COUNCIL MINUTES
JULY 13, 2022

The City Council held a meeting on Wednesday, July 13, 2022, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Garth O. Green; Councilmembers: Terri Hartley; Craig Isom; W. Tyler Melling; Scott Phillips; Ronald Riddle.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Police Lieutenant Jimmy Roden; Leisure Services Director Ken Nielson; Public Works Director Ryan Marshall.

OTHERS PRESENT: Nathan Bracken, Tony & Lisa Pellegrini, Ann Clark, Vicki Christian, Laura Henderson, Laurel Cosslett, Rod Cosslett, Kimberlee Schoomaker, Anne Sutherland, Eric McFadden, Kristin Cloud, Dallas Guymon, Tom Jett, Bill Fox, Megen Ralphs, Jennifer Newman, John & Kris Orton, Sam & Deb Bauer, Jimmy Rodenburt, Shannon Poulsen, Greg & Sheral Whicker, Juli Corry, Dale Corry, Dan Roberts, Cameron Knudson, Alysha Lundgren, Phil Schmidt, Lance Hatch, Dallas Buckner, Dave Clarke, Jennifer Weaver, Renae Slack, Tim Watson.

CALL TO ORDER: Pastor Pete Akins of True-Life Center, Cedar City Foursquare Church gave the invocation; the pledge was led by Councilmember Phillips.

AGENDA ORDER APPROVAL: Councilmember Phillips I would like to request a few minor adjustments, move item 3 & 5 from consent to action; second by Councilmember Hartley; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■ Mayor – Brooke was here last week to talk about upcoming events. On July 16th Yoga in the Park; August 13th is the Moon Walk & 5K; August 20th is Yoga in the park again; August 25th is the Slow Roll at Veteran’s Memorial Park; and on September 10th is the Cedar City Half Marathon. ■ Phillips – there is a streetlight that has been out in front of Wells Fargo on 800 South Main for months. Ryan Marshall – there are a few by Heritage and a few heads are out and they say 4-5 months to get parts. We got a shipment of poles that were gray instead of green, we sent those back. Hartley – I had a citizen report a fall on the other side of Lin’s between Lin’s and the old Presbyterian Church there is a tree in the sidewalk. Ryan – I will look at that. Phillips – I got a letter from a citizen about people parking their vehicles on the sidewalk. I will visit with the Chief about that. ■ Melling – the Chamber is having the First Responder luncheon 11-1p.m. at Cedar City Motor Company parking lot, it is fee to the public to attend, especially want the first responders to attend. Also, I was able to go on a ride along Friday night with the officers and about 1:00 a.m. we all sat down to eat and there was a call of shots fired and they all went without taking a bite of their food. I appreciate all that they do. Our residents don’t see all they are up against. ■ Jonathan – we got word the contractor will be onsite next Monday to start boring under
Center Street. We have done some temporary measures to mitigate any problems at Center Street if we get rain. It should take them 2 weeks to bore.

