

**COUNCIL WORKS MINUTES**  
**JUNE 17, 2020**

The City Council held a meeting on Wednesday, June 17, 2020, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

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

**STAFF PRESENT:** City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Darin Adams; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall.

**OTHERS PRESENT:** Chris McCormick, Reginaldo Silva, Larua Henderson, Melodi Jett, Tom Jett, Tim Watson, Brooke Twitchell, Teri Kenney, Sara Ridgel, Mike Platt, Dan Jessen.

**CALL TO ORDER:** Father Komar of Christ the King Catholic Church gave the invocation; the pledge was led by Councilmember Phillips.

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

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF**

**COMMENTS:** ■Melling – the Council walks I started at the end of the year, I have decided to resume, this Friday at 9:30 a.m. 400 North 100 West go past Denny’s up to Industrial and back up. I encourage those that want, especially those in the area to join us. We have got a lot of community feedback on these walks. Also, there is a lot of energy and passion going into discussions, some more civil than others on national and worldwide issues. I would like us to take a step back and look at what is happening here. I have neighbors out of work, struggling with other issues. If we would put that energy towards helping others. In a discussion with someone we were able to come up with 14 places that could help with issues. If we spent more time looking at things like this, it would be better. With the community walks people are welcome to come and bring up their issues. ■Phillips – The Value Inn, the weeds are high up in the mow strip. Chief Adams – I talked with the owners; they have a person living on site to keep people out. They have trimmed some and have others that need to be done. Phillips – an offer of thanks and congratulations to Leisure Services and Parks & Recreation because the parks and ballfields are looking really good, I want to acknowledge that. We always hear the bad, not the good. ■Mayor – the July 4<sup>th</sup> parade, the Council has been invited to participate, please let Renon know if you plan to participate.

**PUBLIC COMMENTS:** ■Chris McCormick – thanks for all of you stepping up to help the businesses. there are a lot of businesses in tough shape. It is not a lot, but it does help. When you step up to the plate it sends a solid message that the City Council and staff are behind the businesses. Secondly, we sent an email to all of you regarding the criteria, please check it and make sure it is correct. ■Mark Markstein, Red Rock Film Festival. We are pressing

forward with the Red Rock Film Festival, we know by our submissions November 4-7, we will maintain the Governor's request. If you have questions, go to our website. I also have a sponsor kit if you have a business and want to be part of the festival. We are committed to have Judges; we have had academy award judges in the past.

**CONSIDER A SINGLE EVENT ALCOHOL PERMIT FOR THE SOUTHERN UTAH CRAFT BEER FESTIVAL "CELEBRATING UNITY IN THE COMMUNITY", 223 N, 100 WEST, ON JULY 25, 2020 – POLICY KINGS BREWERY LLC/CHIEF**

**ADAMS:** Sara Ridgel – we are still pushing forward with our Beer Fest. We are the only black owned business in Cedar City, so this year we will call the event "Unity in the Community". We will take the entire parking lot this year and we are allowing all ages. I have wrist bands for those drinking, kids area, food trucks, and we have 5 breweries coming so far. Melling – with the time, 1-9 p.m. is the event, what time to show up? Sara – we got busy between 4 and 5 last year and we had about 500 people. We want to do it since so much has been cancelled. If we don't go to green, we have other safety precautions for our employees and vendors.

Chief Adams – this is a great event; with all ages you have to have the area for minors roped off. I give a positive recommendation. Sara – I hope to have you all show up to show support. Consent.

**CONSIDER A LOCAL CONSENT FOR THE WAREHOUSE BAR & KITCHEN, 432 NORTH 100 WEST. REGINALDO SILVA/CHIEF ADAMS:**

Phillips – where are you located? Reginaldo Silva – where Toads used to be. Phillips – when do you plan to open? Reginaldo – we are shooting for the first of July, with the COVID it is difficult. I am still trying to transfer the alcohol license from the old owner to myself. I have submitted my packet to the DABC, I still need insurance and to pay for that. Everything is in place to transfer. Phillips – will it be a full-service kitchen? Reginaldo – yes. Melling – what kind of food? Reginaldo – we are still working on the menu, I have a person working with me that has a lot of pull, we will have a list of 20 items, mostly finger foods and bar foods. There will be a good lunch menu. We are trying to get Lamoreaux to get their meats.

Chief Adams – we did an extensive background, I did have a few mild concerns and got those alleviated today. So, I have no concerns. Consent.

