SPECIAL COUNCIL WORK MINUTES
MAY 25, 2022

The City Council held a meeting on Wednesday, May 25, 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; Executive Assistant Onjulee Pittger; Finance Director Jason Norris; City Engineer Jonathan Stathis; Fire Chief Mike Phillips; Public Works Director Ryan Marshall.

OTHERS PRESENT: Ann Clark, Kalub Spendlove, Mary Butler, Laura Henderson, Carter Wilkey, Danny Lewis, Pace Clarke – Utah Summer Games, Sara Ridget, Teri Kenney, Natalie Christensen – SUU STEM, HR Brown, Tom Jett, Joel Hansen, Dallas Buckner, Sara Patterson, Symbria Patterson

CALL TO ORDER: President Michael Heap gave the invocation; the pledge was led by Tom Jett.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS: STAFF COMMENTS: ■ Mayor: I’ve received a verbal offer. Holt & Hulet agrees to take 2,000 a/f type 2 wastewater in the Quichapa area south for pivots and the rest of the wells pumping into Quichapa. Cedar City buys the piping and the balance of the water from the treatment plant east to Enoch Garbin and supply Jones with pipe and pivots. This is what they’re offering to us. Phillips: We’re not acting on this tonight. It’s just information. Melling: We had the Corollo proposals from the Wastewater Plan, and 621 is the proposal as outlined to council last year. Holt #1 was the MOU that came before council, and Holt #2 is something we’re discussing next week. Mayor: Someday. We’re asking for proposals. I’ve asked everyone what they want to do. There was an offer to take 2000 a/f of it and rest the wells where they’re pumping deep in Quichapa. I said that’s a good proposal. Phillips: We need to do an RFP or something with the same info provided to everyone. Get it across the board and fair to everyone. ■ Melling: One of our residents asked me if South Elementary is the designated area for the dog park? I said I don’t believe so. They asked what can we do to fix that. The concern was to have leash laws and kids play in the park too, and they run barefoot. There are already rules and they’re not followed. I am curious if there’s anything in the ordinance prohibiting people, as long as the owner wanted to, from turning vacant lots into makeshift dog parks. Is there anything to prohibit them from putting in a fence? Tyler R: There’s not anything that will prohibit a private property owner from doing that. We’d want to look at the animal control ordinance, but I don’t think there’s anything in there that would restrict a dog park. Melling: We would treat it like any other park. Phillips: Whatever school it is, that’s the school district jurisdiction. I’m sure they want people to
clean up after themselves. We’ll need to reach out to the district and have a conversation with them. ■ Phillips: Thanks to the Street Dept., Parks, Jonathan and staff for their work on the streetscapes and tree grates and all the nice improvements. It’s a step in the right direction in the historic downtown. We cannot be immune to what happened in Texas yesterday. It’s happening too often, and we can’t ignore it. We can’t think it won’t happen here. That town was smaller than Cedar City, and we must take action. As individuals, we need to reach out and make sure we can do all we can to protect those who can’t protect themselves. I know there are issues that the PD thinks about, because if it can happen there, it can happen anywhere. Be mindful of that. Reach out to the people who can change the laws. The best things are when we do a grass roots efforts and start at the bottom to make our neighborhoods, our families and community better. I would like all of us to do that.

Riddle: We all have kids or grandkids in school. We should encourage the school district during school hours in one way and out anyway, it’s time in Cedar City and Iron County and Southern Utah. I have relatives in northern Utah, and we should demand that we put guards by the door. I don’t know one of the people in this room that I know well do not have a firearm of one type or the other. I have a concealed carry. I don’t conceal carry on school grounds. We should encourage our school district to put armed guards in Cedar City, Iron County and Parowan. Some people I know go to the school board meetings weekly and encourage the school district. I think everyone should have to go through training and have a concealed carry permit. We need to protect our kids in all situations.