**PUBLIC COMMENTS:**

Dallas Joseph Guymon – I will run for Cedar City to represent District 71. I am new as a politician; my theme is People over Politics. I am 25 years old; Rex Shipp is the incumbent. I am here to work and understand the city better. I came in 2018 as a student, since here I have got a wife, an education and a career and I owe that to Iron County. I want to give back and feel it is my duty to serve. I am still figuring myself out. I would like to meet with each of you, there are many issues, water conservation, inflation, etc., and I rely on you and everyone and I want to serve and be an employee to the City. I hope to make this place even better. Riddle – you have a degree, have you had opportunities to leave Cedar City, and Southern Utah? Dallas – yes, I served an LDS mission in South Dakota on reservations. I have seen poverty, heart break and addiction. When you serve those communities, you are humbled, and I want to make sure everyone has an opportunity. Riddle – what keeps you here? Dallas - there is something about Utah, it is beautiful, but what keeps me here is the fact that I feel the area has given me so much and I want to stay here and contribute. I can only gain from being here. Phillips – what is your degree? Psychology and anthropology and getting master’s in business and public administration, I believe private, and public can work together. Riddle – the new SUU Football Coach, he begged to come here, he has been trying to get a job at SUU since 2008, he is from the East Coast and was at a good school in Virginia. People that move here from other areas, but as I listened to him this week, he emphasized what we all feel about the area, we live in a great place. Guymon – I love to see housing and infrastructure available to myself and others. I want to make things more affordable. Laura Henderson – this afternoon I attended the SUU Presidential forum, Mindyanson is a candidate and a lady from Chicago and a gentleman from Arkansas. Kudos to Mindy, it was a nice and professional forum. Ann Clark – I know you will vote on item #20 I am encouraging you to honor the zoning, so peoples promises are kept. It will be a 3-story apartment between two little houses. I don’t agree with SHD, let’s honor and keep it, a 2 story will blend in better. Phil Schmidt – most of you don’t know because it only rained at the mouth of Fiddlers Canyon. The dike behind the houses, Nichols is building a subdivision on the left and the road is lower than the dike. Is the road going to be the main release of flood water toward to Fiddlers School? Once it gets to the road there is no curb and gutter in 2 places, and we had debris across Wedgewood to Main Street. Is there any way to get curb and gutter on those two sections of road? As a taxpayer I am getting tired of Jeff having to clean the road every time this happens. When it goes to Main it fills the storm drain and sewer system and makes a mess. If we have the detention pond drain down both roads and the north road will drain first, we need to fix the curb and gutter or we will have a disaster all the time and we taxpayers foot the bill every time. Have the City put it in and lien the property. Phillips – the upper and lower sections? Phil - yes. It was covered with rocks. It goes into the sewer system, gets to Main Street, plugs the storm drain and it is a nuisance and mess and has been that way for 25 years. Now you have the detention pond drain down both roads, when that overflows you will have a mess. Hartley – if we put the curb and gutter in would it solve it? Phil - a lot came down Frank’s north road, there is also an excavation company working on a hill, that will be hard to stop. There is a road the south side of the detention pond and it carried water beyond the pond and eroded into the overflow area. When Frank gets his paved it will help. The other side where they
had the up. paid have Tyler detention basin. Once fixed, Page improvement, happened development? they owe improvements. about July we have gotten dangerous, season wasn’t section we be done about coming have seems happen again. l.ii.hol. Brand new tires come and upp.or"a, Bill approved it 2022 POINTE I 13,2022 UE l.ii.hol. when they create the problem. I would have to research that. Melling – at the County with the Water District, if you put in an improvement, you have an 8 year reimbursement time. Paul – there are pioneer agreements about extending infrastructure. Melling – my understanding is you can’t lien if we do improvements. Paul – the pioneer agreements are if someone else puts the improvement in they owe the developer. Phillips – are the improvements on the road part of the development? Jonathan – yes, they will have to put in curb and gutter. Hartley – is there a section we will have to put in anyway? Jonathan – there is a section where curb and gutter wasn’t put in, and the city doesn’t own it. Lisa Pellegrini – I showed photos of what happened today, see Exhibit “A”. I know it has no legal basis. If you can’t burn during burn season you shouldn’t be able to leave their dirt exposed during monsoon season. It was dangerous, people were floating. We will get rain over the next month. The dirt is eroding into our road, and we encourage you to do something. It wasn’t a bad storm, it was a lot, but we have gotten more. Bill Fox, I live in Ashdown Forest area, the land washing away coming into the streets is a terrible issue, but if you have been in front of my house and seen the road up six inches above the curb because the water was coming down the road so fast it rolled boulders underneath the street and the street is permanently raised. Something needs to be done about the area, we have squawked for over a year, and nothing has been done. It seems that as someone on the northern side we are being treated like stepchildren, we don’t have a park, the schools necessary to take care of the children for the developments approved, it seems like the issues are not taken care of. I would hope some of you might come and take a look at 1167 Nichols Canyon Road and see what we have to put up with. Brand new tires get ruined, kids on skateboards or scooters are using the street as a jump and it is a liability. Phillips – you know it is a private street? Bill – I understand, but someone approved a development above so now the water is coming down Ashdown Forest Road or Nichols Canyon Road and does not stop, last time it moved my sons car 12 feet. It will happen again. The cause is the disturbance outside our area has not been taken care of. Hartley – I don’t think Nichols has received any city approval; he has done that on his own. Bill – then he needs his hands slapped. The last time I did that I had to spend $20,000 to put the dirt back

