The City Council held a meeting on Wednesday, May 11, 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; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall.


**CALL TO ORDER:** Councilmember Isom gave the invocation; the pledge was led by Councilmember Hartley.

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

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS:** Isom – I want to acknowledge the new carpet; it is nice and practical and it is a nice addition to the City offices. Phillips – I recognize the time of year and difficult to get all the Leisure Services up and running for the year. The interchanges are looking really bad, especially the center. Mayor – there is a fellow who needed service hours for the Judge the volunteered to spend two full days there. Phillips – It is busy, maybe we need an outside source. It is a reflection on the community. Riddle – those are city property? Paul – the State builds, the city maintains. Riddle – I have had a few people approach me, we have had baseball tournaments, around the fields behind in the seating areas need to be cleaned up and weeded and the grass cut to the right height. They have not been up to par. I know we are struggling with staff and getting everyone where they need to be.

**PUBLIC COMMENTS:** Ann Clark – thank you for bringing that up, I have been the Aquatic Center weeding every day. I noticed last week they looked terrible. I was at Cedar Middle, Mr. Lee was retiring, every one of the band concerts have been awesome. I can’t go to School Board meeting until the 4th. The kids here have had an excellent education. We have a problem, one phone call to the schools is insufficient. It is the City’s responsibility to inform the school of what is going on. The schools have little say in the City’s decision to have wildly rapid uncontrolled growth, and it is putting the schools into crisis. We see we are getting to crisis on staffing, classes are packed. We will need portables and we hope we can get them. We have to hope we can get credential teachers; I have lived this. I lived where they asked for any parent with a college degree that can teach, then any parent with a few years college that an teach. We are going to give our kids a bad education. This could have been controlled by controlled growth. I think we need to stop building permits for 6 months. Infrastructure needs to be in place. Who pays for irresponsibility, it is a crisis the
city has created by the overbuild, the kids will pay. Different from Palmdale and Fruita, Palmdale grew like Cedar City, and it turned into a ghetto and Fruita slowed and built the schools and infrastructure first. They want it a rural community. It takes 5 years to build a school. Mayor – I would like you to make an appointment and come and set down with me, and the City Attorney and others to address the issues that you keep repeating each week and see if we can answer some of your questions. ■ Amy Bates, I work with Utah Foster Care and have also been a foster parent for 22 years. May is National Foster Care Month. When we talk foster care it is the community children. In Iron County we have about 62 children in Foster Care at any given time, and we have 20 foster parents and foster families that are willing to open their hearts and homes. DCFS is always trying to do whatever they can to have reunification with their parents, that is always the goal. That happens about 40% of the time, otherwise the children go to relatives which is the second-best option, or they are adopted by their foster families, hopefully. Having that many kids in Iron County in foster care is a big deal, they are the communities children. A lot of times people think they are kids that come from out of the area, they are actually kids that are going to your schools and live in your neighborhoods, and these children and families need your support. I recognize not everyone can be a foster family. But I strongly believe we can all support foster families and children in foster care. We have a wishing well fund, that is money that will go to local children that will help pay for foster kids that want to do music lessons, or if they want to play football, things that are out of the ordinary but are a huge expense for foster families, they can petition to the wishing well. Another is feed a foster family, when I get a new child or 2 or 3 new kids in our home it is a really busy day for me, so I get pizza that night, so people can buy dinner for a foster family. Another option is birthday boxes, I love this because we have kids that are not in families, and they have no way to get their birthday celebrated. These boxes DCFS holds onto, and they have candles, cakes, and a gift card, and often they go to teenagers. When we ask for donations, people often forget teenagers. Businesses can offer discounts to foster families, a great way to say we appreciate you and we value you. If none of those work for you, mow a lawn or offer to babysit. These kids are in care for no fault of their own. I want to quote Mr. Rogers “We live in a community which we need to share responsibility, it’s easy to say it is not my child, not my community, not my world, not my problem. Then there are those that see a need and respond, I consider those people my heroes.” I encourage you all to figure out a way to support children in foster care. Phillips – how do we do some of these things? Amy - you can contact me. Donations are for local children, the businesses we have a card to show we are foster families. It is really a popular thing in some communities. First Lady Abbey Cox got this started where you can get discount tickets at Tuacahn, Hogle Zoo, etc. We don’t have a lot of things locally. Melling – we appreciate that. Mayor – I have been your neighbor and you are my hero.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED APRIL 20 & 27, 2022; (2) RATIFY BILLS DATED APRIL 29, 2022; (3) APPROVE MATERIAL QUOTES FROM SOUTHWEST PLUMBING SUPPLY IN THE AMOUNT OF $136,150 FOR THE STORM DRAIN IMPROVEMENTS PROJECT 2022 – STORM DRAIN PIPE MATERIALS (FROM CENTER STREET TO HARDING AVE. CONFLUENCE), JONATHAN STATTHIS; (4) APPROVE ENTERING A RIGHT OF ENTRY AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH JAMES BOUD FOR THE CONSTRUCTION OF STORM DRAIN IMPROVEMENTS ON PROPERTY LOCATED AT 1480 WEST CENTER STREET. TYLER ROMERII; (5)
APPROVE SINGLE EVENT ALCOHOL PERMITS FOR JULY JAMBOREE PRE PARTY & JULY JAMBOREE, JULY 8TH AND 9TH; WAREHOUSE BAR & KITCHEN/CHIEF ADAMS; (6) APPROVE VICINITY PLAN FOR THE NORTH KNOLL PUD AT APPROXIMATELY 1490 N. MAIN, PLATT & PLATT/DON Boudreau; (7) APPROVE THE FINAL PLAT FOR MAGNOLIA FIELDS PHASE 1 LOCATED IN THE VICINITY OF 1025 NORTH 3900 WEST, WATSON ENGINEERING/TYLER ROMERIL; (8) APPROVE THE FINAL PLAT OF ARBOR PARK PHASE 2 SUBDIVISION LOCATED IN THE VICINITY OF 1250 NORTH 500 WEST. GO CIVIL/TYLER ROMERIL: Councilmember Melling moved to approve the consent agenda items 1 through 8 as written above; second by Councilmember Hartley; vote unanimous.