PUBLIC COMMENTS: ■ Larry H. Miller Utah Summer Games Update – Pace Clarke: I’m the Executive Director of the Larry H. Miller Utah Summer Games (USG). The purpose for this from the beginning was to encourage people to come to Cedar City. That’s our #1 goal is to come to our community and enjoy their time, so they’ll come back. We’ve been seeing that year to year. We want to make sure to thank everyone from the City who helps us do what we do. We wouldn’t be able to do this without Ken in Leisure Services, Anthony in Parks, many in the City Administration, and almost every dept. that supports us. I had a meeting with the Mayor, and last year was an interesting situation. There are a lot of administration changes happening in the City and school district. Everything was understood the USG and different organizations. But it was all over a handshake. The turnover with personnel meant that a lot of those “understood” agreements had fallen away. I’m currently working on a memo of understanding to present to the Mayor and in City Council. I’ll make sure it gets through all the departments. We have worked on expanding the USG. We’ve been operating in different times of the year. The analysis on sports is better represented if they are held in their competition seasons. We’ve completed 5 events already. If we had done those in the month of June, we would have had 400-500 athletes. Now in their respective seasons, we had 1456 athletes. That’s proving to work and bring additional people to Cedar City. It helps alleviate the chaos in June. We made the decision to cancel the road cycling event. We’ve had low numbers the past few years and there are traffic concerns, not by just the cyclists, but the cycling administrators. There was a tragedy in April, where 2 brothers in Washington Co. were struck by a driver. We have the intention of revamping that event later on and we’ll work with law enforcement to increase awareness and bring it back. All team events are looking very positive and strong. The last several years we’ve been close to the 10,000-athlete number, and I’m positive it will be over that this year. Phillips: I’d like to congratulate you on working through the pandemic. It’s a great branding for Cedar City.
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We want to support you as much as we can. **Hartley:** What about the opening ceremony?  
**Pace:** That will be Friday, June 10th. Before that, we have the athlete block party. We’ll close down 1150 W. That’s the road west of the Eccles Coliseum. We’ll have food vendors on the road, inflatables. That starts at 3:30 p.m. and ends at 7:30 p.m. The event will begin at 8:30 p.m. There will be entertainment, fireworks. **Phillips:** With all the food trucks and vendors, where are people going to park for opening? **Pace:** We’re hoping to fill up every parking lot on SUU campus and have them walk.  
■ **Mary Butler:** I lost a son to a man with a gun. It was someone he didn’t know. When I lived in Colorado, I belonged to a non-partisan group. They have a Utah number. I’m here because I want sensible gun laws. I’m not against guns. You can text “READY644-33” to find out more. I can’t leave my house because I broke my hip and I live alone. I’m worried about our kids especially the young ones. I’m worried about our schoolteachers. Someone told me today that we don’t have that in Utah. We’re part of the US and we care about kids in Texas as well as Florida or New York.  
■ **Ann Clark:** Being a school teacher is one of my concerns. I had one door and a window. I’m excited about the parks we discussed last week. I thought it would be better to put the money and get one park completed. Discovery Park has kids from the school and they’re over there a lot. Discovery Park is painted, and it looks really nice except for the grounds. They look terrible. I wanted to know if we have an ongoing maintenance plan for things that need to be done, maybe fix some of the parks what they need. At the aquatic center they knock the rocks down. I’ve been throwing them back on the hill. We need a long-term maintenance budget for rocks and trees and who looks at that? The short-term maintenance is to hire more people. The War Memorial looks fabulous. There were 2 people working there today. I’d like to know more about the budget. Are we increasing the personnel to handle and keep it up? This is the face of our city and as taxpayers this is what we want. The ball field looks terrible. They’ve been working there and the grass with the USG watering a lot now, if it was more scheduled out, the ball field wouldn’t be in the situation. Look at hiring more people, get a better schedule for ongoing maintenance, and look at long-term maintenance in the budget.  