**PUBLIC HEARING TO CONSIDER A GENERAL LAND USE CHANGE FROM LOW DENSITY TO MIXED USE FOR PROPERTY LOCATED AT 250 S. CROSS HOLLOW ROAD. WATSON ENGINEERING/TYLER ROMERIL :**

Tim Watson, Watson Engineering – this is our second go around on this change. Last time I had a scheduled trip out of town, so I was unavailable for the action meeting, I apologize for that. We are requesting a general land use amendment and zone change for a commercial piece of property along Cross Hollow Road, south of the Rodeo Arena, west of the Villas Townhomes PUD and Swiss BNB to the south. There is a small piece zoned mixed use. I visited with several council members. Mr. Armbrust is willing to share a little more information. He is considering a senior living. The other items in mixed use would most likely fit in the commercial, that is their hope. That is one of the reasons we are requesting that. Cross

Hollow Road is a 100-foot road and access will be in accordance with engineering standards, you cannot back on to the road. There is also a 66-foot master planned road from Cross Hollow Road to Westview Drive that also fits in the area. I know there were some concerns last time with council members. My understanding the Swiss BnB did not turn out the way proposed, so Armbrust is very cautious and concerned. They are in the process of putting some CC&Rs together. I have not seen those yet, but they will stay with the overall theme and feel of Old Sorrel Ranch.

Hartley – if they do CC&R's and sell a plot of land, how does that work, does it go with the deed? Tyler – they are recorded with the land. They can also be amended. The person that buys is on notice of the requirements when they purchase the property. Hartley – the senior living would only be a portion, or the entire? Tim – a portion, they want professional offices, grocery stores, etc. Paul – it is almost 30 acres. Melling – the livestock trail will go in front of the development? Tim – that is where the easement is, we separated the livestock and pedestrian trail. Paul – the pedestrian trail is moved to the west. Phillips – do you have a notion of a time frame, any idea? Tim – no, they are actively pursuing their own avenues to try and bring business to the area. the professional offices will probably come in before retail or grocery. They are in discussions with other commercial services that are not affected by the rezone. Hartley – senior living, is it 55 and older community or senior citizen? Tim 55+ would be single family or higher density. Assisted living would be under the commercial zone if they want to do that, it would not fit in the residential portion. Phillips – the master planned road to Westview is already dedicated, so it will be designed and bound by that? Tim – yes. We are trying to figure that out. We do have a portion of land in the Airport Overlay Zone. The 125 South Street is a deeded street, but there has been discussion as to whether or not it has been accepted by the City. There has been discussion about using that, it is narrower than 66 feet.

Mayor Edwards opened the public hearing. Tom Jett – I want to remind the body that this vote is permanent, and I have been an opponent of the mixed-use language. When Tim talked about senior living, that is very broad, that meant nursing care to me. When we do this, everything mentioned other than the change from the senior living center can be done in the commercial zone. We have made mistakes in the past, I don't believe people are perfect, some will mislead and sell because economics drives decisions. When making the decision on mixed use please be leery and careful. I would suspend all MU petitions until the language is cleaned up. This could be a 20-year project and come back to bite us. I want to keep the elected and staff on the forefront when making decisions. The hearing closed.

**PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM CENTRAL COMMERCIAL TO MIXED USE FOR PROPERTY LOCATED AT 250 S. CROSS HOLLOW ROAD. WATSON ENGINEERING/TYLER ROMERIL:** Tim Watson, Watson Engineering – this is the rezone portion of the project. Melling – I have one clarifying, the public hearing from the Planning Commission was an old public hearing? Tyler – correct. Tim – Mr. Jett indicated the current zone would allow the assisted living, it would also allow apartment buildings and things that were the concern from the Planning Commission meeting. They wanted it commercial resources. We are trying to control by bringing in development more pleasing and appeal to the Old Sorrel Ranch

Mayor Edwards opened the public hearing. There were no comments. The hearing closed.

**PUBLIC HEARING TO CONSIDER A GENERAL LAND USE CHANGE FROM LOW DENSITY TO MIXED USE FOR PROPERTY LOCATED AT 375 S. CROSS HOLLOW ROAD. PLATT & PLATT/TYLER ROMERIL:**

