COUNCIL WORK MINUTES
JULY 6, 2022

The City Council held a meeting on Wednesday, July 6, 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; W. Tyler Melling; Scott Phillips; Ronald Riddle.

EXCUSED: Councilmember Craig Isom.

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

OTHERS PRESENT: Ronald Shelley, Darlene Shelley, Dallas J. Guwyn, Ann Clark, Dan Kidder, Lisa Natwick, Carter Wilkey, Dale Corry, Juli Corry, Laurel Cosslett, Rod Cosslett, Mark Reyners, Sam Hodnett, Kenneth B. Williams, John Orton, Kris Orton, Laura Henderson, Dallas Buckner, Matthew Langston, Alysha Lundgren, Tom Jett, Teri Kenney, Max Cornwell, Nick Ripandellip, Phil Schmidt, Craig Corry, Dave Clarke, Paul Monroe, Tim Watson

CALL TO ORDER: Ryan Marshall gave the invocation; the pledge was led by Jason Norris.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS: STAFF COMMENTS: ■Mayor – Travis Humphreys is the artist that has the new pictures on the wall are his. Paul read Travis’ bio. “Travis Humphreys is always creating. He believes life is better with art. From a very young age he was introduced to all kinds of media for his creative freedom. He was never very confined as he grew up in Idaho and Arizona. He grew up in an artistic family. In high school he was good enough for the teacher to ask him for classes but he knew she was mostly joking. Still, he did have sell out shows in high school and got full ride scholarships in Art. He got is first gallery invite in 1988 by the Wickenburg (Arizona) Gallery. That same year he won 2nd place in Watercolor at the George Phippen Memorial Art Show in Prescott, AZ. A landscape painter for over 40 years, he has a BFA in illustration from BYU. He and his family reside west of Cedar City, Utah. They continue to operate Gold River Gallery, a master frame company where they manufacture museum quality frames for artists and dealers in 40 states”. There will be an artist reception on July 15th from 3:00 – 5:00 p.m. ■Melling – I got my water bill yesterday, one of the concerns with rate adjustments was indoor versus outdoor water, our family we were at 4,000 in the winter, 8,000 is considered indoor use. Even though our swamp cooler isn’t state of the art, we had it running very cold all June we are in the middle of sprinkler repairs, we are at 7,000 gallons for the month, that is adequate for 3,000 square feet of turf. It was a good. Hartley – I had a neighbor say they will have to sell a kidney to pay their water bill this year. ■Phillips – I
want to thank the Lion’s Club for the July 4th parade. It was a beautiful day, a lot of people out. It takes tremendous work, a lot of costumes, wigs, etc., it was what America is about and the community should be very proud. ■ Brooke Twitchell – upcoming events that we have, this Friday is the beginning of the July Jamboree, we will have a registration party between Tink’s and Rolling Rubber with music and food vendors at 6:00 p.m. We have yoga in the park on July 16th, we had 40 people at our last one. The Moon Walk registration is up. The half marathon is up and have 350 participants so far. I went to a conference at SUU a few weeks ago through the Governor’s Office, they were interested in the Spring Fiesta that we put on and it will be highlighted with the Governor’s Office. We also had success with the Slow Roll, the last one was at the Lake at the Hill, I want to thank Ken and his team for all their help, it is a treasure we have up there.

PUBLIC COMMENTS: ■ Ann Clark – I want to thank everyone for the wonderful parade, it gets better every year. I want to thank Jeff Hunter and was concerned about the Aquatic Center parking lot, it looks better. I want to thank the Mayor for the water meeting, it is consuming but I like the plan for long term water. I am concerned about short-term solutions of water. Some things are starting to look really dry; can we increase the water every other day and everyone on Sunday. Riddle – they can’t the system can’t keep up. Ann – you can go from Jack in the Box to TJ Maxx, the money makers, SUU, the Fields at Cedar Middle, every field we need to increase water. I watched at SUU with the football camps, unless there is water and fertilizer the grass dies. Are the pumps at the Fields fixed? Yes. Ann – are we going to have a plan to fix the fields that were ruined without the water on them, there is dirt in places. Phillips – a plan would come from Leisure Services; I can’t tell you what it is. Paul – they are increasing the watering; they have purchased a product from IFA with iron and a few other things to apply to the fields. Ann – that is good news. Anything with SUU? Phillips – he is concerned but is trying to do what he can to rotate and make it work. A lot of the businesses problem is the business itself. I am trying to follow the rules and my lawn is fine, some is neglect, they use the restrictions as an excuse. Melling – USU extension has a lot of literature for watering and 3 ½” irrigations a week is plenty. Most people having issues with their lawn probably irrigated 10 plus times before Memorial Day and they should have done it 3 times. There is a lot of resources and that is why when looking at water rate system we wanted enough adequate water for a green lush lawn cheap, those using more than that because of more turf or watering ways not conducive to having nice lawns in the summer. It costs a lot to build new tanks and wells. Ann – are we not outgrowing our infrastructure? Melling – the developers are paying for the growth. We have to acknowledge the growth is subsidizing the water substantially. Phillips – I was at the cemetery a few times, it looks better. they are following the water restrictions. Ann – the ball fields bring in a lot of people. ■ Laura Henderson – there is some quality artificial grasses that could be supplemented in small areas, we are thinking about doing it in our front yard. That is something the city could consider. Melling – there are some storm drain concerns with those methods as well. We are looking at incentives, but we have to account for storm drainage in artificial grasses. Ann – I saw a program on PBS, to incentivize the people in Las Vegas to remove the grass, it was amazingly well done, and it highlighted the thousands of gallons of water it saved. They were working to make a commitment to water conservation. Melling – they have the local scope and still get greenery and it is beautiful. Ann - I have seen more people take out the grass and did total rock. Hopefully we can come to middle ground. ■ Carter Wilkey – on behalf of Cedar City Area Chamber of Commerce, we are inviting you to the 3rd annual first
responders appreciation luncheon, police, fire, paramedics, hospital workers, and the community. We are preparing for 500 people, it is sponsored by Cedar City Realtors and Home Builders, it will be held at Cedar City Motor Company. We will have a band and bounce house. 11:00 – 1:00 next Thursday.

