COUNCIL WORK MINUTES
AUGUST 19, 2020

The City Council held a meeting on Wednesday, August 19, 2020, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

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

STAFF PRESENT: City Attorney Tyler Romeril; Executive Assistant Onjulee Pittser; Finance Director Jason Norris; Police Lieutenant Jimmy Roden; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall, Parks Superintendent Wade Orme;

OTHERS PRESENT: Stan Plewe, Barbara Plewe, Scott & Laura Henderson, Jessika Trego, Laura Driffil, Jonathan Pyne, Tom & Melody Jett, Brody Fausett, Lance Duffield, Kent Heideman, Greg Stradling, Jim Rushton, Maridon Nelsen, Ben Batty, Jason Hanson, Dallas Buckner, Kerry Fain, Teri Kenney, Kelsey Cooke, Lola Atwood,

CALL TO ORDER: Dir. Samha gave the invocation; the pledge was led by Jason Norris.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: There were no staff comments. **Craig Isom**: A reminder that grant funds are available for relief to small businesses in Iron County. Applications are coming in and we're spending some money to get help to relieve businesses affected by COVID-19. Go to the Iron County website and apply. **T Melling**: The skatepark by Bicentennial is still closed. It's been about 3 weeks now. What's the status? **Wade Orme**: The under panels are in and being replaced as quickly as we can. It's a slow process as each panel contains 60-80 self-tapping screws. They don't drill out. They shear off so we have to grind them off and redrill the hole. It's very labor intensive. It takes 2 guys about 4-6 hr. per panel and there are 15 panels ordered. We'll get more for next year. **Scott Phillips**: Can this be done at a different time of year? It's really a prime time with kids going back to school. **Wade**: It's really about the safety concerns. The panels were getting old, and the panels are made to order. It's about a 6-8-week process, so we're only about 2-3 weeks into it. There were big holes in the panels that went through the subpaneling. We really closed it for safety. I'll have 4-5 guys working on it until it gets too hot, but the harder ones have been done. **Scott P**: I want to congratulate the Police Department and Fire Department for their EVO (Emergency Vehicle Operations) training. We got a lot of interesting videos from the driving training. I love that each department wants to improve their skills for the safety of our citizens. **Mayor**: The action meeting that was going to be held next week will be cancelled because we won't have a quorum. The first meeting in September will be both an action and work meeting. Everything on this agenda will be voted on that first meeting in September. **Terri**: I can come if needed. **T Romeril**.: That's up to the Council. **Scott P**: In the event of a tie, I know

the Mayor pro-tem votes, as the Mayor will be out of town. **T Romeril:** That's how it would work. **Mayor**: Would you like to have a meeting or not? **Scott P.**: I would prefer to wait. There's a lot of important stuff on the agenda and I think we need full deliberation.

Council voted to wait until Sept. 2nd and have the work and action meetings on the same night.

PUBLIC COMMENTS: *The Mayor read the 2020 Better Days Proclamation.* **Mayor**: We'd like to recognize this important anniversary for our country and state. *The Mayor opened up public comments.* **Laura Henderson**: It was my understanding that we were going to talk about the SHD zone, but I understand that has been pulled. I talked to some council members who explained that some of the revisions had to go before the Builders Association before it went to the Planning Commission. I'm requesting on behalf of some residents who are concerned about the SHD revisions, after the revisions to go to the Builders Association they have a chance to hash it out, that they would be invited to the City Council to give statements in a public forum of what their recommendations are. If a citizen comes before the Council, we have to be of record, and I would ask that the Home Builders reps are invited to do that as well. *Ben Batty from HBA accepted the invitation.* **Kerry Fain**: I represent Southern Utah Yeti, a local hockey-ice rink. I've been in contact with Councilman Isom and Councilman Phillips in working towards continuing an ice rink in Cedar City. We've put a lot of time and effort into this. Our efforts hinged on getting a contract with Staheli Rec. Organization to be able to use their equipment. Unfortunately, in the last 3 meetings, they don't think their equipment would hold up to multiple moves and they still plan to proceed with something within the next 2 years. We've looked at grants and used equipment. We're looking for a new system and the amenities to get it up and running, on low end, would be about $600k. We've spoken to people who have offered to become donors. In the economy now, a lot of grants have been pulled from large names and people are hesitant to put money out there because they're worried. And because of that, a plan with Cedar City is not going to happen this year. We know that whoever may build a rink in the future and it falls flat now, it will be next to impossible to keep our organization and programs going. We came up with a few ideas. We are hoping for a natural freeze this year and freeze a rink-size area to be able to continue the programs, as well as fundraising, searching for grants and funding to continue to work with the City and Council if it's still open next season. Hopefully, everything will get better in our society so we can do that. It's hard to find a shaded place with parking in the valley that's large enough to do a natural freeze. The conditions aren't something with the base we have now that it can hold up. We're reaching out to the County and possibly Woods Ranch to use their facilities. They've got parking and bathrooms. It's a further drive. We've reached out to Duck Creek Village and the City of Brian Head about using their pond. We found a cheap Zamboni and we've had locals donate equipment for snow removal and we will be responsible for the upkeep, the set up and tear down and organizing. There's 150 kids that were in the hockey program and 180 in the Learn to Skate program. The rink is their home. They deserve somewhere to be. As things get together and we continue to build momentum, I hope that there will still be a home in Cedar City for future programs. We want to thank you for everything. It's sad we don't have it and what we have built, we know people are still supporting us to push forward, even though it's a seasonal rink temporarily. We're working together to make it happen. I'll

continue to push forward with that, because I don't want to see it die. **Scott P.**: I'd like to thank you for your continued investment in this and the youth involved. It was a dream of mine and many other council members that something like that could happen in our City. It's still a long-term dream that we want to make happen, especially at a time when tourism needs it and the community needs it. We are still supportive if we can make it work. I'm hopeful that a year from now we can come back to this and still have funds available. We want ice in our community. **Mayor**: Thanks for the update and keeping us informed of your progress.