Mike Platt, Platt & Platt – we are looking at a general plan amendment and zone change in the same area. This is on the opposite side of the street as the one Tim was requesting. This is from CC to MU, we are across the street from MU, the client wants to do multi-family residential units in the area. Phillips – what does that mean? Mike – we have not got a conceptual plan from him yet, we think 3 plex and four plexes. Phillips – is this a good transition, there are a lot of single-family homes and then a PUD. Isom – we discussed that aspect and I think with the road in front of that it is a logical transition. It will be higher density transitioning into the other lots. The one thing that was brought up in Planning Commission is that in mixed use the maximum height is 35 feet, in CC you can go to 50 feet so that was a better option for the neighbors. Hartley – how large is the parcels? Mike – I want to say 4.7, but I can't read that, close to 5 acres. Melling – looking at the City zoning map, immediately to the south is GC and then we have single family zoning behind that is yet to be developed, immediately south? Mike – it looks like R-1. Melling – I know a couple of the residents that live in the area to the north are concerned about what is going in. right now it is GC, but the uncertainty is there. It would help if there was a transitional piece. Is that something we need to work out with our zone to contemplate the transition area between the uses. It appears that everything east of that eastern line is single family. Mike – R-1 not developed, R-2-2 to the north. Mike – whatever we do will be to engineering standards, we will make the roads a little wider since we have had issues in other PUD's with fire access and radius.

Mayor Edwards opened the public hearing. There were no comments. The hearing closed.

**PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM CENTRAL COMMERCIAL TO MIXED USE FOR PROPERTY LOCATED AT 375 S. CROSS HOLLOW ROAD. PLATT & PLATT/TYLER ROMERIL:**

Phillips – any time frame on the project? Mike Platt, Platt & Platt – he wants to get started as soon as possible, but I have learned with developers that is a broad term, there are a lot of hoops for them to jump through.

Mayor Edwards opened the public hearing. There were no comments. The hearing closed.

**CONSIDER FY 21 BLANKET CONTRACTS. RYAN MARSHALL:** Ryan – once a year the street department goes out for blanket contract bids for materials and services. You have in your packet the bid tabulations. Pavement markings one bidder, we want that awarded to him. Phillips – how does it compare to this year? Ryan – up \$5,000 from this year. We give them a quantity and they bid it; it can be different. The vendor is Straight Stripe. Concrete we had two bidders, we recommend Gleave Concrete with \$65,595, he is a local contractor. He is down from our current contract with MS concrete. Installation of Asphalt – 3 bidders, recommending Ashdown Brothers. They are the current and the bid stayed the same. street materials and supplies, it gets complicated. We don't award it to one bidder, we award items,

Western Rock, Ashdown and Mel Clark. There is a clause if they are unwilling or unable, we can go to the next lowest bidder, that also happens if they can't purchase insurance. Asphalt, Chip Seal split Asphalt Systems and Peak Asphalt each got a portion. Hartley – is this the actual material and Ashdown lays it down? Ryan –no, if our guys use it to level. Also crack seal material in there. There is a later bid for a crack seal application. Phillips – some did not bid on items, is that typical? Ryan – yes. Chip Seal Applicator, recommending Mel Clark he was the lowest of 3 bidders. Asphalt Street Crack Seal this is the application, we are recommending Spencer Asphalt, we had 3 bidders, Spencer had it last year. Phillips – the note item #1 is 1.5% of total job cost? Ryan – that is mobilization. Tree Trimming, we didn't receive any bids, same as last year. The contractor we use cannot bond for what we require. If we have services, we go on an open bid process, they usually bid and usually get the bid. Towing Service, one bidder, same as last year, if they are doing road work and need to move a vehicle. Isom – a lot of similarities from year to year, are you seeing increases? Ryan – the largest was the first one of \$5,000 the rest are the same or lower, we are not seeing much change. Phillips – on the towing contract there were concerns in the past, does this go out to a number of towing companies? Ryan – it is opened to everyone; it is published in the paper. Consent.