■ **Carter Wilkey:** I watched a friend’s kids play little league. The shade structures were fantastic, and the fields are in good shape. I saw a problem there. The parking lot was full. About 60 vehicles parked in the dirt where the new pickle ball courts will go and on 1045 N. Where are all those cars going to park? It doesn’t happen all the time. It’s just something to look at. I want the pickleball courts to happen it’s a great location. During tournaments it will be very full. Maybe the next tournament we can do a traffic count. **Mayor:** The ballfields very busy, and with the Summer Games, it will make that bigger. The need for parking has grown. With the present budgets, we will maintain parks, and we’ll budget what we can. We have a bid to clean the monuments up. We do need more parks in my opinion. We could split the money and I hope to plant grass in all 3 of them.  
■ **Hartley:** I met with a citizen at the cemetery and met with Ken and Anthony. The part-time help they have are mostly high school and college kids. All the college kids go home for the summer, and the high school kids aren’t out of school yet. May is growing and they’re short of help. They’re trying to get the ball fields ready, weeds sprayed, get set up for Memorial Day. They’re trying really hard to keep that up. May is tough for them. Look at the number of amenities they’re dealing with being shorthanded.  
**Phillips:** I was at the cemetery and there was a full crew out there. They were raking limbs and prepping for this weekend. I think that we’ve worked hard to increase the part-time wages to help retain these people. We need additional part-time people in the
summer. **Natalie Christensen**: SUU STEM Center. STEM nights in schools. Talking about parks starting a new program called STEM in the Park, and we’re coordinating with the free lunch program, so we can get the demographic of people coming for free lunches that are not getting full access to the STEM activities. We’re non-profit. I’m here to ask if we can get the pavilion rental for free during June. Only on Tuesdays in June. I wanted to share with you about start a Senior STEM internship for high school programs. We would like to talk with local businesses about a need for STEM internships, we are hoping it would be something our community needs. Graduating high school students, could do walk throughs of different industries, so they can ask questions to find out about the business and see if it is something they are interested in. It has yet to be determined if they would be paid or not. **Phillips**: this a paid internship? **Natalie**: That’s all up for discussion. If they want it to be paid or offer for free. We’ll be up front with the high school students. They get experience and hands on we can expose them to something not existed. **Phillips**: Is the idea of having the event in the Main Street Park for accessibility? There are lots of green spaces at the university. **Natalie**: This is where the lunch program is. I’ve had children not know where the park is for free lunch. I want to encourage parents to get out of their cars and take their kids to the park. If they see that happening, they’ll let their kids be exposed. **Phillips**: Is the pavilion reserved? **Natalie**: Yes, but she said I should ask you. **Tyler R.**: It would have to be on the agenda and voted on. Today’s an action meeting. The work meeting was last week. The soonest would be June 1st and voted on June 8th. **Natalie**: So, I’ll come back on June 1st? **Tyler**: Is the provider of free lunch paying for the pavilion? **Natalie**: I don’t think so. Last year it was under a tree, because they didn’t want to compete with big family gatherings. We do activities, make rockets. **Phillips**: And you need tables and things to do projects. **Tom Jett**: What’s the cost of the pavilion? **Paul**: I don’t know. **Tyler**: Reach out to me and I’ll get your information. **Tom Jett**: In memory of the lost souls in Texas, my organization will take care of the fee for this organization. I’ll bring in a check into the City. **Jennifer Guymon**: Is the city directing flood water away from Quichapa? There’s a lot of flood water in that area. **Mayor**: No. **Jennifer**: Why doesn’t the city consider drilling by the sewer plant. **Mayor**: I am. **Natalie**: Do you have copies of the proposal? What is wrong with the water where it’s at now? **Mayor**: It’s very valuable. It can be used for more uses. There’s lots of value in small spaces and it evaporates. There are serious water problems and we’re considering options to the beneficial value. The Clarks are using more water than can be used in 640 acres. **Jennifer**: Is there a timeline? **Phillips**: There’s not anything formal. You need something like an RFP for a certain timeline. **Mayor**: Before any decision is made. **Kip Lewis**: On the original tentative budget there were some changes made after. How much fund balance appropriations are we having now? Originally without doing a fund balance in the general fund with changes unbalanced and appropriated. Is that something available? **Jason**: Which item specifically? **Kip**: The general fund balance overall. Enterprise funds I’m not concerned about or impact fees. Now we’re spending more money than making even with a 17% increase in revenue. It’s just a small concern I have. **Craig**: With this revised budget, we’re not spending more than we’re making. **Kip**: The savings is essentially the same? **Phillips**: We’re not taking anything out of the rainy-day fund. We have around $9 million. We have decided to prioritize traffic signals, which will take that down below that number. We’re not touching the rainy-day fund. We’re not spending money that we don’t have or haven’t earned. **Kip**: What type of info do we have on the use of the aquatic center? A lot of money annually is transferred from general appropriations.