CONSIDER A LOCAL CONSENT ALCOHOL PERMIT TO MAVERIK, INC., 1405 SOUTH MAIN. CHIEF ADAMS/MAVERIK: Lt. Jimmy Roden – We've conducted checks for this permit, and we'd like to give a positive recommendation for them to receive the permit. No issues were found. **Scott P**: Is this just to sell beer from their convenience stores? **Jimmy**: Yes. Just like every other Maverik in town. **Scott P.**: Did the traffic issue at this Maverick get resolved regarding the ins and outs? **Jonathan Stathis**: I don't know about that. **Craig**: The last we talked about it, there would be a 4-way stop up the block. **Scott P.**: We wanted them to move the in and out from the locations they had it, because it would force traffic to cross an oncoming lane to get out and make out at 4-way stop. **Jessica Maverik**: I'm the store director for the new store. Not that I'm aware of. You can call the corporate office and they will have answers on that. **Scott P.**: We'll get the Engineering Dept. to follow up. **Jonathan S.**: I'll check with Kit tomorrow.

This item to go on the consent agenda.

CONSIDER APPROVING THE FINAL PLAT OF THE SAGE SPRINGS PHASE 4 SUBDIVISION, IN THE VICINITY OF 2150 N. NORTHFIELD ROAD. ROSENBERG ASSOCIATES/TYLER ROMERIL: Ben Batty (for Rosenberg & Associates): What would you like to know? **Scott P.:** Are there any changes to the layout based on the other phases? **Ben**: No. This is exactly what we did before. This was Phase 3, and all but one have been excavated and ready to go. We got final approval from the City 2 weeks ago. Nothing has changed from our final plat for approval of the whole subdivision. This completes the walking trail that the City does a cooperation with the developer to extend wider sidewalks so it's part of the walking trail. We're putting it in on Phase 3 and Phase 4 along with the block walls. **Scott P.**: As roads widen and there's more noise, your neighbors might have an issue. **Ben**: And that will make it bigger and under the freeway in the future. **Scott P.**: I would like just one tree. **Ben**: Trees use water, they're hard to maintain and people don't take care of their yards. You have to make it as easy as possible for them. **TRomeril.**: The bonds in place, the fees have been paid, so legally it's ok to move forward.

This item to go on the consent agenda.

CONSIDER APPROVING THE FINAL PLAT OF THE MOUNTAIN VISTA PUD PHASE 2 SUBDIVISION, IN THE VICINITY OF 840 SOUTH 25 WEST. PLATT & PLATT/TYLER ROMERIL: – **Curtis Carter**: I'm representing the owner for Phase 2 of

the Mountain Vista PUD. We're just extending it to the south. **Terri**: Is it the same design, but you're just continuing it to the south? **Curtis**: We're anticipating building twin homes. It's part of Phase 1. **Terri**: Are still doing the pylons and pillars underground? **Curtis**: Yes. The soil in the area is very collapsible. Everything that's being built is on helical piers. **Scott P.**: What's the width of the street that runs through the middle of the development? **Curtis**: It's 45-ft. **T Romeril**: The bond agreement has been signed; the letter of credit's in hand. Everything looks ok to move forward on my side.

This item to go on the consent agenda.

CONSIDER VICINITY PLAN FOR THE ARBOR PARK TOWNHOMES LOCATED AT APPROXIMATELY 498 WEST 1225 NORTH. DON BOUDREAU/GO CIVIL ENGINEERING: Dallas Buckner, Go Civil Engineering – **Dallas Buckner**: This was a vicinity plan for the Arbor Park townhomes that was previously approved by the Council. We got all the way to the point of bonding, construction drawings, approved final plat and the developers didn't want to move forward within the 2-year window. Now they'd like to move forward, so they're bringing it back through the process. It's a PUD project. We have phase lines. It's 49 units; roughly 3-acres zoned R-3. This is Northfield so it's across the street from the hospital. **Scott P.**: Do you have any ideas on if the phases are going to be developed so close together or does that depend on how development goes and sales? **Dallas**: It will be based on market demand, but the way that townhomes are going, I think it'll be quick. **Scott P.**: On Phase 3, you have a playground detention area and a pavilion in the NW corner of the property. How does that work? Explain to me how it's being envisioned. **Dallas**: The detention volume that's required for the increased runoff. You can do that to the City standard, where it's required to be fenced with a maintenance road or if you don't go to a certain depth, and make it less than 2-ft. deep, you can do gentle side slopes and put grass in like Equestrian. It essentially can be dual purpose. **Scott P.**: They're promoting theirs as a dual-purpose playground and detention area. **Dallas**: There's an underground storm drain that runs out that's part of the City public storm drain, and having that pipe underground allows us to not have the basin up high. We have to daylight it on an existing grade and take it subsurface, so we still get the volume. **Scott P.**: I saw in the Planning Commission, there was some questions on the HOA, and we're not involved in that, but is that in the process of being resolved? **Dallas**: This project came through more than 2 years ago. I've never heard of it being an extension of another HOA. **Scott P.**: Is it the same owners of the 2 parcels? **Dallas**: Not that I'm aware of. **Craig**: The HOA representative across the street told us about a provision in there that it was past 7 years and it had expired, so anything they thought they might do had expired. **T Romeril.**: I can review that. **Dallas**: That's the way I remember it. That was done in 2012 and 7 years made it 2019.

This item to go on the consent agenda.

CONSIDER VICINITY PLAN FOR THE SOUTH MOUNTAIN ESTATES PHASE II SUBDIVISION. DON BOUDREAU/GO CIVIL ENGINEERING: Dallas Buckner, Go Civil Engineering – **Dallas Buckner:** This is Phase 2 of the Estates. You can see Phase 1

and there's a gap in the properties where we're developing. This is Phase 1 that was built last fall. There's the Canes-Eagle Ridge Phase 1 that we're up against and the SITLA-Iron Horse property is along the north boundary. And South Mountain Drive. We're showing 9 lots. It's the residential estates subdivision lot size and the lots vary, but they're in the half-acre range. It'll be your standard residential estates road cross section, so there's no curb/gutter, just the roadside borrow ditches with the asphalt walking paint stripe lane. It's the same concept aesthetically.

This item to go on the consent agenda.

CONSIDER VICINITY PLAN FOR THE SOUTHRIDGE CONDOMINIUMS PHASE II. DON BOUDREAU/KENT HEIDEMAN: **Kent Heideman** – This is Phase 2 of the Southridge condos. There are some existing units that are occupied and some of the residents have asked to purchase their units, so I came to staff, and they suggested to create a PUD and condominiums and that's what we're in the process of doing. **Scott P.**: Are there people currently living in phase 1 now? **Kent**: Yes. **Scott P.**: I was trying to figure out the map as to where Phase 2 is in relationship to the hospital. **Kent**: Phase 1 is over here, and Phases 3, 4, and 5 are more to the South and SE. **Scott P**.: Do we have any issues with zoning on this? **T Romeril**: No.