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JUNE 15 & 22, 2022; (2) RATIFY BILLS DATED JUNE 24, 2022, AND APPROVE BILLS DATED JULY 8, 2022; (3) APPROVE VICINITY PLAN FOR FIDDLERS COVE SUBDIVISION PHASES 3 & 4, LOCATED IN THE VICINITY OF 800 E. FIDDLERS CANYON RD, GO CIVIL/DON BOUDREAU; (4) APPROVE VICINITY PLAN FOR THE CEDAR POINTE RV PARK LOCATED AT APPROXIMATELY 600 EAST 3000 NORTH, BLUE TERRA DEVELOPMENT/DON BOUDREAU; (5) APPROVE 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; (6) APPROVE A ROAD DEDICATION LOCATED AT APPROXIMATELY 200 NORTH 4500 WEST. GO CIVIL ENG./TYLER ROMERIL; (7) APPROVE 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; (8) APPROVE DISPOSING OF CITY PROPERTY LOCATED NORTH OF THE FIDDLER’S CANYON SUBDIVISION. PAUL BITTMENN; (9) APPROVE DISPOSING OF CITY PROPERTY LOCATED WEST OF WALMART. PAUL BITTMENN; (10) APPROVE BID FROM MUNFORD GENERAL CONTRACTING IN THE AMOUNT OF $426,283.65 FOR THE 500 WEST WATERLINE REPLACEMENT PROJECT (200 SOUTH TO 400 SOUTH). SHANE JOHNSON:

Councilmember Phillips moved to approve the consent agenda items 1, 2, 4, and 6 items through 10 as written above; second by Councilmember Hartley; vote unanimous.

Mayor – we will move items #3 and #5 to the first action item.

APPROVE VICINITY PLAN FOR FIDDLERS COVE SUBDIVISION PHASES 3 & 4, LOCATED IN THE VICINITY OF 800 E. FIDDLERS CANYON RD. GO CIVIL/ DON BOUDREAU: Phillips – I have had several citizens bring up the traffic study and the amount of traffic coming down Fiddlers Canyon and Wedgewood. I am concerned about the traffic and what we need to do to take care of the traffic safety. Jonathan – the Fiddlers Canyon Hills PUD has presented the scope of the traffic study, but we have not seen it yet. I will have to follow up with the developer on the timeframe. Melling – was this addressed in the transportation plan we just had done, we had to plan for how they are zoned. Dallas Buckner – this is part of the Nichols RDO, approved for 400 homes and we are between 150-200, so we are well below that. Phillips – the general geographical area goes from where to where? Dallas – from the PUD, this development takes a large area. Phillips – how much is developable? Dallas – that is why it is zoned R-3, it is a large area, but it is concentrated, that was before my time at Go Civil, but I think it was one of the first RDO’s. Phillips – I don’t want to put a hindrance on the development, but I don’t want to move ahead before we know about traffic. I want that before final plat approval. Melling – that is why we have a general plan and transportation master plan that we pay hundreds of thousand dollars for. If we require that for every individual development when we have already done that, and development is lower than what the plan indicated, why do we do the studies? We know the road will need to be expanded.

Tyler – my advice to you is when we get to land us issues, we need to follow the ordinance, we don’t require a traffic study, it was voluntarily done by the developer. If push comes to shove, if in compliance with ordinance I recommend we move it forward. Jonathan – I will follow up with that, we were looking at the elementary school.

Councilmember Isom moved to approve the vicinity plan for phases 3, 4 located in the vicinity of 800 E Fiddlers Canyon Road; second by Councilmember Melling; vote AYE – 4, NAY – 1 Phillips.
Item #20 is being moved so Mr. Jones can go fill sandbags.

**CONSIDER 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 Clark, Platt & Platt, the current zoning is R-3 which allows 3 story apartments. The SHD zone is taking care of the parking problem, the problem with student parking is the old houses converted to student housing without parking. Melling – the bulk of the SHD takes care of that. I live close to the SHD area in an R-2-2 area, and we have a lot of houses converted to student housing. I think this is a good project. Hartley – I appreciate you bringing that up, it is zoned R-3 since the 70’s which allows 3 story buildings.

Phillips – the biggest change is the setbacks and parking. I have been a strong opponent of this for a long time, parking has not been the problem, it is the height and setbacks that are the problem. Parking is not the issue; it is a matter of the aesthetics and what it does to the neighborhood.

Councilmember Melling moved to approve the ordinance amending the zone from R-3-M to SHD for property located at 400 West Harding Ave; second by Councilmember Hartley; roll call vote as follows:

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

**APPROVE 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:**

Hartley – you requested south and west side, I understand the west side, I am not sure why on the south side. Tim – the city pond will be an open park which is on the south side. There is a small stretch of commercial, but there are no plans for anything at this point, that is why the request. I verified by the owner they will have a continuous wall along the back. Phillips – what happens from where the continuous wall to the end of the property line, it is just natural? Tim – I don’t know their plan. Phillips – I want to make sure as we drive by, we will be proud of the development. I am not opposed to not having the fence, but I want to know what the landscaping will be. Tim – this is the only one under construction, Phase 2 has been approved for construction drawings, but they have not started that. Melling – I believe this is why we added the exception, some instances would be an ugly result, also no dwellings within 300 feet and any buyer to the south, the seller to the developer it is all the same master planned project. If they want a wall, they will put it in. If it is commercial a wall will have to be put in, it is required by ordinance. Tim – commercial is required to have a block wall between commercial and residential. Hartley – I have a hard time seeing how it will all tie into the hillside and the common areas between the buildings. Tim – for now phase 2 will be left native until phase 1 is mostly complete. They have an overall landscape master plan, but I have not seen it. We have met open space for the current PUD ordinance
even though this was before that requirement. I can’t tell you what will happen with landscaping. I don’t think their plan would be to not make it the same all around. Riddle – the back of the fence to the south to the detention basin, what is the footage? Tim – I don’t know, probably 10-15 feet to the property line. On the city side I am not sure what will happen there, I would assume some beautification.

Councilmember Melling moved to approve the variance to the site obscuring fence for Old Sorrel as outlined; second by Councilmember Riddle; AYE – 4 NAY – 1 Hartley.

CONSIDER 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: Tyler – last week council wanted it to only apply to phase 1, I made the adjustment and ran that by Mr. Monroe, and they were ok. Hartley – will the city be responsible for the maintenance, has the P&R Board been part of the design? Ken – they presented to the Leisure Committee with the original idea, but we have not seen it since then. I think there have been changes. I hope when they finalize the concept they bring it to Leisure Services committee. Hartley – if we are responsible, we need to be involved.

Councilmember Phillips moved to approve the MOU with the Cedar City Rotary Club for phase 1 of the proposed improvements to Canyon Park; second by Councilmember Hartley; vote unanimous.

CONSIDER APPROVING THE FINAL PLAT FOR THE TRAILS AT SHURTZ CANYON PHASE 1 SUBDIVISION LOCATED IN THE VICINITY OF 2901 S. TIPPLE ROAD. PLATT & PLATT/TYLER ROMERIL: Dave Clarke, Platt & Platt –

Melling – is this the one with the waiver of the grading permit? Dave – that and to approve the easement. Jonathan – they need the easement approved.

Councilmember Melling moved to approve the final plat for the Trails at Shurtz Canyon Phase 1 and waiving the grading permit penalty; second by Councilmember Isom; vote unanimous.

CONSIDER APPROVING FINAL PLAT FOR THE DIAMONTI INDUSTRIAL SUBDIVISION PHASE 1 LOCATED IN THE VICINITY OF 3325 WEST, SOUTH OF HIGHWAY 56. PLATT & PLATT/TYLER ROMERIL: Jonathan – we don’t have final FAA approval and we also need an offsite sewer easement. Dave – it will go down to Center Street, it has been agreed, they just need the owners to sign and get it notarized. The city can hold the final plat until we provide that document.

Councilmember Phillips moved to approve the final plat for the Diamonti Industrial Subdivision Phase 1 contingent on the FAA approval and the offsite sewer easement; second by Councilmember Melling; vote unanimous.
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: Hartley – I asked questions about lease amount and how it is structured. Tyler – the March 26, 2003, lease is based on 8% of the appraised value. The other part of the lease is the parties have the option to look at the appraised value every 5 years. I don’t think we have looked at that for some time. I believe the Council will want that looked at this year to make sure the rent is correct. Hartley – is it appraised or assessed? Tyler – sorry, it is assessed. Hartley – we have not looked that up, will it make a difference moving forward? Dale Corry – we did get the assessment in the mail today; it is an understandable thing and it could affect us negatively that we can’t function. Hartley – that is why we want you to understand that. Do you want it approved or do you want to wait to look in it? Dale – at this point we don’t have much choice if we want to exist. Phillips - we want you to exist.

Councilmember Hartley moved to approve the lease assignment between Tom Jett and MCO Tire & Service Center for city property at 900 North Main Street; second by Councilmember Isom; vote unanimous.

CONSIDER AN ORDINANCE AMENDING CHAPTER 32 REGARDING FENCING FOR RESIDENTIAL PUD’S LOCATED ADJACENT TO HIGHWAY 56. GO CIVIL ENG/ TYLER ROMERIL: Phillips – for what you are proposing it makes sense. Melling – I hate that we have to do this to make something look nice.

Councilmember Phillips moved to approve the ordinance amending Chapter 32 regarding fencing for residential PUD’s located adjacent to Hwy-56 from Westview to 5300 West; second by Councilmember Hartley; roll call vote as follows:

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

CONSIDER 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: Diana Francis – this is to build a garage for equipment. Melling – it is overkill for what you are wanting to do. Jonathan – it might have been in the County when they got their building permit.