CONSIDER VICINITY PLAN FOR THE MIDDLETON SUBDIVISION LOCATED AT APPROXIMATELY 2000 SOUTH SCENIC DRIVE. LEAVITT LAND/DON BOUDREAU: Brent Drew, Leavitt Land – this subdivision is south of the liquor store and north of Eagle Ridge. There are 93 lots, the property is developed in different ways. We will have to improve the road and connect to the one by Home Depot. Phillips – it is R-2-1? Brent – a portion is R-2-1 and R-1. Brent showed a map with Talon Point. The R-2 will be along the road and the R-1 will be above.

Diana Francis – I live above in 2 acres, we were told it was going to be R-1 and single family homes. I was hoping to keep it R-1 and do low density because Talon Point or Eagle Point the majority is ½ acre lots and you will be these closer together. I live on 2 acres. If they were all half acre lots it would be ok, but in front of me are very small lots, further away they get bigger lots. It would be nice to have low density to match the other developments. Across the freeway it is a huge area multiple use with high density homes and don’t bother anyone. Phillips – it comes down to the frontage road, I am not sure you want a large R-1 home next to the 100-foot road and the freeway. In the vicinity plan, along frontage road, are the houses facing the interior? Brent – they will have to come in off one of the roads, the interior roads, there will have to be a wall. Diana Francis – will there be a wall on the other lots? Brent – that is up to the individual homeowners, there is not a city requirement.

Lisa Natwick, I live in Eagle Ridge loop, I have to travel Providence Center Drive every day. The proximity where the traffic will dump on to that road and if it is commercial, how many entry points and driveways will we have to deal with. This covers Westview and South Mountain and up the frontage road to Wal-Mart, Middle School and High School. At the bottom of Middleton Subdivision, and Central Commercial, I am worried about the traffic situation. I hear you will require the developer to widen the road along the subdivision, and then it will narrow down. The traffic is often preoccupied. Melling – a few things, Westview Drive is a good example of a road in transition, a lot of areas that have been widened, and we leave it as a 2-lane road, we don’t add the other lanes until it is complete. Lisa – we have to put up with the construction traffic on 2 lanes? Yes. Melling – we had a long talk about this a few months ago, the lots are double fronted, they are a lot more expensive to build. There is no access to the road from the lots, the only access will be on the three points of intersections. Hartley – they have also put in the connecting roads above Home Depot, if there are over 80 lots there has to be a secondary access. Lisa – we haven’t seen that. It comes up over the hill, Iron Horse will have to build the rest of the road. Hartley – they indicated there will be a road that connects.

Phillips – there is one valid point, how far from Talon Drive to the frontage road? Brent – it is vicinity plan. Melling – how many lots? Brent – 93. Melling – about 3 units per acre? Brent – Ron said 2. Melling – you have 33 acres and 93 units, that is 3 units per acre. The general plan tells us how many units to plan on for traffic, and it is planned low density. Our zoning laws don’t match the planning. We plan for 3 units per acre, but R-1 zone will not
allow that because of the topography. Are we matching what we planned for and you had to draw the lines different. This is not the max under medium, it is still low density. Brent – they are all single-family lots, to make them similar to Talon Point. Phillips – it is not part of the RDO? Brent – correct, and it is a different developer. Lisa – there are 57 lots less than a ¼ acre and 36 lots over a ¼ acre.

Ronald Shelley – I have been here several times on the traffic density. The traffic is all going through Eagle Ridge with narrow streets and driveways, and we still have lots approved without arterial around the development. Now we are increasing the density on Scenic Drive, 93 lots with 200 cars which won’t directly impact Eagle Ridge, but everyone is traveling that way and the density is increasing, but how will we get around Eagle Ridge and Talon Point. Iron Horse will take some of the traffic. We keep approving development without a plan. Phillips – we have a plan; I just can’t answer as to the timing of the plan, we do plan to go around Eagle Ridge and not cut through Talon Point at all. Melling – we probably spent an hour on that during the master plan meetings, we augmented the size of the road coming off South Mountain Drive on the east boarder of the School District property and it will go through Providence Center Drive. Mr. Shelley – that is backwards, you should have the infrastructure first. Melling – that is philosophical we make developers put in the improvements, so taxpayers don’t pay for it. Should we have the taxpayers pay for it and hope they develop within the number of years we can recoup the cost, if not the developer gets off scott free. The Leavitt’s paid $2.5 million to put roads in, it is hard, we want to see those improvements go in for the residents, but we don’t want to hike taxes to do it. If we did this in every part of town, I don’t want to speculate what it would cost taxpayers. Ronald Shelley – not a bond paid back by the developer? Melling – we have to hope they develop in the timeframe, which I think is 8 years. Phillips – the taxpayers will have to pay a portion anyway; it is mountain terrain that will never be developed. The proposed development, 90% will turn left and go to Providence Center for this development. In the master plan meeting we talked about making it a high priority. Ronald Shelley – when you develop the 100-foot road, it is completing it with curb, gutter and sidewalk on both side? Phillips – just one side. Melling – they do their side only, unless they own both sides. The city will have to fill in some gaps. Ronald Shelley – I suppose the State owns the other side, so we won’t get anything done. Paul – they have sidewalk programs; we can apply for grants. Ronald Shelley – I have been in communities where the infrastructure goes in first. Melling – then you have to tell people they can’t live in the countryside, that is not what we want to do. As a government we don’t want to pick whose property gets to develop when. Ronald Shelley – you turn it into the development into an “S” turn and we are stuck with that. When things are pieced together, I think it is degrading.