This item to go on the consent agenda.

CONSIDER VICINITY PLAN FOR THE AIME AVENUE PUD. DON BOUDREAU/ PLATT & PLATT ENGINEERING: – **Don Boudreau**: This is an 8-unit townhome proposal on Aime Ave. It meets the PUD standards. There was a question at the last meeting regarding if 45 N. is a dedicated right of way or not. According to the City engineer, it is a dedicated right of way. There were concerns about traffic and view sheds. It was recommended for a denial at Planning Commission. **Scott P.**: What does the dark gray on the map indicate? **Don**: Those are street improvements. **Scott P**.: Originally, we went through this about a year and a half ago and it was 6 units as I recall. **T Romeril**.: It came through as 6 units originally. **Scott P.**: So, we have new owners, correct? **Don**: I think so. **T Romeril**: That passed City Council. That vicinity plan is less than 2 years old so they could move forward on that, but the new owner decided to come through with this amended decision. **Jonathan Pyne**: I remember when this came forth a year and a half ago with the 6 townhomes. I don't remember garages being a part of that. Is there proof that was with that plan and was approved with it? **Scott P.**: I don't recall what was in the plan, but it was all approved. **Don**: I think the previous proposal had garages. **Mayor**: We'd have to pull everything to check that. **Jonathan P.**: It's being listed as a 2-story building, but it's a 3-story building, which is completely different. Recollection is subpar as to what we're actually approving today. **Craig**: We're not approving it today. **Jonathan P.:** In the action meeting there's no more public comment at that point, is that correct? This is affecting a lot of people here and others that couldn't be here today. Back in 2005 was first time this parcel was voted on or considered being developed. Initially it was R-1. The original owner wanted to go to an R-2. Paul Cozzens went to members and said that their best bet is to

come to a compromise and agree to do 2 duplexes. That agreement's gone, but that's the reality of the situation and that was ignored and it's R-3 now. Every time this has come up none of our concerns have ever been addressed. I understand the property owners have rights, but when it comes to the community, I feel that we should have some rights as well. This affects people in a dynamic way. When you change from a single-family home (SFH) originally designed and put in 8 townhomes, regardless of what he wants to do with them, that could hold 4 students each. That's 32 people on the corner lot. That changes this area and it affects everyone here. These are 4 townhomes that are 2 stories. When these 8 get built here, those 3 stories are going to block the unobstructed view all the way out to the mountains. We don't want 8 townhomes back there. Every time the Council approves something like the 4-story apartment complex there, I can't tell you how many people I've talked to that has problems and had no idea this was being built. People in this community don't want to see these things built and every time we build something over 2 stories, you people are dynamically changing this city and you're going to do so to the point of no return. My first argument is to keep it at 6. We've already agreed to that a year and a half ago. There's been many approvals throughout the years. As these builders come in, they get more money at the cost of everyone who lives here and that's unfair. And the concern for these people here is getting it to 2-stories if possible and keeping it at 6 instead of 8. I came here in 2019 and tried to address this road of 45 N. This is in my back yard and this is 45 N. Your maps don't show this road. My house sits 8-ft. below this. The road sits from 5-10 ft. above everyone's house and all those people are affected by this. This road is going to be used by many people. In Kit's own words, "people are going to use the path of least resistance." It's close to the university and there's college kids that live there. It's the easiest road to get to the college. Any amenities in the south side of town, this is by far the quickest road. The problem with this road is that it's not wide enough for traffic. People use this road to walk their dogs and recreate. In its current state, it's unfit. When I was here a year and a half ago, it was approved by Mr. Isom and Mr. Phillips and they agreed that this road needed to be developed due to safety and other concerns. Our concern is that this is a dynamic impact of the privacy of the people who live here. This is an empty lot on College Way. Could you imagine trying to sell this lot with another busy street on the back way? Despite what Kit wants to say, it's a busy road and things need to be done. To have a second busy road behind us, no way. If it was an SFH there, it's not a big deal, but this council changed that by approving these things. From the road looking down, there's no privacy. You can see someone's facial expressions. You can't build a fence high enough and to build a block wall would be expensive. I work EMS and when I come home, I want my privacy. This is being forced upon us by these decisions. When people come in and build this area, they need to be responsible for the dynamic impact it's going to have. Kit will tell you that this road won't be developed until both R-1 housing units are sold and developed. That road will remain undeveloped, a safety hazard, and violate our privacy rights. Meridon used to own this road and the deed has been given to the City as a right of way. The question becomes where the property line goes. I propose, that as the road gets developed, to build some type of privacy wall or vegetation so we can maintain our privacy as land owners. This wouldn't be an issue if the Council hadn't made it an issue from turning it from R-1 to R-2 to R-3. If they can make the road and figure out some conclusion that can help pay for the wall and privacy so we can maintain those rights.