CONSIDER BIDS FOR THE EMERGENCY STORM DRAIN PROJECTS – CODY DRIVE DRAINAGE IMPROVEMENTS. JONATHAN STATIHS: Jonathan – I don’t have much to report, the bids were due today, we didn’t get any bids. We will have to take a step back and give contractors more time to put bids together. They are having a hard time to get bids together in the short time frame. Phillips – what is the time frame? Jonathan – we got the final bid package last Thursday, and due today. They need at least two weeks to put a good bid together. Melling – can we put it on the next action meeting? Tyler – we need to open the bids again. Melling – if we have to do a special action meeting let us know. Riddle – if we get bids in two weeks it will be a month before they can start. Paul – these are the projects on Cody Drive. Up on Cody Drive east of the subdivision we have installed additional culverts to get water from north to south side of the road and rebuilt the rip rap channels. There is a berm on the lower part of Cody on the south side. Rocky Mountain took it out but are putting it back. The grate by Silver Silo has been cleaned and that will help quite a bit.

CONSIDER AN ORDINANCE AMENDING CHAPTER 26 ARTICLE III REGARDING RECREATIONAL VEHICLE SALES IN COMMERCIAL ZONES. DONALD BOUDREAU: Don Boudreau, City Planner – nothing new to add. Phillips – would it be too difficult to bring up the map to show where HS and CC are located. Paul – Main Street and 200 North. Don – HS is around the interchanges.

Councilmember Isom moved to approve the ordinance amending Chapter 26, Article III regarding recreational vehicle sales in commercial zones; second by Councilmember Melling; roll call vote as follows:

- Terri Hartley: AYE
- Craig Isom: AYE
- Tyler Melling: AYE
- Scott Phillips: AYE
- Ronald Riddle: AYE

CONSIDER A MEMORANDUM OF UNDERSTANDING WITH HOLT FARMS LLC EXPLORING THE POSSIBILITY OF TRADING EFFLUENT WATER FOR GROUNDWATER FROM THE ESCALANTE VALLEY. TYLER ROMERIL: Melling – the question is what we want to do procedurally. A few conversations if we don’t
want to rule it out but look at other aspects generally. If we look at a broad request for proposals but delve into the parameters, priorities and numbers involved in the future, what would we do with the MOU, we don’t want to approve or pass. Is it appropriate to deny and shortly put something together? Tyler – you can vote to not approve it and instruct staff to explore various options for effluent. Phillips – I want the data to see how much is coming out since the first agreement with the Clarks. Find out how much the Clarks use and the time of year. We have to have communications with the Clarks and make it work for the city and agriculture. Melling – if we have a list of priorities and quantify a way to rank the priorities and invite proposals to show that, a small, short-term committee may be the best way to do that. We don’t want to kick it down the road.