Mark Reynanders – I have a house that backs up to Middleton property that is not being developed yet. I think you need to take into consideration the other 15 acres, when thinking about the 90 lots, you will add another 40 or 50 lots there. When making the decision, Middleton’s will not set on their 15 acres. I appreciate your discussion on the water. As of now the 90 lots don’t support the master plan for the water. Melling – they do, if it is low density the water plan shows 3 units per acre, if you take out the 15 acres and the 2 on the north, you are at about 3 units per acre, so as proposed it matches the plan. The developer, unless doing the conservation tier has to pay another $2.5 million in water fees. I think the Middleton’s have already discussed that. Melling – they would still pay all the
improvements. Is that a planned water line? Brent – there are existing water lines. Mark Reynders – I would love to see a transportation master plan. We see things done in other places, Cross Hollows is one, there was no development, so we know you can do it. Melling – we would rather you not pay for it. Rod Coslett – the triangular piece is Tammy’s, there is a division where the road to Ken’s old home, she has no intention at this time to do anything with the property, only a buffer zone around the house. The development team has done everything in their power to isolate her property. The concern with that being developed is very long term. Phillips – where do they travel to get to the frontage road? It is a small road.

Max Cornwell – I live in Eagle Ridge, my concern is the traffic, and I would recommend to the Council and developers, will this be controlled traffic along Providence Center Drive, will there be a signal light to prevent traffic from our neighborhood at peak times and the new neighborhood backing up. To make more room at the southern tip so the egress could come out a few lots up and create some separation. When the commercial property is developed, then Talon Drive could come out at another angle. Phillips – traffic counts have to be high enough before you get a signal. Lisa Natwick – one other question, we have Talon Point, Eagle Ridge, South Mountain at Eagle Ridge, and there is no park in here, I am driving the older parts of town, they have neighborhood parks, why are all the subdivisions without parks? Melling – we go back and forth a lot, we saw pocket parks built in the 90’s that are not used. In the public subdivision, do we make you have an HOA to maintain or have taxpayers pay to maintain a park and how many people do we need in walking distance to the park, it doesn’t add up. We have 3 large park projects we are looking at for new subdivisions without an HOA in this budget. Phillips – we hear why are all the parks and recreation amenities in the south end of town. Carter Wilkey – UDOT owns the small piece, commercial does not go all the way, it cuts back. Sam Hodnett – I have a piece of property that backs up on South Mountain and there is increased traffic and a lot of children, this goes to the north. Isn’t the master plan putting another freeway onramp south. In my mind it would be prudent to complete that and take the weight of the traffic off that. I don’t know how much roads cost, I know people go over that, my property is at the top of the hill, and it is blind, and people fly over that. It is not if but when someone hits a child. I don’t know what can be done. Hartley – we lowered the speed limit. Would it be good to have the Police Department patrol that area for a few days? Phillips – the other interchange is in excess of $100 million dollars. Mayor – it is hard to get people to drive south to go north. Phillips – we are pressuring the State to move that project forward, it is their project. Sam Hodnett – I love being in Cedar City. We need to keep the quality of life good for everyone.

CONSIDER VICINITY PLAN FOR FIDDLERS COVE SUBDIVISION PHASES 3 & 4, LOCATED IN THE VICINITY OF 800 E, FIDDLERS CANYON RD. GO CIVIL/ DON BOUDREAU: Dallas Buckner, Go Civil – we came through with vicinity plan for phases 1 and 2 and a road dedication. We will tie on to that. We have the contours; we are getting into steep terrain. It is Fiddlers Canyon LLC. We have the detention basin in the area for the drainage. It is also a part of the Nichols Canyon RDO. Melling – to the northeast, Mill Hollow Road, does it connect? Dallas – that ends in a cul-de-sac, the grades are too steep to tie it in. Phillips – I have an ongoing concern about traffic on Fiddlers Canyon Drive by the Elementary School, what kind of traffic studies have we done? Dallas – not on this project, but the RDO is approved for 400 lots, and we are up to 68 with phases 1 through 4 and 98 in Shadow Cove, so about 150 lots. We are substantially below the 400
allowed. Phillips – what did that go to, about 10,000 trips. Jonathan – the signal on Nichols Canyon will help, people would trickle down to Fiddlers Canyon to get to a light.

**CONSIDER VICINITY PLAN FOR THE CEDAR POINTE RV PARK LOCATED AT APPROXIMATELY 600 EAST 3000 NORTH. BLUE TERRA DEVELOPMENT/ DON BOUDREAU:** Scott Stewart, Blue Terra Development – we are proposing to construct an RV park, in 2 phases, 29.01 acres, the main phase will be done first with a club house, 4,000-foot facility, high quality and 162 spaces. The club house will have a library, game room with ping pong, pool table, shuffleboard, gathering room, laundry, fitness room, showers, kids playground, two pickle ball courts, sports court, putting green, and a dog park. We want people to enjoy it when they come. This is the third park we have built, the first two are in Idaho, we have learned a lot with the other two. With the recreational nature of Cedar City, and I live in St. George, because of freeway accessibility this will be a good transient park. If it was off the road a mile it would create more of a community where people would want to live. Phillips – this is a good location for something like this. My question would be if it were approved it would have to follow all the ordinances of the RV park? Paul – yes. Melling – as much as we would like a grocery store on that end of town, no one has done that. This is a great place for an RV park. We have already annexed this piece. Melling – what is the property to the north? Jonathan – it is county. Scott – we proposed to annex that to Cedar City at another time. Phillips – you are doing two phases? Scott – yes, the second phase is the property we need to annex. The majority will be done in phase 1. Phillips – it is long needed. I thank you for trying to do it in the right way. Scott – you will love the club house; this will be our nicest one.