Douglas Schmidt *(telephonic)*: I own the property at 55 N. College Way. I bought it from a real estate agent not for my immediate needs, but my future needs. After I'm done with my employment where I live, I'll move back to Cedar City. My concern is with the increase in traffic on the road in the back, there's additional dust and dirt. The one development on the North side has made a significant impact in both my view and the additional traffic on College Way. We need to think outside the box. The land owner has the right to develop the property but as Jonathan stated, we have to look at the totality of the whole property. When the one new apartment complex was developed, it's not a pleasant sight. Jonathan said something about building a privacy fence because the increased traffic sounds will impact the quality of life for people on College Way. The sound wall may be a reasonable compromise. College Way is a very busy street. There's a lot of commercial traffic on College Way. One way we can improve the quality of life for those individuals is to decrease the commercial traffic on College Way. We can consider as a possible mitigation for increasing the number of residents there. Seeing the construction trucks coming up and down the street really took away from the view. I've been in that house for about 10 years. I hope the Council takes the whole thing into consideration. Not just the developer, but the residents that have been there for years. **Ron**: Just for the record, I'm the agent that sold this house 10 years ago. **Jonathan P.**: 3-stories affects the view and 8 is more than 6. We're tired of having to come here and deal with this and also the privacy issues. **Scott P.**: I have concerns about this project, too. How long have you lived in your home on College Way? **Jonathan P.**: Since 2013. **Scott P.**: And you didn't think that would be a busy street? That's been a busy street for 15 years. **Jonathan P.**: I'm fine with College Way being a busy street. The reason I bought this house was the back yard. I will never have privacy for my family and having a busy street on the back side is absolutely unacceptable. **Lance Duffield**: I'm a partner at Reliant Engineering and we are the project designer. We've contracted with Platt and Platt. It seems like the concerns are more about the road as opposed to the project. When we start a project, we look at the City's general plan and zoning for the property. This is an acre site under R-3 zoning. It will carry 24 units technically, but not practically. We rely on the City's guidance for the general plan information and zoning. This project meets the general plan and zoning requirements. We met with Kit and Don early in this process. There was no comment about traffic problems, which seems to be the major issue for these residents. We've relied on guidance from the City and designed this project to meet the City requirements. **Scott P.**: You had made a comment about 24 units technically, but not practically. What does that mean? If there's 3 bedrooms and there's 8, that's 24. **Lance**: R-3 zoning allows for 24-units per acre. This is an acre site and we're only doing 8 units on an acre site, so we're well within the zoning requirements. The comment's about it being too high density. **Scott P**.: It's still 8 units and 3 bedrooms and that's 24. **Lance**: It's not bedrooms, it's units. There was a project previously designed that was a 24-unit project units that were 2 & 3-bedroom units. We're talking dwelling units, not bedrooms. **Jonathan P.**: Our biggest issue is not the traffic. The biggest issue is when R-3 gets zoned in an area that is zoned R-1 on 3-sides and you have 3-story buildings going in. This was negatively recommended by the Planning Commission and even Mr. Isom said enough is enough. I hope you stick by that word as well. **Jason Hansen**: I'm one of the residents who live in this area. Jonathan did a great job of explaining things. I'm at the top of the hill. I found out that there were townhomes there. I thought it was zoned SFH, but now they're taking it from 6 to 8 and that's not a good idea. Even though this is not about traffic, it is a pain with the kids.

The Planning Commission was wonderful. We had a great meeting with them. They voted to keep it at 6 instead of 8. I hope the Council will do the same thing. I'm a small business owner and I understand the desire to make money, but there's a fine line and this is crossing that fine line. **Brody Fausett**: I'm the owner of that land. There's a lot of assumptions being made. It's not about the money. They keep saying townhomes and townhomes are all together. They're unit by unit and these are twin homes. If you've seen the plans for them, they are beautiful and may be the nicest in Cedar. They have 2-car garages. This is the plan as of now for families to go to. There's really not a lot of family-friendly rentals for families with kids. As far as what this is doing, this is adding value to the community and the area. It's important to understand what's being put in there. It is zoned for 24 units. That's not bedrooms, that's units. We're only doing 8 and the previous owner needed to sell the property, got it approved and he had 2 plans that he sent to me. One was a 24-unit plan, 1-bedroom, 1-bath with double decker parking. No back yard. There was a valley where all the water and drainage went. Of course, you can fit more people in, but it's not aesthetically pleasing. It's going to be well done. **Scott P.**: Those first 4 or back 4, how do you plan to develop? Are the backyards being landscaped and if not, would you consider moving it further back to get more yard in the front? **Brody**: Yes. There's a deck/patio; there's a slider from the kitchen. There's probably a few more feet to play around with. If you're looking at the front, there's a lot of frontage and big back yards. If you've seen the lot, it gets steep. It's really not buildable and it protects all the neighbors up on top. It's never going to be developed. It's too steep. The property has been zoned to hold a lot more and the reason it's zone the way it is it's meant to be developed into what it is. If you don't want the developing, you can buy the property. This could be condensed down to SFH and we could fit 4 big homes there. They will be uplifting and adding to the community. Plans can change but the plan now is to put families in there and not to jam a bunch of college students in there. There's a need for nice housing downtown. **Terri**: How many square feet are the units? **Lance**: 1,800 sq. ft. **Scott P.**: They're planned to be rented and not owned correct? **Brody**: The construction loan on it is 12 months with the intent to sell them. As far as who may buy them, that's up to buyer. The financing I have for the project is a 12-month period and it has to be paid off in 12 months, which means I have to sell them.

Lola Atwood: I live in the south unit of the 4 that are going to be impacted the most. I will lose my backyard and my side yard as well. The property that they're building is very steep. I can't imagine looking at it every day and seeing 4 buildings there. How far apart are they? **Brody**: 10-ft. **Lola**: Why can't we just have 3? We don't want to prevent them from building, but why so many? **Lance**: We could have 3, 6 or 12. We've tried to be sensitive to develop the property to maximize the density that the property will allow and it's within the zoning and the general plan. These units have nice back yards. The front of the buildings are staggered away from the street. There's a sophisticated landscaping plan for the front of the project and I think it will be a great addition to your community. **Lola**: How tall will they be? **Lance**: 3 stories. That's allowed in the zoning. **Lola**: I know it's allowed, but why are you doing it when it's impacting so many people? Just because you can don't mean you should. **Lance**: I have an obligation to my client, to meet his requirements so he can have a profitable project. **Lola**: I'll never see the morning sun. **Lance**: That's not relevant to the discussion. We're meeting the zoning requirements and general plan. That's the criteria we design to. At the beginning of the project I met with Kit and Don and we didn't have any

resistance from engineering and planning. **Lola**: Why didn't you include population around it? **Lance**: That's not required. We're not required to seek opinions. We're not seeking a rezone or an amendment to the general plan. We're working within the rules that the City has established. **Terri**: I'd like to get your contact information to come sit down and see some of the aesthetics. **Meridon Nielsen**: I've lived in the same spot for most of my life. Last week I met with the Planning Commission and told them the same story that we're telling you. They were very kind. They listened to us and understood us and gave a negative vote and that decision was passed onto you. I know this history completely; where the roads came from, how they were established. Originally, the property was zoned R-1. Somewhere in the process the City Council has changed it to R-2, to R-3 unbeknownst to anyone in the area. We don't know how that got to R-3 and now we're battling that. We should have been told that. As Jonathan has said 3 sides of that property is zoned R-1 and to put a property there and make it R-3 doesn't seem right to me. We went through this same process a year and a half ago. We've done that for the last 15 years. Why can't we get it settled and why don't those results stick? We didn't want that at all because it had been R-1. But with the builder we compromised. It's not what we wanted. It's not what the builder wanted. To compromise with 6 duplexes felt like that would make it right. We all had to give something. The issues that presented themselves a year and a half ago or longer, are the same conditions that exist today. The intersection of that dirt road onto College Way is a blind corner. You cannot see the traffic coming from College Way. It would be impossible to turn left because you can't see the traffic. You say traffic isn't a problem, but traffic is a problem for me. The intersection where College Way meets Center Street is a problem. I've talked to Kit for many years and the City doesn't know what to do with it. By putting more units back on this property adds a lot more cars to the same problem. I invite all of you to come out when university classes are going and see what the traffic is. It's bumper to bumper. Go down College Way and turn left into that dirt road and see how dangerous that is. If you try to turn left off that dirt road, there's no way you can with the traffic on that road. If you come out after the university starts, at a quarter after every hour in the morning and a quarter after every hour in the afternoon, you will be stuck in traffic. It's (8) 3-story buildings that you're proposing. The City has a problem with those 2 intersections and traffic. We appreciate you listening to us and our concerns. There are problems there that are going to emerge, and we would appreciate another negative vote on this proposal.