Mayor – I think it would be beneficial to find out the details of this, what is offered and what it would look like so there are specifics out there. At the same time, I have been asking for anyone else to bring proposals to the table and the only one is leave as it.

Melling – I want to make sure there is a transparent playing field and I want better numbers in the formal request, we understand ag rights are $ amount and we have trans basin diversion which equates to this acre foot, this is what it does to the cities portfolio, the cost of transporting water across basins, what are the rough costs, and outline our priorities. Is wastewater to increase culinary water portfolio. From the public discussion we set the priorities in a transparent way. I think we can get the information within a month.

Mayor – we assume things from other bidders, things that have not been on the table. One is leave it the way it is and pump to the north and pump clean water. Another is put it in pivots by the WWTP, and that came from a third party. It is time to get the details on the table, possibly already has. Kimball said pump the heck from the valley. The amount contracted in the beginning, and we know it is more now. In my mind I don’t know what the deal is, I know very little. I don’t know the size of line or anything. Trans basin proposals I would like to see where they are and tie it down. Melling – some details we might not need dependent on our priority. Paul – what are the council’s priorities. Melling – some things that matter today didn’t differentiate depletion rates. It didn’t take in account the City’s water rights portfolio and what it is in 40 years. We want to reduce evaporation, keep it in agriculture ideally, as we convert more ag rights to city, we need things for the ag people to do. And the City’s water portfolio. Phillips – we keep it in the valley.

Councilmember Phillips moved to deny the MOU with Holt Farms LLC; second by Councilmember Melling understanding we don’t kick the can down the road; vote unanimous.

CONSIDER ENTERING AN AGREEMENT WITH CHELSEY PARTNERS LLC AND MJB CONCERNING WATER RIGHTS. TYLER ROMERIL: Melling – I will abstain from discussion or voting. No conflict, but remote enough to abstain. Phillips – you aren’t going to gain anything. Melling – no.

Tyler – we talked about the specific terms last week. MJB, Chelsey and the City. It would resolve the MJB water issue. This helps resolve without incurring more litigation. I feel we should move forward. Phillips – if there is an overpay, we would have to repay. Tyler – yes,
the exact amount of water is yet to be determined. If we come up with too many we will refund.

Councilmember Phillips moved to approve entering an agreement with Chelsey Partners LLC and MJB concerning water rights; second by Councilmember Isom; vote 4 – abstained – 1 Melling.

**CONSIDER A REQUEST TO WAIVE $250 HYDRANT METER PENALTY. SAMUEL MORRIS/ROBBIE MITCHELL:** Melling – I don’t like waiving fees, but it makes sense for those using the system routinely.

Councilmember Melling moved to approve waiving the $250 hydrant meter penalty; second by Councilmember Hartley; vote unanimous.

**CONSIDER AN ORDINANCE PROHIBITING LONG VEHICLE (SEMI) PARKING AT 1383 SOUTH MAIN. GARY LISTER & JOHN WORD OF SOUTHERN UTAH CAR & TRAILER SALES:** Tyler – based on the conversation last week, the ordinance restricts parking on the south side from Main Street to Greens Lake Drive.

Councilmember Melling moved to approve the ordinance prohibiting long vehicle parking at 1383 South Main; second by Councilmember Phillips; roll call vote as follows:

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

**CONSIDER A VARIANCE TO CITY ENGINEERING STANDARD 3.4.2 TO ALLOW FOR AN ADDITIONAL BUILDING TO CONNECT INTO A PRIVATE SEWER LINE. TYSON NELSON/JONATHAN STATHIS:** Tom Jett – is this a variance for anyone or this one lot? Paul – no, just one. Melling – the city’s only way to deal with this is not allow sewer or get to a number that a line is put in. Hartley – they have 30 days from a line being installed to connect.