**PUBLIC HEARING TO CONSIDER APPROVING A LEASE ASSIGNMENT BETWEEN TOM JETT AND MCO TIRE & SERVICE CENTER FOR CITY PROPERTY LOCATED AT 900 NORTH MAIN STREET. DALE CORRY/TYLER ROMERIL:** Dale Corry – me and my wife and John and Chris Orton we own MCO and we need more parking and are hoping to expand our business. Mr. Jett has the lease for the MCO and old La Fiesta and he is willing to reassign that lease to us and that is why we are here tonight. Melling – is it all the property on the SE? Dale – to the front where La Fiesta was. Paul – we had an agreement for the Golf Course sign, and we would run power out of La Fiesta to the sign? Yes. Phillips – is the plan to expand the building? Dale – it is a possibility we have considered. Melling – our only risk is if you don’t make your lease payments and we have to find another tenant. Paul – the lease payment is on a percentage of the sales, if it only a parking lot our lease payment would reduce. If it is on the expansion, it may stay the same. Tom Jett – they plan to expand 3 more bays. Melling – we have 3 city parcels, the one with a turn around, the white roof (MCO Tire) and the one with the red roof (previously LaFiesta) is it on all parcels? Tom – 880 and 890 parcel. Melling – is 880 MCO or Tom Jett? Paul – originally it was Phil Hermansen and Tom Jett it would all be under MCO. Melling – if MCO expands, the city still makes payments. Paul – I don’t know if it will stay with a parking lot? Tom Jett – the entire property at one time was a percentage. In 2002 Rick Holman and Joe Melling, we switched it to a fixed term lease, it is not a percentage anymore. We pay a flat rate to the city monthly and then we pay taxes. If MCO or I would walk away, then the city has the right to cancel the lease and lease it to someone else.
Hartley – I would like to see the lease so we can see the terms. Mayor – you rent the land and you built the building? Yes.

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

PUBLIC HEARING TO CONSIDER APPROVING AN ORDINANCE FOR A GENERAL LAND USE CHANGE FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 2000 SOUTH SCENIC DRIVE. 3 PEAKS ENG./TYLER ROMERIL: Brent Drew, Leavitt Land – this is the property we discussed, the general plan is from low to medium density. Phillips – my question would be, I want to make sure if we zone to medium density, it is R-2-1. Melling – I agree, but this is with the understanding the way the zones are written you can’t build the density we planned for, and we are working on that slowly. You are still under that density as planned.

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

PUBLIC HEARING TO CONSIDER APPROVING AN ORDINANCE FOR A ZONE CHANGE FROM ANNEX TRANSITION (AT) TO RESIDENTIAL-1 (R-1) AND DWELLING SINGLE UNIT (R-2-1) FOR PROPERTY LOCATED AT 2000 SOUTH SCENIC DRIVE. 3 PEAKS ENG./TYLER ROMERIL: Brent Drew, Leavitt Land – this is the same as above.

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

CONSIDER APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE CEDAR CITY ROTARY CLUB ACKNOWLEDGING THE CITY’S SUPPORT OF THE PROPOSED IMPROVEMENTS TO CANYON PARK. SUE LONGSON/TYLER ROMERIL: Paul Monroe – this is a project we have been working on for several years and Sue has been successful in acquiring $140,000 from Utah Parks, and they need an agreement with the City to solidify the funds for this project. There have been annual years of support through RAP tax funding. Melling – the MOU is straight forward, the reason we need this is if you submit the application, you receive grant funds? Paul – we received funding pending the agreement. Melling – phase 1 is only using irrigation water and the city will need to designate ½ of a seasonal employee to maintain the park and we can’t modify or terminate it. Paul Monroe – correct. Paul – I have heard that in future phases you will want to use culinary water. Paul Monroe – yes, but we will come to the council before we do that.
$750,00 will redo irrigation and adding more trails and will include widening the stream and making it more playable. There is potential to add additional phases. The footprint moving the playground to the volleyball court area is about ½ acre and the grass is 4 acres, it is less than 10% modifying. Paul – how much culinary and what is it used for? Paul Monroe – we don’t know, we would like an all-abilities portion into this in some way, waist height equipment, there have been ideas with a center pivot with misters, but there have not been any quantities. There are quantities to ½ acre 22,500, that is what we would reduce what you would use. Philips – when the playground is relocated, cannot it have some all-ability at that location. Paul – we were thinking some sensory which would be water. The concern we have is typically disabled kids have their fingers in their mouth, so we want to use culinary.
We are moving the playground to add more parking. Phillips – is that part of phase 1? Yes. Melling around 400,000 gallons per year you would be reducing. Phillips – I want to make sure as it moves forward that we don’t destroy the character of that park, I don’t want it to become a theme park, we want a canyon park with amenities for families. Paul Monroe – we have worked with a lot of people in the community, they relate a natural canyon park, so I have asked Mr. Phillips to set on the architecture committee. Phillips – is this MOU just for phase 1? Paul M – yes, we can add that. Melling – I think it is pretty clear.

PUBLIC HEARING TO CONSIDER APPROVING AN ORDINANCE FOR A ZONE CHANGE FROM ANNEX TRANSITION (AT) TO RESIDENTIAL-1 (R-1) FOR PROPERTY LOCATED AT 1945 SOUTH SCENIC DRIVE. WAYNE & DIANA FRANCIS/TYLER ROMERIL: Wayne & Diana Francis – we are AT and want R-1 so we can put a garage and covered patio.