T Romeril: Legally there's a few things at play with this and I wasn't at Planning Commission to address them at that time. This goes back to our zone change discussion where we have a general plan, and someone wants to change their zone to meet the general plan. When municipalities set out plans and tell developers what we allow and see here, the City is legally required to follow what we tell them they can do, unless we can tell them a reason why we're not going to follow our zoning laws. Lance spoke up and said that this was in compliance with our zoning laws and ordinances, setbacks and different requirements we allow buildings to be built at in the R-3 zone. Once the council approved that, the developer has an expectation to develop according to what we say. If you make a negative recommendation to not allow this vicinity plan, it can't be based on fear or speculation or conjecture. If traffic's an issue, I would encourage the Council to have a study done. You need a legitimate reasons to why we're not passing this. That's the safest legal ground. **Terri**: When was it changed to R-3? **TRomeril**: I don't know, but I can research that and

find out. **Meridon**: Jonathan and I went to Renon to ask her to research when that date was,. But she said it takes from 2-3 weeks to find that. **T Romeril**: I can get that soon. **Mayor**: As soon as we get the information, Tyler will email that to you. This will go on the action agenda and be discussed again in 2 weeks when Council will vote. It will give us some time to think and get the additional information and do more research. **T Melling**: I have some questions about doing research. I'm familiar with the traffic issues on 45 N. Street, especially on College Way. If 45 N. is improved, and I'm hesitant to say it should be, you're never going to be able to have people turn left and it is a blind turn. I don't know if there's a way to restrict that road in some way or to ensure that turning onto College Way is a right turn only. If you have a left turn, there will be accidents. I'd like some more information on plans for that road. **Mayor**: We can pull the minutes and see what was discussed and do some more research. **T Melling:** Another concern I have, and something I may consider in my decision, is around the area for the lot under discussion, as far as undeveloped acreage in this area, those in the immediate vicinity are vacant lots. In my day job, I deal with a lot of gray-haired people and I see a lot of gray-haired people in the audience, and the ownership of these properties will likely change hands over time. Whatever precedence we set today in the coming decades, are we going to hold the new owners to the same standards? It's next to an R-1 neighborhood; it's also next to an R-3 and a busy street. It's also near the college, and as the City changes I don't know what's going to happen. R-1 housing is more and more expensive to develop, especially on a hillside with the engineering specs we have. We may need to see more duplexes or townhomes in these hilly areas or leave them vacant and render your property useless. I do sympathize with these issues and even I have views I don't enjoy, but from a policy making stand point, there are a number of factors to consider.

Ron: The property behind the corner where the apartments existed, was set in R-3 back in the 1970's. There's a little section that they want to build on that R-3. Their piece was RA-1. In 1984, it's still set as R-3 and R-3 across the street from where the apartments are from. Their block of residential is R-1 was sitting in an R-3 zone and abutted up to highway service and everything west of Harding Ave. was in the R-3 zone. From 1982-1991, that piece behind it set in R-3-36, which was for 36 units, and the R-3-36 was still in place and where the B&B was R-3-36 then. In 1996 that's the way it sat then. That little piece was still an RA-1. In council minutes from July 12th, 2017, the Council voted to approve the ordinance for a zone change from RA to high density residential R-3 on the piece they're trying to build on. That's the date the Council voted on it. I was present, Terri, Craig and Fred Rowley. It was a unanimous vote. Councilman Cozzens was not here that evening. That's when the Council moved from RA-1 to R-3 multiple housing was in 2017. **Scott P**.: When that happened in July, was there notification of a zone change sent through the neighborhood? **T Romeril:** It is required, and I can go back to make sure notice was published. **Ron**: The person I contact with was Kelly Dalton, who's passed away. Kelly told me he got notice of the zone change in 2017. All the residents should have gotten the notice. We can check on that, because you have to sign for it. **Jonathan P.**: The problem with the notification system is that we're only notified when the planning meetings happen. The vast majority doesn't know when the City Council meeting is going to happen. I can guarantee you that when you look back, sometimes these notices are posted not even 24-hours in advance. I think it was Dec. 2016 when this Planning Commission happened. Every week, I'd have to look on the website and see if the meeting is going to happen. If I miss one week, I miss the voting and

my time to speak. I can guarantee you that nobody from this community knew this was happening and our voices weren't heard then. **Ron**: The notices will tell what happened, because a signature is required to receive the notice. **Jonathan P.**: That notice is only for the planning commission and not for what matters here. **Ron:** We have changed the time period on notices. **T Romeril:** Notice would have been given at least 2 weeks prior to the meeting. There is an expectation on the citizens to follow the meeting schedule after Planning Commission. It's posted in the paper, on our website and on our Facebook page. There's not the personal contact that there is for Planning Commission. **Ron**: I know that some and most of the residents have attended every one of those meetings. I'm not trying to be hard; I'm just tell you some facts.