Councilmember Melling moved to approve the ordinance amending the zone from AT to R-1 for property located at 1945 South Scenic Drive; second by Councilmember Hartley; roll call vote as follows:

- Terri Hartley  - AYE
- Craig Isom    - AYE
CONSIDER 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 – the general plan goes along with the next item to have the R-2-1 for smaller lots for single family homes and the R-1 property above. Phillips – I realize it is conceptual, to make sure Talon Drive entrance isn’t a problem. Brent – I have talked to Ron about that. Melling – the vicinity is in harmony with the general plan now but has to be changed because of how we draw lines.

Councilmember Phillips moved to approve the ordinance amending the general land use from low density residential to medium density residential for property located at 2000 South Scenic Drive; second by Councilmember Melling; roll call vote as follows:

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CONSIDER 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: Councilmember Isom moved to approve the ordinance amending the zone from AT to R-1 and R-2-1 for property located at 2000 South Scenic Drive; second by Councilmember Hartley; roll call vote as follows:

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CONSIDER VICINITY PLAN FOR THE MIDDLETON SUBDIVISION LOCATED AT APPROXIMATELY 2000 SOUTH SCENIC DRIVE. LEAVITT LAND/DON BOUDREAU: Councilmember Phillips moved to approve the final plat for the Middleton Subdivision; second by Councilmember Melling; vote unanimous.

CONSIDER AN ORDINANCE AMENDING THE CITY’S TRANSPORTATION MASTER PLAN. PREMIER DESIGN/JONATHAN STATHIS: Eric from Premier Design. Phillips – we discussed this last week and are trying to see what you are trying to accomplish. Eric – we would like to go back to the old master plan and not have the zig zag road. Phillips – why? Eric – we don’t see the need? Phillips – we went through a year of
study on this, and it was heavily looked at. Eric – you are bisecting two or three properties; one is not in the City. If we develop on the south end, are we building a road to nowhere. The master plan water and drainage are on Bulldog, and we would connect the water. The sewer and storm drain are already in 775. If we build a new road, it won’t have utilities in it and it will end. If we are trying to make a connection to Bulldog from 2400 North, the zig zag could happen north of 3000. Melling – is there anything in the works to develop this? Eric – yes. We are proposing some light industrial buildings on the west side, future development would be commercial. The finger on Bulldog we have a plan turned in for a small industrial building.

Cameron Knudson – last time we tried to develop the city moved the overpass to where Maverick is. You want to cut through our property with no utilities and where it ends is private property with different owners so we will have an island of pavement you will have to maintain and not have access. Melling – with the master plan we are looking out 50 years. Eric – what do you do with Bulldog and 775, you will have a weird intersection. Cameron – this is all zoned commercial to the freeway and we will have massive commercial in 50 years with a 5-lane intersection. You will have people from a commercial to a residential, and right angles slow traffic. Melling – the master planned road is a dotted line, not exact. What we were doing is figuring out how we take a major north/south corridor with an awkward piece on 3000 North. Cameron – there is nowhere for us to solve your problem. We have been more than willing to be useful to the city with access roads, we are trying to be useful, but I am not sure what you are trying to solve. Eric – there is a road dedicated, so we have roads all along there.

Melling – I can’t speak for all, but this is the information we wanted last week. I would like to continue discussions on how we work it into our master transportation plan. Eric – we would love to work with you. Melling – we want those to connect, the dotted line shows how the traffic is to flow, but not the exact location or alignment. Eric – so our project won’t be affected.