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

PUBLIC HEARING TO CONSIDER APPROVING AN ORDINANCE FOR A ZONE CHANGE FROM DWELLING MULTIPLE UNIT (R-3-M) TO SUU HOUSING DISTRICT (SHD) FOR PROPERTY LOCATED AT 400 WEST HARDING AVENUE. PLATT & PLATT/TYLER ROMERIL: Dave Clarke, Platt & Platt – this is .65 acres, across from the grassy field by the old middle school. It is in the general plan. Phillips – where do we stand on the parking study? Jonathan – we have a draft from Horrocks Engineering and are close. We don’t have recommendations at this time. I think the council wanted to look at a minimum size and we don’t have that recommendation yet. Phillips – I have concerns about what this does to the neighborhoods. We are making decisions without knowing consequences. Melling – I share some of Phillips concerns, but with this piece at ¼ acre, if you do 3 stories parking will take up the rest of it. Phillips – the way the property is, we are creating an island with one house. Dave – most of the homes are rentals. Melling – I don’t love we have a carve out, but I don’t consider it mid-block, the home to the east is quite a ways over. Phillips – there are 3 homes on 300 West. Riddle – isn’t this what the SHD was developed for in this area of town to be helpful to the University.

Mayor Green opened the public hearing. Ann Clark – I am here because someone has to stand up. I go up and down that street and I know we had a zoning ordinance but was never a zoning ordinance for SUU housing. I am concerned taking the history of Cedar City and changing it for more apartments. I understand if it was 2 story, the mess on 300 West is terrible and it sticks out. 158 North 700 West, Staheli owns that house, he traded the property with Velocity, they would have to understand it is a good chance that I can come to the City Council for apartments. I feel we are ruining the neighborhoods; they want parts of Cedar City to fill the same. When we take the heart and ruin the neighbors. I have seen plumbing, roofs being fixed, etc. you say it is property rights, but it also for the neighbors. If they go 3 stories high, I think they have to look up to see the sky. I am really passionate about this, but I see cities valuing their older homes. I am not against growth, just want to preserve some of the old things that mean something to Cedar City. Melling – Phillips and I both live in the area. When people band together to preserve properties, it is good. But to force students to live away from campus then more homes are torn down to build parking. We are working on this, we are working to preserve old neighborhoods, but not cause extreme hardship on the
students. Hartley – it comes down to the individual property owners, the developers can't force them if they develop in the ordinance. Ann – we change the zone all the time, is there ever a safe zone. You write the ordinances. When the Flying L and Melling Farm, they didn't want the Flying L to say to Melling you have to change zoning, Melling farm was there first. All these people bought in the neighborhood in a residential area. Melling – they did have covenants at that time that people of color could not stay overnight, I am glad they changed. The way to be safe is to buy the property around you or have an HOA. Ann – isn't this the same as Melling Farm? Melling – no, what you had was next door neighbors saying this is what we want your property to be changed to and you don’t own it. We are saying someone that owns their property is saying please city let me change my property. Ann – yes, but you make it possible by changing zoning all the time. Melling - rules have to change over time, we decided keeping people of color out is not right. We have infrastructure and transportation changing. There is an extreme social cost to do it. I agree we shouldn’t tear down 5 houses to do this. If we change the rules, we get a lot other battles, it is very ugly to change zoning rules, but we have to allow this to happen. We say now keep it or tear everything down to do it. Ann – you can make all kind of excuses, certain areas we protect and value, I understand the University, but the kids come and go, and we stay. The hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 32 REGARDING FENCING FOR RESIDENTIAL PUD'S LOCATED ADJACENT TO HIGHWAY 56. GO CIVIL ENG./TYLER ROMERIL: Dallas Buckner, Go Civil – this is a change to the fencing ordinance to carve out a Hwy-56 corridor, we are doing projects on Iron West. If you propose a residential development with a PUD along a residential street, you have to set back 10 feet. On U-56 there is a 200 foot right of way, we are proposing to put the fence on property line and landscape to top of irrigation ditch and the developer gets more back yard or parking. On the Village on 56 we had to move the fence and you can’t see the landscaping behind the irrigation ditches. There is a lot of additional rights-of-way. We would like to utilize more space in the property.

Phillips – I am confused when you say the fence goes to the bottom of the slope of the landscape ditch and then landscape to the ditch. Phillips – do we ever think we will cover the irrigation ditches. Paul – it could happen, UDOT will expand the road and the landscaping will go away.

Dallas – I don’t know UDOT versus City standard. With city you have the fence with one foot behind the sidewalk. Hwy 56 you have the 5 lanes of traffic and a shoulder, an additional 50 feet to the property line, travel lane is 12 feet, so you have another 3 lanes ability before you get to the landscaping. You could take U-56 to 5 lanes in each direction. We want to utilize the space. When Hwy 56 is fully built out you would have a block wall one foot behind the sidewalk.

Phillips – on 4500 West you have sidewalk? Dallas – we have curb, gutter, sidewalk and landscape to the top of the ditch. Right now, there is a ten-foot jog and a block wall and 10’ of landscape and the natural vegetation. Melling – we have rules without adaptation. I like what you are doing, but I don’t like a carve out, but short of adding more to the ordinance, I
am ok with what you are doing. Dallas – the reason for Hwy 56 is the surplus right-of-way, there may be other places in town, it makes sense along that corridor.