Terri: Did you notice if we changed the general plan at that time or was it already in the general plan to be R-3? **Ron**: It was already in the general plan to be R-3. All we did was change the zone. Everything around there is R-1, except for Meridon because she's on the south of 45 N. Everything around it has been R-3 for a long time. We encourage people to do their due diligence and research the zones around them when they buy a piece of property. Then take a look at the views and empty property around you. It could change someday. The only way to protect your view is to buy the property, because someone else may buy it and do something with it. **Scott P.**: I agree with you. The development on College Way is a travesty to our City. I don't know the developer. It is not a good project for our community. I have 3-story apartment buildings on one side and down from my property and I don't like it. I've grown a lot of trees. I understand what you're feeling because I live in it. **Ron**: It's tough for developers to come in and follow ordinances and it makes it difficult to say "No, they can't do that" if they've met the requirements that are currently in place. As they've come forward if you don't like what's in the ordinances, we may look into making some changes and have a discussion. We're willing to listen to discussion. We can't always make everyone happy all the time. **Scott P.**: I struggle with the design, but if it's as attractive as they say it is. I want it reduced to 6 units and be sensitive to the height restrictions. **Meridon**: With that decision that we made a year and a half ago, what happened? **Scott P.**: The property changed hands. **Meridon**: I would think that would come with buying the property that this is what we had settled on. We've talked to the Council and they have settled on this compromise. Wouldn't that come with the property? **Ron**: Not without a developers agreement. We have done development agreements with developers in the past. New owner comes in and it doesn't run with the property. **Meridon**: A verbal agreement doesn't count? **Ron**: You have to have a written agreement to run with the property. **Meridon**: Not in my opinion. **Ron**: Unfortunately, those verbal days are gone. **Mayor**: In 2 weeks this will be back, and Tyler will get the Council the information you'd asked for.

This item to go on the action agenda.

CONSIDER AN ORDINANCE AMENDING CHAPTER 26 TO ALLOW ADDITIONAL RESIDENTIAL USES IN THE I&M-1 ZONE. TOM JETT: Tom Jett – A couple weeks ago I spoke before City Council on a project I'm working on. This ordinance is not just for my project, but for City wide regarding limited housing in I&M-1 zone. We're asking for an affirmative vote on this project not next week, but the following week. **T Romeril.**: Let me go through the recommended changes if the Council agrees with

Mr. Jett's proposal. The first addition I put in on the paragraph under 26-3-21 there's some confusion on what the asterisks mean on the table. I put parenthesis and put the asterisks in there so it's easier to see. If we go into that table, caretaker dwellings are currently allowed in I&M-1 and I&M-2 zones, but we don't define what a caretaker dwelling is. My proposal is that we define that and assuming Council agrees, that would write it and allow caretaker dwellings in conformance with what Mr. Jett's proposing. In the I&M-1, you would allow to do a caretaker dwelling zone as long as it's not prohibited by any airport overlays zone and as long as the residential spaces are only located on the 2nd floor on the back half of the lot. Staff added that back half of the lot language and Mr. Jett was ok with it. As I talked to various people we didn't know from the City's perspective why we would care if it would have to be 2nd story if someone wanted to do 1-story buildings. The space can't exceed 750 sq. ft., can't have more than 1-bedroom and can't be rented separately from the remainder of the dwelling. There's some language in there that if someone rented these, they would need a rental dwelling license from the City. In the I&M-2 zone, we define a caretaker dwelling different. I&M-2 is our gravel pits, a little more heavy industrial. Mr. Jett is not proposing residential uses in there. There aren't any in there currently. This is ideally what a caretaker dwelling unit is defined as. It's someone who stays overnight on the building security maintenance watch. **Tom**: In a meeting with Tyler (Romeril) last Friday, he brought that to my attention. The idea behind the back portion of the unit is so we can meet ADA requirements if there's a person that's not able to go up the stairs, that would be available to them. That's not our intention on our project. **Scott P.**: My concern about moving things to the back half of the lot is what surrounds that dwelling and who takes care of it? If these are people that have the shops or truck drivers that stay overnight. Is it surrounded by weeds or rock? What's around the building? **Tom**: This would not be a unit in the back half of the lot, but outside the main structure of the garage. The garage would have the unit inside on the back section of the garage itself. **T Romeril.**: The idea of this is the residential component is incidental to the main purpose, which would be the shop. We want residents in the back part of the dwelling and the front part is the shop. **Terri**: Is it the back of the lot or the back of the building? **T Melling.**: Maybe it's in the rearmost portion of the building or something like that where it's not dependent on the lot itself. **Tom**: In our situation, there's not room for a dwelling behind it. This is not just for me; it's City wide. **Scott P.**: If we pass it, it's city wide and that's why we have to look at it from a city standpoint. **Tom**: Tyler suggested it and I hadn't thought about people that have limited mobility. **Scott P.**: How do we enforce this? It's going to have to be up front on the final inspections. What happens when we start getting complaints about noise? The Police Department will have to come out and deal with it. **Tom**: I don't have an answer for you. **Jimmy Roden**: Chief Adams and I discussed this topic and we would like the Council to consider the noise compliant for his project when it's changed throughout the City. We have residents living in these light manufacturing areas neighboring light manufacturing businesses. Inevitably, we're going to be dealing with noise complaint issues. We just ask the Council to consider that. **T Melling.**: We hope people will do their due diligence and act like adults. If you live in industrial zone, you will have industrial noise. The residential would be incidental to that only. **Tom**: Living in a property that's designed with a garage and the garage is the main component. As we get closer in society there's going to be more complaints. I would say that 99% of the complaints are worked out among neighbors civilly. There's always going to be that 1% that's not reasonable. Our units you're not allowed to make excessive noise. **TMelling.**: That's an

I&M-2 use anyway, so you won't get that from I&M-1. **Ron**: In your CC&R's, does it require some kind of landscaping rules around them? **Tom**: In ours there's CC&R's, so there's not landscaping around each unit. There's landscaping in the common areas, in the corners and in the entrance. That's taken care of by the owner's association. **Terri**: I had a concern as we are going into redoing our general plan. Last week, I had Kit pull up a map and we don't have a lot of I&M-1 in the City now. I wondered how that will change and other areas if we make this citywide. **Tom**: If it becomes a problem, we can amend it. Sometimes we go one way and add increased density and say the roads will not be able to handle the density and we trim it back to 2 or 1. We can never make a perfect rule. **T Romeril**: Staff's issue is enforceability. We do allow trailer parks in the I&M-1 zone, but they're contained all together, whereas this could be a residence, a welding shop. It'll be interspersed with each other. Back to what Lt. Roden was saying is that this is just one of the concern this could produce. **Ron**: Do we have an occupancy limit? **T Romeril**: Yes. Our occupancy limit is a family per unit. Up to 4 unrelated. I didn't feel legally we could make that more strict just in that one zone. **Mayor**: It's hard to enforce. **T Romeril**: We have a hard-enough time doing it in open neighborhoods. **Tom**: For this ordinance that's why we've limited it to 1-bedroom for that purpose. To limit the number of people. I've spoken to a lot of people and I believe there's a need. A project like this won't sit well in an R-3 or R-2 neighborhood. That's why we pushed this into the light industrial area.