Cedar City citizens are subsidizing that fund rather than the County residents. I was at a budget hearing when a lady from the aquatic center said that out of state and country residents using the facility and not subsidizing that fund. Do we have info on how many residents use the facility? **Mayor:** Everyone pays the same entrance fee. **Melling:** Do we check residency? **Paul:** It’s not based on the city. When the building was built, we had a contract with the County, and we charge County residents the same as Cedar City residents. Capital buy in for project. We do charge higher fees if you don’t live in Iron County. **Jason:** We know exactly the number of swimmers we have. We have passes that don’t have a bar code. A family pass doesn’t count every swim they do. For a single swim, there’s a computer report that we can pull that and tell you that. The school district pays. We don’t track them. **Paul:** It’s the same with swim meets. **Jason:** We ran reports analyzing adding the gym. I do have that from 2018 I can forward that too. We subsidize a couple dollars out of every swim. If they paid in cash, we don’t ask where they’re from. Cedar City is paying a general obligation debt. People in Enoch are not paying property tax. They contributed 1.5 million to construct aquatic center. It’s a large subsidy and it will get larger. Reality is citizens voted on a GO bond because they wanted it. We run it and subsidize it and it’s expensive. Budgets are not static. Trying to take a snapshot and moving through is for a future time. When we have capital projects, break it down to say we have so much out of the fund balance to use for capital. It’s concerning to draw from the fund balance for capital items. We will net some amount of revenue by June 30th and put it in cash balances and appropriate capital for a future budget year. When it’s drawn up it looks like we do that. If revenue changed, many capital items would not be under construction. We could pull those items.

**CONSIDER AN ORDINANCE AMENDING CHAPTER 11 OF THE CEDAR CITY ORDINANCES RELATED TO PERMITTED ANIMALS. CITY COUNCIL:** Tyler 
**Melling** – I had a meeting with law enforcement and animal control. There are outdated items in the ordinance to look at. The issue in the community has been highlighted with the formula availability issue. There’s no formula on shelves. Changing the brand or type of formula is an issue. I don’t know if supply chains will be better or worse long-term. The immediate crisis will subside, but there will be future supply chain issues with something or another. When it comes to goat milk, it’s not the same as mother’s milk or formula. Instead of “breast is best”, now “fed is best”. Sometimes that’s not an option. We try a lot of different formulas. In Cedar City, there’s no legal avenue to have a goat or for anyone to let their illegal goat get put on the radar. Goats and sheep are not permitted in the city, even project animals for 4-H and FFA. Those who have goats illegally can help, but they’re reluctant not to have animal control come down on them. They can be well kept. In the future, we need to allow options to be more prepared as a community. The two concerns are noise and smell. They are quiet as long as there’s more than one. They get lonely. You need at least 2. When people think of that smell, you need to make sure no males are intact past a certain age, and there’s no goat smell. The goal is to address ability to have flexibility now and in the future. Not permit them to be in the smaller back yards. It’s not a good habitat. The packet information doesn’t encapsulate those points. **Phillips:** With all due respect, I have concerns about this. I’m glad you said the emergency. Yes, there’s a current emergency with baby formula, but it will be mitigated. We want to make sure that if we’re changing the ordinance, it can last as long. I contacted a colleague of mine that’s involved in
4-H projects. He said not to have goats in the city; they can be a problem. They can eat doors and fences, knock things down. My major concern is how do we as a city have liability if some of the milk is not properly cared for? What if sickness and illness comes to a child? What’s the liability as a city when we approve this ordinance? Why are we having a special work meeting and talk through it? **Melling:** I sent out the revised version of the ordinance. **Craig:** I remember the discussions about dogs early on in council. An owner had 2 purebreds and his mother passed away and left a 3rd one. The ordinance allows only 2 dogs per household. We talked about increasing the number of dogs. After that discussion, we determined that it was the owners that we needed to control, not the dogs. If