Mayor Green opened the public hearing. Carter Wilkey – where does 200 North change to Hwy-56? Paul – I think it is from Lin’s to Nevada? Paul – this ordinance would go from Westview to 5300 West. The hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CITY’S TRANSPORTATION MASTER PLAN, PREMIER DESIGN/JONATHAN STATHIS:
Jonathan – the developer is looking to amend the transportation master plan. When the new plan was put in place it showed an “S” curve in Bulldog Road to line up. The way configured it cuts through the property which they are planning to develop. They want it to go back to the original with two 66’ right of ways. Phillips – what happens to that piece of road that goes to 3000 North? Paul – nothing, it is already there. Melling – is the proposal to add back in the straight north and south and leave the curve? Jonathan – no take the curve out. Melling – the problem with this area is it is in the flight path, are they proposing industrial? Paul – industrial prefab storage and businesses. Melling – we won’t see a lot of residential in this area. Phillips – we are trying to improve the traffic? Paul – is it better to have an “S” or two straight roads? Jonathan – it is all I&M. Melling – I am not inclined to change it. If it was a lot of residential, I would be more inclined to change it.

Mayor Green opened the public hearing. Carter Wilkey – when the city changes something and you have owned the property for years, you as a private property owner have no rights. Melling – as discussed earlier. Carter – I see if you purchase property, but not if you owned it for a long time. So not only do you put a master planned road in their property, but they also get to pay for it.

Dave Clarke, Platt & Platt – I happen to know the people that live there, there is an existing road, why do this, so people can go faster. I know there is no intention to develop the Bauer property, so you make them put a small portion of the road in that won’t connect. Melling – in 50 years we will have people cussing us. I have driven this many times, long term this is the best way to do this road. The hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE FOR A GENERAL LAND USE CHANGE FROM CENTRAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 250 SOUTH CROSS HOLLOW ROAD, PLATT & PLATT/TYLER ROMERIL: Dave Clarke, Platt & Platt – this is along Cross Hollow Road just past Diamond Z Arena, a 27-acre parcel. They carved out two acres Jenkins Oil bought, they have stubbed the road in and put in frontage improvements. We have done a minor lot to divide 10.83 acres from the remaining 16 acres. They want to change it to R-3. It is CC and master planned mixed use. Phillips – what are they wanting to do? Dave – my client has an offer on 10.183 acres and they are proposing to put apartments there. If you took the 10.83 with the 2 acres for the gas station, it is still only a little less than 20% and you need 70%/30% to do what they want. Mr. Armbrust wants R-3 all along there. Melling – I am with Phillips on this, somewhat, I would be inclined to count the 2 acres, but we changed the parcel for BnB Swiss, I suggested the best way would be a development agreement. This is part of a larger development. There are perks that come with it, but also
responsibilities. I don’t want to change the General Land Use plan without some of the parameters. I am not in favor as presented unless there is something else for commercial. Dave – Armbrust has had the property for years with a commercial corridor, it is like trying to get a business on the north interchange. There are vacant commercial developed property and there is a need for apartments. It is next to a busy arena. Melling – we have been using townhomes for apartments for 10 years. Phillips – I think you will see other interest for commercial in that area. Melling – once our parking study comes back, I think it will be favorable to R-3, hopefully we see the apartments being met instead of town homes. I would like something else for commercial. Rooftops are getting filled in after the fact, it will be hard to add commercial after the apartments. Hartley – I agree.

Mayor Green opened the public hearing for items 12 & 13. There were no comments. The hearing closed.

Hartley – would he consider a development agreement? Dave – I would say probably not. My client wants to put apartments on 11 acres.

PUBLIC HEARING TO CONSIDER AN ORDINANCE FOR A ZONE CHANGE FROM MIXED USE (MU) TO DWELLING MULTIPLE UNIT (R-3-M) FOR PROPERTY LOCATED AT 250 SOUTH CROSS HOLLOW ROAD, PLATT & PLATT/TYLER ROMERIL: this was done with the above item.

CONSIDER APPROVING A ROAD DEDICATION LOCATED AT APPROXIMATELY 200 NORTH 4500 WEST, GO CIVIL ENG./TYLER ROMERIL: Dallas Buckner, Go Civil – minor subdivision on the south end of Iron West. 4500 West comes off 56 along the section line, we are carving off parcels 1 & 3 for a city park, but we have to have road frontage. We have taken the minor through Planning Commission and now to City Council and back to Planning Commission for final approval. We want to dedicate 4500 West to the Quichapa channel and bring a 75’ row. It is 75’ by 2,000 feet long. Melling – how are we aligned with Center Street? Dallas – we are punching 4500 West all the way through to get a publically dedicated road to this. Jonathan – this was a simple minor lot, so Planning Commission approved it subject to the road dedication being approved, it doesn’t need to go back to Planning Commission.

CONSIDER FINAL PLAT APPROVAL FOR THE CANYON AT EAGLE RIDGE PHASE 3 SUBDIVISION, LOCATED IN THE VICINITY OF 2350 S. EAGLE DRIVE, GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – this is an extension to the next phase, we are connecting the phases and putting a cul-de-sac in. It is R-2-1 but all the lots are 10,000 plus. Phillips – how many lots in all phases? Dallas – I think about 50, but it is 80 south of South Mountain. Melling – the southern most point? Dallas – yes, we are looping it through. Jonathan – the fees are in place, but the bonding is not. There is an existing sewer easement that needs to be vacated, it is going through the process. It does not encumber any building lots. Dallas – we have vacated that with each phase, we were late getting it in, it is going to Sketch tomorrow and then Planning Commission. It is within the public utility easement.
Phillips – does the property line on the west still follow the contour of the lava? Dallas – the south property line goes up onto the lava ridge and then to the old dump parcel. There is still some land for us to do something with, we blasted when we did phase 2. It is kind of steep and there is some lava, so it is not part of this phase. Phillips – in phase 1 and 2 there was discussion on moving some rocks to the Paiute Tribe. Jonathan – that is on the west side.