Mayor – Bulldog will continue and so will the other road and then we are adding one more road? Eric – yes. Cameron – how do we get an alignment on 2400 North? Melling – it may move. Cameron – it may have to veer. Melling – if Bulldog was not there, and you come up and “S” curve and reeling to “T” off that is how you do it. There would be a stop sign, but not on Bulldog. Mayor – 2400 North is going to be a major road. Melling – the master planned road is a through street with no stops. The new road would curve and “T” at a right angle. Eric – is there a small dead end? Melling – no. Eric – then how would the property get access? Melling – we would dispose of some of the city property and buy some property. Eric – there is already water lines, sewer lines and power lines. There are grading changes also. Melling – we are trying to avoid issues. Eric – could it be on 3000? Melling – we would have to work with the County. Phillips – we are trying to move traffic north and south without having a “T”. Mayor – we have a lot of north/south, but not east/west. Phillips – we would not abandon Bulldog. Phillips – I defer a lot to what Melling was saying, I am not ready to abandon the master plan, but I am willing to work with you.
Sam Bauer and my wife Deb we own the property on the north and the proposed road. Deb – I am not happy about this, I learned about the plans on Monday, and I watched the video, I was upset to hear you say property owners don’t get written notice. I am supposed to watch my field get torn up? Phillips – this plan was out there for a year; we had a lot of notices and town hall meetings. Melling – we are not going to rip up your farm, a master plan if increasing development of their property we want you to put the road in, so unless you petition, we won’t put it in. Sam – we are in a flight path; we can’t even build us a home on our property. I had an opportunity 6 months ago to sell for industry and I said no, I am not ready for 10 years. My ancestors homesteaded all of this property in the 1800’s and went through 4 generations to get to me. I want to farm as long as I can and if you put a road through there I can’t farm. Melling – no, if you make a subdivision, we will put it in. Paul – no one will put a road in if the property isn’t developed. Deb – so we can’t do anything on the property. I can’t sell to Staheli West to put a building on it? Melling – you can, we need to fine tune where the road will be. We are not saying this is the exact alignment, but if someone comes in for subdivision approval, they have to build part of the master planned road. You can sell it, but it is subject to a road, if the subdivide the property they will have to put the road in. Sam – my house is on one corner, there is an old 1800 house where the map shows the road. Melling – it is not the exact alignment of the road, nor will we build it, but it has to be on a map so in 50 years there is a location. Deb – we feel 775 and Bulldog where the roads are makes more sense, this disrupts our livelihood. Melling – it doesn’t disrupt this. Sam – but it can in 10 years? Paul - no, unless you want to sell the property. Melling – the Melling farm is not far from there and we were not noticed when they proposed to change so our property was not useful. General plans took us over two years and we don’t send notice to every property owner. It doesn’t impact any existing uses, we are not coming with eminent domain, just where would the road be if you developed. Because you came forward with other parties, we want to work with everyone to look at other alternatives.

Paul – the transportation master plan was done in conjunction with Enoch and Iron County, so there were three entities and it was notified more than usual. Sam – I am more worried about someone stealing my water. Mayor – you have your property rights and your water rights. Melling – eminent domain has been mentioned on water and you think it is expensive for a road, triple it for water, it is not worth it.

Cameron – we understand this is an area the city and county come together. We are willing to do something to make it work, we want a heads up and organize for development. A north/south corridor is necessary for development also. We want to be useful and part of it and part of the solution. We need to know what we can and cannot do. We are trying to get 2675 road through to Bulldog for a similar solution. We want sooner than later a solution to the traffic. Phillips – how from engineering do you see it? Jonathan – I would like it defined so when they come into develop, we have something. Bulldog Road is no longer on the master plan, so they would only be required to do a 55-foot road. They are getting ready to develop and want some answers. Phillips - we could table and have more discussions with the developers and engineering. Paul – if we have utilities in Bulldog Road and 775 West, instead of having an “S” why not two parallel roads. Phillips – what is the width of 775 West? Jonathan – 66’ on the old master plan. Paul – most of it is a dirt road. Cameron – I don’t know how to be useful with just our property. Phillips – but you and the Bauer’s are
both here. Cameron – yes and they have zero interest in resolving this. Melling – I think 775 will be busy also. 3000 North is not a great east/west, but 2400 isn’t bad, it has the potential to work. Cameron – the corner of 2400 and Bulldog you have property. Phillips – to move it forward, we still have a lot of discussion with your property in relation to the city street. We want to work together. Cameron – it will be a nightmare if not.

Councilmember Phillips moved to deny the ordinance amending the City’s Transportation Master Plan but that we sit down and figure out what will work for development and we will come back if needed to amend the master plan; second by Councilmember Melling;

Cameron – I don’t want to wait for 20 years. Eric – what if Bauer’s deed restrict their property and we have it designed. Phillips – I would think you do the designs with the city. Cameron – the fear is if we spend $3-$4 million and the road doesn’t go anywhere. Hartley – I don’t think we wait 6 months, see if the two parallel roads will work. Eric – we did sit down with City Engineering and staff. Phillips – we needed that last week, and this is so frustrating to me. Riddle – I didn’t like the squiggly line without knowing what was going on.

Jonathan – I have not went back to Avenue to have them model the two roads and see if it handles the traffic. With the “S” turn it is a continuous route. Melling – I want to know specifically if the traffic is crossing at 2400 North instead of 3000 North if it can handle it, that would show feasibility. Mayor – the traffic will change when we get the traffic light and the road closed for the bridge, we can’t get a count right now. Melling – I don’t think it will come to a vote right away. I seconded to deny and work on it and get a solution as soon as possible.