you are a conscientious owner, you can have more and not be a nuisance at all. You lived right door to people that had goats and it wasn’t a nuisance. I hate to impose guidelines on property owners if they’re conscientious and working hard to maintain the neighborhood. I don’t know we need more ordinances. **Melling:** The dogs were different; they were permitted. This is something that’s not permitted at all. They’re already less of a nuisance than dogs, if there’s not less than 2 and not have intact males. I don’t think this should be seen as Cedar City endorsing goat milk. It’s not; there are differences. We can face liability as a City even if we say it’s not legal. There has to be room for responsible owners to do this. If you can’t respond to that now. **Riddle:** I have been in the 4-H business. I have boys that showed goats. When you get into that, there are only serious people who do that. You have to take care of them. Only responsible people will do this. Let’s say it’s a fad for a month. Find out who is serious or not. I agree here with Councilman Melling. I know the Hartley’s will not fence off their property and raise goats. There’s only a number of people in this room that will. I don’t think you’ll have as many people as dogs or cats. I’ve been in those businesses and only serious people will do this. When you have a milk cow you have to have someone to learn to take care of it. It’s not something to do casually. When you milk goats, it’s not a casual thing. We have a formula shortage. I have grandchildren. I don’t think this will be as big of an issue as we think. **Isom:** It’s going on anyway. I don’t know that we have to legislate. **Melling:** It’s important to distinguish. I don’t think we need to legislate every detail. We need to create room for it to be legal. If not they’re subject to the $50 fine for their first offense. **Isom:** If they’re responsible owners, they won’t have any offenses. **Melling:** I think it’s important to let people do something without breaking the law. I think it’s important to have that as a permitted use. **Hartley:** I’m not in favor of it being in the City limits and changing the ordinance. We need more time to vet it rather than have an emergency meeting. People won’t get a goat and start milking it before the shortage is mitigated. Give us some more time to talk to people. The people that are in the middle, where would those goats end up? **Melling:** There’s a lot of value in milk goats. **Riddle:** You’ll get someone who does it once and that’s enough. **Phillips:** I’m not against 4-H projects, but there’s a time and place for it. We’ve worked hard to set the zones in the city. It’s ok to have those type of animals, just not city residential zones. You can have them and move into the county where that can happen. **Melling:** Outside the city is the issue. **Phillips:** There’s several that are grandfathered in.

*Mayor opened public comments.*

**Laura Henderson:** Have we vetted farmers before adopting the ordinance, to see if we have people who can provide pasteurized goats milk? There needs to be safety steps in place. I
have nothing against goats, but before we start bringing goats into the city, are we vetting these farms? As a first step, talking to goat owners and cow owners to get those resources? Are we publicly asking them? **Melling:** There are people who sell the milk, but not as many that are needed. A lot of the producers in town are breaking the law. We have them outside city limits and they already do so. **Laura:** I just want to know that we’ve exhausted all our attempts to encourage them selling it to make it known. **Melling:** We have no jurisdiction over them. **Laura:** I’m just trying to find ways to help. Let’s find other ways to encourage that before we have to find homes for wayward goats. **Hartley:** That’s why we’re nervous about this. **Ann:** The serious goat people will keep it clean. It’s all the others that aren’t serious we have to worry about. The goat will become the pet and cause a mess. I appreciate the comments. Just think about what we’re approving. Are we going to be looking for homes for goats, or cleaning up? **Kalen Spendlove:** We need to be allowing more freedom to own a means of production. Lots of shortages are happening. Egg prices have gone up. People are fearful of what’s going on. By allowing them to have that buildout and their own internal relationships with neighbors. Ask questions. If you’re comfortable and support them. Find out about this. Non serious folks do not take care of their animals and probably not watching this meeting. I’ve been bit by a goat, and a dog bite is worse. **Melling:** The irresponsible ones have lined up for