Ron Shelley – the street is Eagle Ridge Drive, I live on Eagle Ridge Loop, there is confusion because it changes from South Eagle Ridge Loop and West Eagle Ridge Loop, there are so many times we are setting in our home and see a car go by and turn around several times. I plead with the city to make the name of the streets make sense, let’s not do it in the future.

**CONSIDER FINAL PLAT APPROVAL FOR THE TRAILS AT SHURTZ CANYON PHASE 1 SUBDIVISION LOCATED IN THE VICINITY OF 2901 S. TIPPLE ROAD.**

**PLATT & PLATT/TYLER ROMERIL:** Phil Schmidt, Schmidt Construction, Nick and Dave Clark, Platt & Platt – we are asking for a waiver of fees on the clearing permit. Melling – this is on the east side of Tipple? Yes. Phillips – is this similar time? Jonathan – this was the same time. Phil – as soon as we knew I was in Jonathan’s office. We were just pushing the brush. Melling – this is the same situation of the one we waived two weeks ago. Phillips – did you respond to the email the same as the other one? Jonathan – yes, same time frame. Phil – we went to Tyler’s office and sent you an email that we didn’t abuse it. We have put in a retention pond for flood control. Phillips – you got the grading permit? Phil – for phases 3 and 4, but they won’t give us one for this property. Jonathan – there are two other issues, one with UDOT onto old Hwy 91. There is also an existing easement with Hamilton Fort for a water line. Dave Clarke – Hamilton Fort people have a spring line through is property, Roger’s property to Middleton’s property to Hamilton Fort. It has been temporarily relocated. We can’t build on the lots until the easement is vacated. It is on us to get it vacated, this had a varying distance, it showed up on a deed, really nobody has ownership other than they are the users. The line is not there now, and we are working with them to get it resolved. Our intent is to have it resolved in the next month or so, but we are the ones at risk. Jonathan – we have been working with the Hamilton Fort Water System to get a connection off the city system. Nick – I want to thank everyone for working with us on this project for the past two years.

**CONSIDER APPROVING THE FINAL PLAT FOR THE DIAMONTI INDUSTRIAL SUBDIVISION PHASE 1 LOCATED IN THE VICINITY OF 3325 WEST, SOUTH OF HIGHWAY 56. PLATT & PLATT/TYLER ROMERIL:** Dave Clarke, Platt & Platt – the property in the northwest corner is the Yellow Trucking, 3325 is a dedicated road 10-12 years ago and it ends, and we are proposing to extend the road. Stratton Family owns the property south of there, this is the first 7 lots. Jonathan – they are waiting on the FAA clearance; I know it has been submitted. They are also working on an offsite sewer easement; they should have the signature this week. Phillips – will we have it next week? Jonathan – Bob thought it would be signed this week.

**CONSIDER A REQUEST TO ELIMINATE PART OF A SITE OBSCURING FENCE FOR THE OLD SORREL TOWNHOMES LOCATED IN THE VICINITY OF 600 SOUTH CROSS HOLLOW ROAD. WATSON ENG./TYLER ROMERIL:** Tim Watson, Watson Engineering – this is a request, several months ago we revised the PUD fence ordinance, this is the final on what we want to propose for a change. The old ordinance
required a 6-foot-high site obscuring fence, we changed a few things with the help of Mr. Romeril with the open space from the edge of the rear units, it was the distance and the steepness of the slope. We have the pond parcel and the hillside with the Cross Hollow Trail and a small amount of commercial with Swiss BnB on the north. We are requesting eliminating the CMU on the west and south but will put it to some distance between us and the BnB, we want to minimize the sections. Phillips – how does that wall blend with the cut of the earth? Tim – the cut on the west side is the back of the units, not at the property line, we have quite a bit of open space and also on the north side. I don’t know the intent of the BnB how far up the hill they will go, we want the adjustment to make it work and have it aesthetically pleasing. Phillips – I understand the rationale on the west, but not the south. Tim – the south is supposed to be a park, open space. Melling – the way I understand it, we require block walls to hide PUD’s from the public, it is the same developer to the south and the west. Tim – it is owned by two entities, Armbrust and DR Horton. Melling – I am ok with this. Phillips – the townhomes to the south, do they have back yards? Tim – they have common space; I don’t know if they will have privacy fences. Don Beam, DR Horton – there will be privacy walls for every unit on the south side. Jonathan – when the commercial property develops it would require a site obscuring fence.

PUBLIC HEARING TO CONSIDER DISPOSING OF CITY PROPERTY LOCATED NORTH OF THE FIDDLER’S CANYON SUBDIVISION. PAUL BITTMENN: Paul – 19 & 20 are part of the same request, to dispose of City property. Cedar City acquired the property from SITLA and we have approached them to abandon and get holdings in another area. the property probably has a higher value because of street, water, sewer storm drain and utilities. SITLA wants both this property and one above Wal-Mart. We will have to reserve an easement for the cattle trail above Wal-Mart, and the Fire Department wants 2.5 acres for future development of public safety building. Riddle – how much is the property? 40 acres in Fiddlers and about 35 acres above Wal-Mart. The parcel we want is approximately 20 acres. We don’t have to build a road; it is at the corner of the new stop light. Paul – will we dispose? Yes. SITLA has commissioned an appraisal, we have to put ours to bid, we have to get fair market value, and they know this, so if we have to exchange cash, we will equalize values. Phillips – yes, we will consider the disposal and then look at the values at a later time. Melling – if we get the property in exchange is also has value? Yes. Paul – we went to SITLA to acquire the property on Nichols Canyon and Main. Phillips – it will be a lot cheaper for us to develop that property. Mayor – there are huge drainage issues on that property.