Roll call vote as follows:

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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 – we have gone back, the conversation last week was the council is not in favor of granting the zone change as requested, it is in your power to approve the zoning for the north 11 acres for R-3. Mr. Armbrust has agreed to designate at the boundary of 2 acres, carry it south and designate as commercial with the other as R-3. It was advertised for the 11 acres on the north side. Melling – there are no stipulations to anything with a land use change. Dave – the compromise is because of the conversation last week. The entire piece is mixed use, if you read the ordinance, it is not user friendly, it is based on building footprint. When building apartments and commercial, a lot of times you
have commercial developers, custom home developers, apartment developers and they don’t always mesh well. The 29 acres as a whole is to have a mix. As is right now, the 1.99 is likely to have commercial, it is mixed use. Our request is that you grant the R-3 to do some maximum density apartments, Mr. Armbrust said he is willing to do the south piece. The way he committed the other side, it is more than a 70/30% on that piece, we don’t need it on the north piece. Melling – it will be apartments not town homes? Dave – correct. Hartley – I went to 2012 and there was a commercial corridor through all of there. I pulled up the 2018 Old Sorrel master plan and it was presented as a commercial corridor and mix all through there. It feels like the entire plan is shifting. Melling – the commercial real estate in the United States has shifted and commercial is changed. I read a report, the US has 3 times the amount of commercial space than any other country. We are now starting to shrink, and the urban planners are saying focus your corridors, there is a lot of shift in the market. However, I was not happy with the project presented last week. I am better with this, but I want to see apartments going in instead of townhomes, they have fire controls and sprinklers. Hartley – that is why we were looking at a development agreement instead of an R-3? Dave – we have had multiple conversations, but not about a development agreement. The buyer that is under contract to buy the 11 acres, that is what they do is apartments, not townhomes, it is not DR Horton, it is a developer that does apartments. That is who my client is, that is how I got roped into this. For 20 years it has been marked for C3 and C4 but nothing has happened. He has someone that wants to buy and develop, and they are proposing apartments. Phillips – what confidence do we have about the 5.183 of commercial on the south? Mayor – he said he will keep trying, we are in negotiations. Melling – if this was the last property, I would be more concerned. Dave – you still have control of what happens on the south piece. Mayor – 240 feet and 700 x 1000 is enough property for a Costco, that is a big piece. He would be happy to have a commercial entity come, and he has been trying for 20 years. We have been trying on the north end of town with 100 acres for commercial.

Dave – let the city and Armbrust work out the south piece, but to change the 10.83 acres on the north. The existing zoning around the arena is R-3.

Councilmember Melling moved to approve the ordinance amending the General Land Use Plan from central commercial to high density residential for the 10.83 acres of property located at 250 S. Cross Hollow Road; second by Councilmember Hartley; roll call vote as follows:

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**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:**
Councilmember Melling moved to approve the ordinance amending the zone change from MU to R-3-M for property located at 250 S. Cross Hollow Road for the same parcel as outlined above; second by Councilmember Hartley; roll call vote as follows:

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

CONSIDER AN ORDINANCE VACATING A PUBLIC UTILITY EASEMENT AND ROAD DEDICATION LOCATED AT APPROXIMATELY 100 SOUTH CROSS HOLLOW ROAD. PAUL BITTMENN: Paul – we need to make a little change. Up and down Cross Hollow Road there is a public utility easement, sewer, fiber, water gas. Power and gas have some distance requirements, they don’t want to touch anyone. Years ago the power company wanted to add a power line and they came to all the property owners and got an easement 12 feet wide at the back side of the existing public utility easement. The only change is when you vacate include a clause in the motion that says except for a 12’ wide PUE in favor of Rocky Mountain Power adjacent to the existing PUE in Cross Hollow Road.

Councilmember Melling moved to approve the vacating a public utility easement, and road dedication located at 100 S. Cross Hollow Road, except for a 12’ wide PUE in favor of Rocky Mountain Power adjacent to the existing PUE in Cross Hollow Road; second by Councilmember Phillips; roll call vote as follows:

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

CONSIDER AN ORDINANCE AMENDING CHAPTER 26 ARTICLE III TO ALLOW ACCESSORY DWELLING UNITS (ADUS) IN THE RESIDENTIAL ESTATE (RE) ZONE. DON BOUDREAU: Councilmember Melling moved to approve the ordinance amending Chapter 26, Article III to allow accessory dwelling units in the residential estate zone; second by Councilmember Hartley; roll call vote as follows:

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

CONSIDER BIDS FOR THE PICKLEBALL COURTS PROJECT. LISA BENSON: Jonathan – we received two bids, they are quite a bit higher than expected low bidder PRT Builders at $920,000, the current budget is $919,00, but with engineering power connection
and testing we are over a million dollars. Hartley – what was the difference in lighting? Jonathan – it was in the center of the court instead of the corners, it was a good price around $150,000, originally, they estimated $300,000, we made some good revisions. I think it is just the bidding environment.