This item will go on the action agenda.

PUBLIC HEARING TO CONSIDER ENTERING A MEMORANDUM OF UNDERSTANDING WITH THE CEDAR CITY CHAPTER OF THE DIXIE MOUNTAIN BIKE TRAILS ASSOCIATION FOR THE USE OF CITY PROPERTY. MAC URIE/TYLER ROMERIL: – **Tyler Romeril**: Mac heads up the Cedar Chapter of the Dixie Mountain Bike Trails Association. He approached the City a few weeks ago and he would like the opportunity to add on the 13-hole Trail that's by Thunderbird Gardens. This is just an MOU that outlines the responsibilities with his group and the City. We're saying if he wants to put a trail there you'll have to put it in yourself and make sure it's maintained so there's no trash or debris on the trail. If something goes wrong, you're going to indemnify and hold the City harmless. In response the City's going to give them the right and enter the property to build the trail and we'll do our best to not disturb them unless there's an emergency. **Scott P.**: Mr. Urie sits on our Active Transportation Committee and he's spoken on this and I think this is a great project.

Mayor Wilson-Edwards opened the public hearing. There were no comments, the hearing was closed. This item to go on consent agenda.

CONSIDER AMENDING THE TERMS OF THE CEDAR CANYON RETREAT WATER SERVICE AGREEMENT. JIM RUSHTON: Jim Rushton – I wanted to give you an update of where we're at in the process. Last time we were here, we were in the process of buying water to drill a well that will provide water for our property that sits outside of city limits. We're using a 1" line connection from the City. We had water rights under contract that were in the process of being transferred over. The State rejected that transfer so we could transfer the water up the canyon. We're hoping to mitigate that with the

water we have. We started to open using the RV park on Memorial Day weekend. We've had 2 months of what we're going to do in our high peak season and usage. Our usage came from Platt and Platt for how much water we were going to use and they're projecting that was going to be about 1-acre ft. per year. Most months, it's about 60,000 gallons of water. In the winter it's about 30,000 gallons usage. We don't' have a lot of data. Historically, looking at the project, July was a busy month of what we're going to use, and it was 60,000 gallons. Other months may not be so much. **Craig**: Are you using a 1" line to feed a tank? **Jim**: Yes. **Craig**: Is that working? **Jim**: I haven't heard complaints of usage or flow above us. **Ron**: Originally you could have gone for the well then. We talked about something happening with communication between the City, and it was your financing, too. You could have done it then had you known originally to go the well route before you came in and asked what we do with commercial use. **Jim**: When the project started we were making sure we did it the proper way. We were going through the County requirements. We have approval to be a water distribution company to provide water to the public because that's what the State required through our conditional use permit. We did that but at the time we were following what we were supposed to do. One of the steps was to get a letter from the City stating that the 1" line was sufficient for the project. We got a letter from the City and we took it as we were good to move forward. City staff interprets that letter differently. They said we were not following the City guidelines. That's when we came to City Council and asked if we were doing it properly. Had we known there was a problem, we could have put that in our loan. **Greg Stradling**: We did have a building permit based on the letter. **T Melling**: A few months ago, we said you have 2 years to figure out the water and get a well. Now the well is not much of an option because it's a portability issue. As long as the City is not out a lot more water than it was originally doing with the residents, I don't see it impacting the City too much. It's not like we put in a new water system there. Instead of the 2-year limit, maybe we could commit to provide that in an on ongoing basis if they bring in valley water rights that the City can use. It's a lot cheaper than drilling a well. I'd like to explore something like that. **Ron**: Are you paying residential rates? **Jim**: I talked to Tyler Romeril and it sounded like there's not a different rate. Is there a different rat? **TRomeril.**: I'm not sure. I can pull the water records and find out what you're paying, if it's residential or commercial. **Jim**: Is there a difference? **TMelling**: Commercial would be cheaper for the volume. **Scott P.**: Do you know why the State water engineer denied you? **Jim**: No. In the conversation, we were taking water from the valley and taking it up to Coal Creek. It's the same drainage, but it was impacting what would feed to Coal Creek and possibly the Virgin River. **Greg**: Jim did exploratory with neighbors above us, and I think a guy from Las Vegas was the owner of most of that and not interested in selling that ever. **Jim**: If we find water up higher to bring down to us that may be ok. It wouldn't be a guaranteed transfer. No one was interesting in selling water to us. **Ron**: None of the homes up there have a well do they? **Jim**: The City might own the only wells. I don't think any were privately owned. **Scott P.**: I drove up there the 24th of July weekend and it was packed. **Jim**: We were using a lot of water then and I'm sure the City enjoyed the tax revenue from the restaurants. **T Romeril:** When Jim and I met and Mr. Bittmenn, we talked about other options to consider. Bring in 1-2-acre ft. of water to the City and allow that connection to remain. Another one was having it be 2-years maybe extend it to 4 to give them more time to find water rights upstream to dig a well. **Jim**: We'd love to have our own well up there. **Mayor**: Is there a direction the Council would like? **Scott P.**: If we do this, we negotiate something that's also

to the benefit of the City and in exchange for the water if that's the direction we go. Maybe it is the exchange of the water from another source. **Mayor**: This will go on the action agenda. Do you have direction for Tyler to prepare something for you? **T Melling**: I would be inclined to look at the state calculation for how much water they are considered to use as an RV park and check if it's close to actual use. As long as they bring in that equivalent amount of acre feet of water to the City to offset it's usage. I would like to do something like that. **Scott P.**: We only have 2 months to gage that off of. **Mayor**: Would you like to think about these options and email Tyler? **Terri**: Was the 2" line sufficient to handle any more water? **Mayor**: The 1" line. **Terri**: We made an agreement that you could fill it up during off hours. That's not a permanent arrangement. **Jim:** I don't think that agreement was ever finalized. **Terri**: Just a verbal. Would you be mindful of everyone that was up from you, and if we make it permanent, is that going to be a problem for those residents? **T Romeril**: If this is a permanent agreement we can agree on the language, saying they can only fill the tank during non-peak hours. **Scott P.**: I think that's smart on our part. **T Melling**: How big is the tank? **Jim**: 12,000 gallons. **T Melling**: Even at peak usage, it's about 6 days' worth at a time. If you're only filling up during the night, there's no problem if it's one day at a time. Unless you fill up a pool in the park. **Greg**: The only water problem we had was the City had a major leak across the way. We thought it was ours. On the peak day when you said it was full, we've had no problem with the pressure or water supply. **Scott P.**: And none of your neighbors seem to either that you know of? **Greg**: Nobody's complained to us or the City. **TRomeril**: I'm not aware of any complaints. **Terri**: I'd like to check with the Water Dept. and make sure they don't see a problem if we made that permanent. **Ron**: Consider the time frame element on it. I know we have 2 years, so you have plenty of time find more water if we're running up against that.