Mayor Green opened the public hearing for #19 and #20. Dan Kidder – is this the property they wanted to build the $14 million soccer facility on? Paul – yes, a group wanted to build a soccer field. Dan – is the plan to build a similar facility? Paul – no, we couldn’t get as many fields, but it will be park. Mayor – we have been offered property west of town that is flat and would be good for soccer fields. The hearing closed.

PUBLIC HEARING TO CONSIDER DISPOSING OF CITY PROPERTY LOCATED WEST OF WALMART. PAUL BITTMENN: done with the property above.

PUBLIC HEARING TO CONSIDER AN ORDINANCE VACATING A PUBLIC UTILITY EASEMENT AND ROAD DEDICATION LOCATED AT
APPROXIMATELY 100 SOUTH CROSS HOLLOW ROAD. PAUL BITTMENN: Paul - this road used to be on the road master plan, it used to go through to Westview Drive, the current plan does not do that, we have a nice “S” curve. Armbrust gave us the road in compliance with the old master plan, we propose to give it back to them.

Mayor Green opened the public hearing. Dan Kidder - I ride motorcycles and like “S” curves. The hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 26 ARTICLE III TO ALLOW ACCESSORY DWELLING UNITS (ADUS) IN THE RESIDENTIAL ESTATE (RE) ZONE. DON BOUDREAU; Jonathan – this is cleanup work in the ordinance, previously the external accessory dwelling units were allowed in R-1, but it didn’t allow the RE, this allows the 1200 square feet. Melling – RE is similar to the County’s R ¼, I think this is good. Phillips – with the parameters as written I don’t see a problem. Were there any issues at Planning Commission? Jonathan – I don’t think so, the addresses and setbacks were addressed.

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

CONSIDER BIDS FOR THE 500 WEST WATERLINE REPLACEMENT PROJECT (200 SOUTH TO 400 SOUTH). SHANE JOHNSON: Jonathan – we have been on a program for several years to replace waterlines in the older part of town, they are undersized and don’t meet fire flow and they have a lot of leaks. This is one identified for replacement. The line also ends partway down, it doesn’t tie into 200 south, this would loop. The bids are over budget, we looked at options, I was going to pull funds from another project, Robbie would like it from the College Avenue, the 450 West they are seeing a lot of problems, having leaks about once a month. The College Ave is to connect gaps. We are bringing to see if you want to move the funding to finish the project. Mayor – do they have lead goosenecks in it? Jonathan – I think these have been changed out, if there are any they will be changed out. Phillips – how far into 200 South? Jonathan – I have been in contact with UDOT and the contractor, it is on the south, so we will go in a little, they will leave the section out and then finish that section. Phillips – the storm drain project will be all dug out. Jonathan – that will be next year. Melling – we talk how growth subsidizes, if we were to bill homeowners it would be $22 per month do redo their road. As we grown the infrastructure is newer it masks these costs. Phillips – is College Ave this year or in 2023? Jonathan – 2023. We budgeted from Main to 200 East, so we will only do one block at this time. We would like to get from Main to 400 East on College Ave. Several years ago, we did 200 to 300 East, so there are 3 blocks that need to be done on College Ave. if we move the money, we will only be able to do one block, and we will bid it at the same time as 450 West. Mayor – have we replaced the lines on 100, 200 and 300 East and West? Jonathan - we have done 200 and 300 East. As we work to the backlog, this was budgeted over 1.5 years ago, so with inflation we will have to deal with this as we work through projects.

CONSIDER BIDS FOR THE PICKLEBALL COURTS PROJECT. LISA BENSON: Jonathan – we don’t have the bids back yet; we hope to have them for action meeting. We changed the design to add the lights. We feel we have a good economical lighting plan and should come in with better costs. The bids are due next Wednesday.
CONSIDER A NO PARKING ZONE ON SAGE DRIVE FROM ROYAL HUNTE DRIVE TO THE PIONEER CENTER PUD ENTRANCE. JONATHAN STATHIS: Jonathan – this was brought up a few weeks ago on restricting parking on Sage Drive. There are several entrances and then the curve. I have driven through there the past week, I saw a lot of cars, but not large vehicles. Melling – the Home Depot area is only large vehicles, this area all vehicles.

Dan Kidder – I would encourage to extend past Brody’s, people fly down this road, 40 - 50 mph. There was a FedEx truck parked, and I almost got hit there. I would encourage to extend it to the corner of where Winger’s was. Melling – only the west side, the east side wouldn’t need it.

Phillips – I am generally an advocate of that. I come off the freeway pulling an RV, where do I park? Paul – I don’t. Carter Wilkey – my office is on Sage, and I am on the Board of Realtors, and we are one of the owners of the PUD, the RV is an issue, but I see both sides. I think this was a lack of planning, when I pull a trailer, I park on the roundabout. The RV’s are a problem. Riddle – does no parking start at Royal Hunte Dr.? yes. Carter – these are not wide lanes, is it wide enough to park? Phillips – you could on one side. Carter – sometimes I park on the street with a trailer. Melling – can we extend the red curb on the west side to Regency.

CONSIDER APPOINTING A MAYOR PRO TEM FOR THE PERIOD OF JULY 21ST THROUGH AUGUST 4TH. MAYOR GREEN: the motion will be made next week.

CLOSED SESSION – PROPERTY NEGOTIATIONS: Councilmember Phillips moved to go into closed session at 8:45 p.m.; second by Councilmember Hartley; roll call vote as follows:

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ADJOURN: Councilmember Phillips moved to adjourn at 9:16 p.m.; second by Councilmember Melling; vote unanimous.