everyone. **Symbria Patterson:** My daughter and I own a small 2-acre farm in the valley. We’ve sold goat milk. If you buy pasteurized goat milk, go to the store as long as it’s there. It's kind of sad this has all disappeared. You used to be able to have a goat or one milk cow and chickens, to be more self-sufficient. It’s sad that no one knows how to do this. We should introduce this back and make it normal and not worried about it. If you’re interested in selling milk, you have it on hand through herd shares. There’s not enough goat milk if Iron County needed them and sold direct to the consumers. Availability is not there. Pasteurized defeats the purpose. I hope the City’s never held liable for what people feed their children now. I hope at some level we see this again. We’d be a very unique city. Involved nationwide in this discussion. If news got ahold of this, it would be an interesting discussion. **Jimmy Roden, CCPD:** When you talk about animal issues, people are passionate on both sides. I looked at this, and I don’t want any of my comments to take a side. I want to offer the council the best information. We looked at it through different lenses. We have issues with this ordinance change and if it’s enforceable. In predicting issues, Melling mentioned odor and noise. I can tell you with dogs and cats we have those issues now. To many responsible owners it doesn’t matter. We respond to odor issues. You’ll see the number of calls will increase with this type of ordinance. If any were to escape, the PD and animal control are ill-equipped to address those issues. They are hard to wrangle. Keeping them in the shelter would be an issue. They’re just not equipped for that. It’s important that no matter what you think, council should consider how this is worded. Enforcement wise, it’s difficult for us to determine the weight of an animal. We won’t know if they’re exceeding weight; we’re not carrying scales around. This allows for multiple animals if the weight is less than 200 lbs. You’ll have people asking if they can have (20) 10-lb. lambs. It needs to be more understandable. The ordinance the way it’s written has some issues. Adopt some ordinance to allow livestock. Just have it worked in a way to be more enforceable and easier to understand. **Carter Wilkey:** I am a believer not to create rules we can’t enforce. Overall, I’m in favor of this. I have read CC&Rs of 90% of neighborhoods in the city and they would say you can’t have livestock. If there’s no HOA to enforce, it’s tricky. It turns into neighbor vs. neighbor. I’m happy the
City doesn’t have a stance on those. If there was a problem in the CC&Rs against them, those neighbors would have a recourse. We have some subdivisions in the city that do allow animals, like Equestrian and 4B Ranch. They are allowed in city limits because they have larger lots. Most people will have CC&R’s where they live. I just sold a home between South Elementary and Cedar High. From the 1950’s there were CC&R’s talking about livestock, signs. If you’re not too concerned about them, why not allow them? Any subdivision has an HOA, not having goats there. It needs to be vetted and a bit more testimony. I agree to keep it as simple as possible. Melling: The simplest way to revise this ordinance is to move sheep and goats under livestock to domestic animals. Carter: The one area I worry about in the CC&R’s they say domesticated animals. By you calling it a domestic animal, can they say it’s a domestic animal? Keeping it under livestock and allowed. I didn’t know about this until Monday. Riddle: It’s tough to get 2 under 200 lbs. Sarah Patterson: I live in the County. I do think this is actually a progressive thing. If you’re looking at trends and social media, people want to get back to raising animals. Feeding their family and having that opportunity. Some of these people that don’t do it for a living take better care with their animals. I think that these animals will be treated better. Goats aren’t cheap. They won’t be spending $200-$300 to get rid of in a while. There are classes available and they’re teaching people to do it cleanly, efficiently and affordably in a homestead or a backyard. This will make Cedar City very progressive. We are a rural area keep this in our area within the city limits, there are always bad players in every situation. You can’t account for everything. We don’t have a dog on our farm because we think dogs are dangerous. They’re not predictable. We have livestock that are comfortable around people and big crowds. Craig: Let’s put this on the action agenda.

ADJOURN: Councilmember Isom moved to adjourn and go into the City Council Action meeting at 6:52 p.m.; second by Councilmember Phillips; vote unanimous.