**CONSIDER AN AGREEMENT WITH THE STATE OF UTAH RELATED TO CARES ACT FUNDING. PAUL BITTMENN:**

Paul – the State of Utah has published their cares act funding distribution to every county in the State except Salt Lake. You can see the proposed total allocations to each City \$3,018,784 is Cedar City's portion. If we enter the contract, they will distribute in three allocations, the first allocation is \$1,006,261, the State has a big foot note that is it subject to change. You have information in the packet on what it can be spent on, treasury guidance. For Cedar City there are not a lot of expenditures that qualify. We propose \$20,000 on the Small Business Program Danny ran for the PPE. \$25,000 to pay for the City portion of the program Mr. McCormick referenced earlier. \$5,000 on a single audit, if we accept and spend, we will get audited. There are 4 pieces of equipment recommended to buy. Two portable trailers, each trailer you park, open and inside each bay are 6 handwashing stations, you can have 12 per trailer. This would be used for larger events and encourage people to wash their hands. There could be secondary uses. They are \$35,000 each. The other two a couple of messaging boards to use at larger events to be mindful of the COVID restrictions, asking people to distance and they can be repurposed throughout the year. Staff has come up with a lot of suggestions. Administratively we know we will be audited, and we want to be mindful of how we spend. If we buy and it doesn't qualify, we will have to pay back. I had one department say that if we have trailers, we need a few trucks to pull them around, I think it would raise a red flag, I don't recommend that. We will have their input over the week. There are provisions in the Treasury guidance and frequently asked questions about the local homeless services during COVID. We sent an email to Peggy Green and asked if there are programs at Care and Share that she ran over the past few months that would qualify, she sent back \$100,000 of expenditures. I also sent email to School Superintendent Shannon Dulaney, there was two provisions of the schools, one was delivering meals and one to expenditures for distance learning. The School District, as you know, shut the schools down and were told to learn online. We have asked for those costs. The last portion, a provision related to relief for small businesses, very broad, we could repurpose some money for small business. You have the guidelines if you have items you

want to bring forward. The Corporate entity of Cedar City won't get a lot of money, a lot will be spent in the City. What is not used we don't know if it will go back to the State or Feds. If we want to benefit our local economy, we should structure something. Dan from Iron County Auditor's office is here about the small business program to help more people.

Isom – what was the total asked from staff? Paul - trailers \$70,000 and electronic signs estimated at \$50,000, \$50,000 for programs above and \$100,000 for Care and Share and what School District comes back with.

Dan Jessen, Iron County Auditor – we are in the same boat. Our knee jerk is we don't have a lot of costs. Putting our heads together we realize we won't get more money, is there something we may need if it hits again. We will get new tents for the testing center; some hand washing trailers we can use also. The County is in a position we will get a little more the \$5.5 million. It is limited on what it can be spent on, not revenue replacement, we project shortfalls we cannot use it for. The Small Business Grant/loan, I don't get the impression they want the money back. In the information we have been given we have to give back to the State of Utah the end of November if not used. Looking at small business grant, we have signed the agreement and got the first portion of money from the State. I get the feeling the second and third may be conditional on how it is spent. The State has received all the money, they want to see how local governments are spending. The small business program, I have seen a few counties, Salt Lake County rolled out a small business grant, it rolled out yesterday. The concept we are looking at, we would do first come, first serve with the narrow concept. We want a simple process. Make sure businesses qualify and it has to be related to hardship due to closure by a stay at home order, or they voluntarily closed for social distancing purposes. Some industries have taken a big hit, some have been ok. The plan is to identify a few industries hit hard, narrow down their financial hardship, compare last year versus this year profit and loss to do a comparison and prove they are in business currently or reopening. It only makes sense if we are doing this, if we combine efforts we will also reach out to Enoch and Parowan. Isom – how much money? Dan - \$500,000 for County expenses which leaves \$5 million. We may hold on to some, there is discussion that they may loosen and let it go to profit loss. We will put a portion to this. First come/first serve and get Economic Development, the Chamber, Maria, a Councilmember, and a Commissioner and get a formula. We want it to be simple process, expend the funds and get it in the economy and wrap it up in November. Mayor – if businesses got State or Federal funds earlier, do they qualify? Dan – they cannot get Cares fund for the same purpose they would not qualify. There was a State program and that would not preempt. We want documentation of the hardship and what they plan to do with the money. The point is to get some relief and get it in the economy. If it allows them to get to full staff or reopen. Paul – we have spent a little money on cleaning, hand sanitizing, plexiglass, PPE, a lot has come from George with the County and ran through Chief Phillips. Those have not cost the City money, but County emergency management funds. They also sent over digital thermometers. They have been kind to us. We have not tracked to the penny Clorox wipes or plexiglass. The recommendation is not to quantify every penny but focus on larger items.

Phillips – when businesses have had to remodel and get new flooring or different chairs, does that qualify under Covid-19? Dan – there was a set of guidance and then Frequently Asked