Councilmember Melling moved to approve a variance to the City Engineering Standards 3.4.2 to allow an additional connection onto a private sewer line at 2149 West 580 North (Horse Alley); second by Councilmember Hartley; vote unanimous.

**CONSIDER ENTERING A BUILDING PERMIT AGREEMENT WITH TYSON NELSON FOR DEFERRAL OF FRONTAGE IMPROVEMENTS ON PROPERTY LOCATED AT 2149 WEST 580 NORTH (HORSE ALLEY). TYSON NELSON/ JONATHAN STATHIS:** Tyler – I added one term, Mr. Nelson will connect the sewer line to a public sewer line if it goes in front of his property.

Tyson Nelson – what would happen to the current line? Paul – it gets abandoned or removed. Typically, they get abandoned.
Councilmember Melling moved to approve a building permit agreement for the deferral of frontage improvement for property located at 2149 West 580 North (Horse Alley); second by Councilmember Hartley; vote unanimous.

CONSIDER AN ORDINANCE CHANGING THE ZONE FROM RESIDENTIAL/AGRICULTURAL (RA) TO RESIDENTIAL ESTATES (RE) FOR PROPERTY LOCATED IN POD 5 OF THE IRON HORSE RDO (APPROXIMATELY 1750 SOUTH 2400 WEST), LEAVITT LAND/TYLER ROMERIL: Phillips – does it conform with the RDO agreement and the number of units? Tyler – the zone change does, the number of units we will know when it comes through for final plat.

Councilmember Hartley moved to approve the ordinance the zone from RA to RE on property located in POD 5 of the Iron Horse RDO; second by Councilmember Phillips; roll call vote as follows:

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

CONSIDER GRANTING A PRIVATE SEWER EASEMENT WITHIN MAGNOLIA FIELDS SUBDIVISION PHASE 1. WATSON ENGINEERING/JONATHAN STATTHIS: Tyler – I added language about liability, having to come to the City for permits, flagging and marking when working on a private line.

Councilmember Isom moved to approve a private sewer easement within Magnolia Fields Subdivision, Phase 1; second by Councilmember Hartley; vote unanimous.

CONSIDER AN ORDINANCE CHANGING THE ZONE AT HIGHWAY 56 AND WESTVIEW DRIVE FROM GENERAL COMMERCIAL (GC) TO CENTRAL COMMERCIAL (CC). GO CIVIL/TYLER ROMERIL: Councilmember Melling moved to approve the ordinance amending the zone from GC to CC on property located at Highway 56 and Westview Drive Hartley; roll call vote as follows:

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

CONSIDER AN ORDINANCE AMENDING THE CITY’S WATER MASTER PLAN. GO CIVIL/JONATHAN STATTHIS: Jonathan – I received email correspondence, it sounds like Leavitt’s and Joel Hansen has been working together and making sure it works for the engineering.
Phillips – the water tank or tanks is it on SITLA property and is it part of the Leavitt’s RDO? Jonathan – yes. lsom – we don’t have anything in writing about the detention pond being built above Mr. Hansen’s property? Jonathan – I received the email correspondence; it doesn’t specifically state that. Melling – it received a positive recommendation from Planning Commission, and I would think if either party had an issue they would be here to express their concerns. I am comfortable approving this. I think consent is implied giving the circumstances. Jonathan – it was not explicitly said that they will build the detention basin.

Tyler – Jonathan and I have been in discussion with the Leavitt’s on other issues, this was brought up. I am comfortable. Jonathan – they still need engineering review, and we will make sure it meets standards and ordinances.

Councilmember Isom moved to approve the ordinance amending the City’s Water Master Plan; second by Councilmember Melling; roll call vote as follows:

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

**CONSIDER AN ORDINANCE AMENDING THE CITY’S STORM DRAIN MASTER PLAN. GO CIVIL/JONATHAN STATHIS:** Tyler – is what we said correct? Dallas Buckner, Go Civil – yes.

Councilmember Hartley moved to approve the ordinance amending the City’s Storm Drain Master Plan; second by Councilmember Phillips; 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 6:21 p.m.; second by Councilmember Hartley; vote unanimous.

[Signature]
Reron Savage, MMC
City Recorder