Paul – a few options, you didn’t have it on your work meeting, you could table it and talk about it. You can look for more money or reject and rebid in March or April to see if the bidding environment is better. the money is not going anywhere.

Phillips – what is the construction time? Jonathan – 90 days, we are looking at the end of October. Riddle – they will play in the snow. Have everyone bring a cell phone and use it for lighting.

Ken – I am conflicted, I want to see it come to pass. I also feel like we are getting bad numbers. What I have talked with other people in the pickle ball community, their estimates in Utah are between $50,000 to $70,000 per court. I would like to pause. Riddle – are the contactors in Utah? Jonathan – one in Cedar City and one in Springdale. Ken – we visited one south of town with lights and everything much less than that last fall. I reached out to him, he will call the individual in St. George and see why he didn’t bid on ours and get a feel on current rates. The latest one was built in Salt Lake, and they were around $80,000 a court. I know it is up to you, I want it to go, but I want quality. I scaled it down, we need everything we asked for to make them right. I am pursuing other information.

Phillips – I hate to say this, I want this to go, but we have to reject these bids. Ken – maybe the 90-day window is too short. Riddle – do these companies do this specifically? Jonathan – no, they are general contractors. Isom – my neighbor put one in; I am curious to see what it cost. Ken – the guy I talked with is going to call his contractor, his court was ideal. For him to build it for $40,000 and we be at this number is crazy.

Councilmember Phillips moved to reject the bids for the pickleball courts project; second by Councilmember Isom; roll call vote as follows:

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CONSIDER AN ORDINANCE FOR A NO PARKING ZONE ON SAGE DRIVE FROM ROYAL HUNTE DRIVE TO THE PIONEER CENTER PUD ENTRANCE ON THE EAST SIDE OF SAGE DRIVE AND TO REGENCY ROAD ON THE WEST SIDE OF SAGE DRIVE. JONATHAN STATHIS: Melling – I paid attention to this during the week, I think this is where we need to be. Phillips – has anyone contacted the businesses. Melling – we are not moving parking; it shouldn’t be parking anyway. Tyler – we could have it go into effect on August 15th and give everyone notice. Melling – I would think they would like it.
Councilmember Phillips moved to approve the ordinance for a no parking zone on Sage Drive from Royal Hunte Drive to the Pioneer Center PUD entrance on the east side of Sage Drive and to Regency Road on the west side of Sage Drive taking effect August 15, 2022; second by Councilmember Melling; roll call vote as follows:

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**CONSIDER APPOINTING A MAYOR PRO TEM FOR THE PERIOD OF JULY 21ST THROUGH AUGUST 4TH. MAYOR GREEN:** Councilmember Phillips moved appoint Craig Isom as the Mayor Pro Tem for the period of July 21 – August 4, 2022; second by Councilmember Melling; vote unanimous.

Sheral Whicker - I have been working with the School Board around Canyon View High School and Middle School, and Fiddlers Canyon and with UDOT and they will be planning with Jonathan to do a traffic study the second week in September. We want to see how many cars are going through there, there are close calls for accidents crossing Main Street. If you want to meet with me and get more understanding. We thought we would get to talk about safety with the 800 units. The Golf Course does not have sidewalks and there is a new community with more kids walking to CVMS with no sidewalks. Ben Johnson got me in touch with another UDOT program, safe route to schools and it has to be you write the grant, I tried, this is to get on the docket for 2024. I talked with Jonathan and UDOT, they say it needs to be written up, with the Prairie Dog fence at the Golf Course it is hard. Phillips – Active Transportation could do this, but we will need your help. We applied for North Elementary, and we were rejected. Sheral – the UDOT person said they had $40,000 and approved over $200,000 last year. I am happy to help, but it has to be the city. A lot of moms will show you. Mayor – it sounds like an active transportation issue, and we have Jackie Grant that writes grants. Sheral – I would love them to go up Fiddlers and to Nichols Canyon.

**ADJOURN:** Councilmember Isom moved to adjourn at 7:47 p.m.; second by Councilmember Melling; vote unanimous.

[Signature]

Renon Savage, MMC
City Recorder