLE UNIT (R-3-M) FOR PROPERTY LOCATED AT 1022 SOUTH 860 WEST. INSITE ENGINEERING/TYLER ROMERIL:**

Councilmember Isom moved to approve amending the zone from R-1 to dwelling, multiple unit (R-3-M) for property in the vicinity of 1022 South 860 West; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Scott Phillips	-	NAY

**CONSIDER AN ORDINANCE APPROVING A RESIDENTIAL DEVELOPMENT OVERLAY (RDO) FOR SITLA PROPERTY WEST OF THE PROVIDENCE CENTER. LEAVITT LAND/3 PEAKS ENGINEERING/TYLER ROMERIL:**

Ron Larsen, Leavitt Land – I don't know if you need any more information. Phillips – I know part of this is the city's responsibility, I am uncomfortable with the traffic with pod 2 at Eagle Ridge, I think it is a problem, so it doesn't funnel through Eagle Ridge. Ron – the current City Master Plan for roads show this. In talking with Kit and utility companies we would like to change it, but it is not the master planned road. It will go where the City would like it to go. The road is widened to 55 feet the same width as is already there. Phillips – it goes down, but there is nothing down there, it would be a pretty drive and go through South Mountain Drive. Kit – there are master planned roads that it will go to. Phillips – it is unfair for all the traffic to do through Eagle Ridge. Ron – we would love to discuss other options, but it is what the master plan shows. Kit – and the Master Planned

road is outside Eagle Ridge subdivision. Hartley – the Master Planned Road by I-15, is it being looked out? Kit – it is done when development occurs. Phillips – there will be continual things on South Mountain. Is the thinking, the second road by Veterans Cemetery is that a second road? Ron – it wouldn't be done until the second phase. Phillips – wouldn't it be shorter? Ron – no because of the sewer and water.

Hartley – I invited Paul to talk about the RDO and the process. Paul – RDO process, Residential Development Overlay a process to do larger projects and plan better. We didn't always do RDO's. the owner of the property would show where his master planned roads, water, sewer and density, a broad overlay. After the RDO process, before the developer can do anything they have to get the property zoning and request a change in the master plan and rezone the property. The zoning gives rules on what can and cannot be built, R-3 is large density residential. From what the Iron Horse people have said they want to start in Pod 2 which is R-1, low density residential. After a rezone they will have to subdivide the land, it is one big piece of property owned by SITLA at this time. At that time the internal road, sewer water, gas power, fiber, curb, gutter & sidewalk layout. We start with a vicinity plan where roads will go and lots, it then goes to a preliminary plan for water, sewer, power, gas, roads and our engineers will see if the design meets our specifications and send copies to the developer. That sets out all our specs for infrastructure. This goes back and forth between engineers' numerous times. After the preliminary plan is approved it comes back to the City Council for final plat approval. We do have a rule that says once you get 80 lots on a main road you must provide a secondary access for public safety and if there is an emergency we need to get people out. Once it gets 80 lots on a single road they must have another way out which is to a master planned road. We do not go and buy fire houses before development. They are expensive as is the equipment. As development dictates we find land to try and maintain ISO rating which is insurance which happens every 3 years. If we get poor ISO ratings our insurance rates go up which we don't want to happen. We don't build and then have the development come to the fire house. The Central Iron County Water Conservancy District (WCD) has been looking for 50 year for water, people have to bring water rights to the City or pay a fee, so the city can acquire more water rights. They have to also pay impact fees with building permits to build wells, tanks and transmission lines for water and sewer. The WCD has been heavily involved with water recharge and the City has also. They have worked with Cedar City and Enoch to import water from Wawa, and Hamlin valleys. Those are things we have in place to provide water. What frequently happens with large developments, not this one, but farm land is taken out, that is 80% of the water usage, so when farms come off line and comes to the City the usage goes down. The farmers are doing things as well. The Iron County School District does this as well, buy land and move schools to facilitate growth, that happens after the growth, they have property SW of Eagle Ridge at South Mountain to accommodate growth. This development is mater planned for 30 years, it could happen sooner, but may take longer, it won't happen overnight. We have to look out on the land use issues with the existing population that want to maintain what they have and the developers that have legal right to develop their property to what the city has on the books. Utah is a property rights state and developers are aware of this and we have the duty to work with developers to facilitate their development if they comply with the laws.

Kit – SITLA developers, Quantum, the first development will be in the northeast corner of the area.

Isom – the alternative is to develop as market dictates and go through the zoning process piece by piece, the RDO lets us get ahead of it. Hartley – if we approve the RDO they can't change the density without an amendment? Tyler – that is correct, to amend that would require more public hearings. Kit – the RDO uses the land development/zoning concepts that have been in the City for 30 years.

Hartley – who benefits from the development is our children, everyone makes a living. SITLA has been charged with managing and developing property for our school children, that is where the money goes.

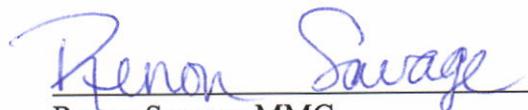
Councilmember Isom moved to approve the ordinance creating the residential development overlay for SITLA property west of the Providence Center; second by Councilmember Cozzens; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Scott Phillips	-	AYE

**CLOSED SESSION, PROPERTY NEGOTIATIONS:** Councilmember Isom moved to go into closed session at pm.; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Scott Phillips	-	AYE

**ADJOURN:** Councilmember Isom moved to adjourn at 7:15 p.m.; second by Councilmember Hartley; vote unanimous.

  
Renon Savage, MMC  
City Recorder