Questions. From what we have to work on, we do a program to help small businesses hurt by closure. We don't have to make them accountable. Salt Lake County is requiring them to do that. They can use for utilities. I would rather leave it open ended as long as we are covered in our audit. We do want on the application what their uses will be. Ultimately, we will be audited by the State and a single audit. We want to color within the lines. Melling – along the lines Phillips mentioned, look at industries and size of businesses. Dan – the guidance narrows that down. It must be small businesses; most counties say they have to be based out of here. A large franchise may not qualify but the local guy owning the franchise. Paul – The guideline says: “Expenses associated with the provisions of economic support in connection with the COVID-19 public health emergency, such as: Expenditures related to the provision of grants to small business to reimburse the cost of business interruption caused by required closures.” Dan – if selling on the internet it would not qualify, they didn't have to close. I looked at hospitality, fitness, wellness, tourism, recreation, retail, businesses that due to traffic had to stop. In Q&A they didn't have to close, but if they did voluntarily or lack of demand. Paul – the Q&A section expands on basic guideline. Dan – closed voluntarily to promote social distancing measurers or that affected by a decreased customer demand as a result of the COVID-19 public health emergency. So, it is related to foot traffic into businesses. You want to have criteria, or the sky is the limit. You want to have criteria realizing that you may exclude that odd ball business, but you have to have some criteria. What do you do with the guy that says he is in business but has no taxes, S Corp or file a schedule C, but says he is in business? At some point you have to have criteria. Melling – if selling things online, if decreases significantly, I would keep it as broad as possible or allow exceptions. Dan – that is why we will have a committee. The goal is to not be too restrictive but cover our backside. Melling – residency, how will that be determined. We have a business, local owner and business but employees out of the area. or a business locally but owner does not live here. Paul – we would focus on a local business license. Melling – the number of employees? Paul - I don't know the employees can go up and down. I am sure the County will do the same. Phillips – I want to make sure nonprofits are involved and one of the largest nonprofits is closed. Hartley – the nonprofit outside small business because of social distancing. Paul – I will look with an eye to nonprofit. Melling – there is no shareholder, but they do employ people with nonprofit. Phillips – tourism. Mayor – we will check into guidance to keep us from getting in trouble. The Care and Share is specifically called out and so is the School District, they did chrome books for the students. We will look to see if it is allowed. Hartley – the CJC employs 4-5 but just missed their fun run that pays for employees because of social distancing. Golf tournaments have been cancelled for Chamber and Rotary. We will get inquires. Paul – there is a fellow with the State I will email about nonprofits. Dan – what is the definition of small business. Hartley – Dan – CJC is County and has been funded. Phillips – RAP Tax all organizations have had to cancel and lost money. Dan – one of the things we have been directed is that it can't look like revenue replacement. Think about this from City and County, we can't give a grant to pay property tax or utilities to the City, that principal may apply to nonprofit. Phillips – we need to make sure it is discussed. Dan – we talked about money into the testing areas, IHC is manning the testing but the County is running it. We can do tents and trailers, but we will go from summer to winter, and it can be vaccine dissemination. The county will do their budget adjustment soon if the City wants to partner.

Melling – the timeline, the funds not spent by November 30<sup>th</sup>, will the third phase be before that? Dan – the first payment in June, the second in July or August and then September. If we have the program in and functional, a committee in place and checks out the door I don't see it as a problem. The best thing if we can get the money moved out and into the economy. The check written by November 30 and back to the State by December 4<sup>th</sup>.

Paul – the question for the council is do you want to sign the contract with the State. Isom – absolutely and then work out the particulars.

Laura Henderson – when considering small businesses, private individuals with businesses may have had to close because they contracted COVID. Isom – my definition of small business is 1-100.

**CONSIDER A UDOT MASTER TRANSPORTATION PLAN AGREEMENT. KIT**

**WAREHAM:** Kit – UDOT has a program where they will give us funding to redo our Transportation Master Plan. It doesn't have many strings attached. I think we should enter into the contract; we do need an update. Isom – has this not been in the works for a while? Paul – the amount is under \$100,000 a local match to split with Enoch which is \$3,000 to \$5,000 each. Southwest Utah Public Health chipped in \$15,000 for active transportation and other options, we have already put out an RFP in conjunction with Enoch, selected a contractor from up north, we need to get this contract in place to move forward. Consent.

**APPROVE THE CERTIFIED TAX RATE. JASON NORRIS:** Jason – I have submitted the number .002393 that was presented last week. Dan Jessen – it won't change. Each year you will get what you got last year plus any new growth with the associated rate. New revenue triggers truth in taxation. Paul – you have approved the budget based on last year's revenue; we are not doing truth in taxation. Consent.

**ADJOURN:** Councilmember Isom moved to adjourn at 6:58 p.m.; second by Councilmember Adams; vote unanimous.

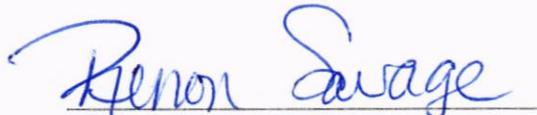
  
Renon Savage, MMC  
City Recorder

EXHIBIT "A"  
 CITY COUNCIL - JUNE 10, 2020