This item will go on the action agenda.

CONSIDER AN INTERLOCAL AGREEMENT BETWEEN THE CEDAR CITY REDEVELOPMENT AGENCY AND CEDAR CITY FOR THE DECORWORX PROJECT WITHIN THE COAL CREEK COMMUNITY REINVESTMENT PROJECT AREA. DANNY STEWART: Danny Stewart – We're bringing back an item we discussed a few years ago in the discussion of creating a local economic development incentive for Décorworx as they were considering their future in Cedar City. We talked about putting together a local tax increment incentive with them through the Redevelopment Agency and in the process of doing that, we created a project area where those incentives can take place. We found we had some language in agreement with our incentives program that limited incentives to larger manufacturing projects and not something similar to Décorworx. It slowed down the process and gave the economic development committee cause and opportunity to create a matrix to help with the design of local incentives. This was a difficult thing for this project, but it helped my department to create a tool for incentives. We're asking for Cedar City, as a taxing entity in the County, to enter into an agreement with the redevelopment agency to surrender a portion of new tax increment that is generated by the improvement of the Décorworx building to go back towards the development of that project. They've been in the building 2 ½ years without this incentive, but with the understanding we would work through this process that was part of the negotiations of keeping Décorworx in

the community. **Scott P.**: Have they met the requirements for this incentive relative to jobs and pay? **Danny**: The matrix is designed to do that. We don't have the exact requirements that they had at the time, which was 25 new jobs that would pay at least 125% of the average county wage. They said that's a difficult task for a small business. The matrix we built with the help of EDC Utah is to look at the types of things that make sense in our community and consider more things than job creation. We consider what is a capital investment in a project; what's the number of jobs created; what's the level of pay for those jobs; how does a project fit in the community; does it do anything to improve the status of an historically significant building and does it cause harm to our resources like water usage. Incentives have been done based on things in the past. This incentive tool we put together takes all of those criteria and puts it into a formula based on capital investment and number of jobs. It gives recommendation for a starting point of what a percentage should be and time frame for the incentive. Depending how you plug it into the matrix, it may say it doesn't merit or does merit in lines with the matrix. For Décorworx, it came out as 78% for 8 years. We bumped that up 1 percentage point for one additional year. **Scott P.**: If we're asked to look at some of the new market monies generated by the RDA, how do we know, based on the percentage of the matrix, when we're talking about allocations for the company? I'm talking about dollar amounts. **Danny**: Décorworx property was an abandoned bus garage it was still generating a certain amount of property tax. The valuation of the property at the time was $ 616,040. Décorworx came in and invested funding into the building and new equipment which changed the appraised value to $2,447,885. The new increment above the old base was $1,831,845. That new increment is the amount that can be bargained with Cedar City and other taxing entities in the County to use percentages for a certain amount of time. They can be used for anything like infrastructure, back to the developer. This CRA project there's a mandated 10% that goes to affordable housing. The remainder goes to Décorworx. **Mayor**: Just so it's clear, Affordable Housing is the housing authority run by Heidi. **Danny**: In a lot of communities they don't have a housing authority for affordable housing, so it goes to a statewide fund. We're fortunate that we have a local housing authority that can benefit from those funds. **Terri**: Is that a percentage of all of the taxing entities so they all have to come to the table? Not just the City portion, correct? **Danny**: Yes. Today is City Council; tomorrow will be the conservancy district; Monday will be the County Commission and Tuesday will be the school district and we'll all be looking at this. The City is split on this for 2020. These values are estimated, but they're current. I got them from Dan Jessen at the County. The City would give up $3,823 per year for this incentive. That would be our taxing entities portion. **Craig**: For 8 years? **Danny**: That's for 9 years. **Craig**: Is it retroactive? **Danny**: No. The County can't go back and take it from prior years. Décorworx would be able to send us a request for that increment and the housing authority would get theirs after January 2021 based on this tax year. They have requirements and have to pay their taxes to get a refund. This funding comes from their property tax. It's not funding from any other taxpayers pocket. It's a refund back to them for their investment.

This item to go on the consent agenda.

CONSIDER APPROVAL TO SIGN AIP 036 FEDERAL GRANT. NICK HOLT: Nick Holt – In February, we sought permission to submit an application for this grant. The FAA has been slower this year to fund these grants and we're getting up to the deadline to get it

back to them. I have a draft grant with the language that when it's issued will have the dollar amount in it which is $1,270,000. With the pandemic the FAA is offering the grant 100% federal to 0% local match. With this grant we plan to reconstruct taxiway Charlie and Charlie-1 intersection. The pavement's over 50 years old. We will do some pavement maintenance on the helipad that consists of crack seal and sealcoat and some fresh paint. This grant will allow us to fund our rotating beacon reimbursement. **Scott P.**: Will it interfere with your current runway operations or projects? **Nick**: It will impact our crosswind runway, but the main runway will remain open. I was hoping to have this grant back earlier in the season to tie it into the original project, but that didn't happen. I anticipate having the grant by the end of the month. We have to have it back to them by Sept 11th. They need to have a few weeks to process it. **Craig**: Timing-wise, do we need to approve this immediately? **Nick**: We need your approval by Sept. 2nd. That would allow me enough time to obtain a signature and return it to the FAA. **Scott P.**: You may have the real grant by then.

This item to be put on the consent agenda.

CONSIDER PURCHASE OF MINI LOADER. WADE ORME: Wade Orme – We plan on surplusing a backhoe that was handed down to us from the Street Dept. It's very old. I've already put a lot of money into it in the 3-years I've been here and I'm just tired of fixing it. We'd like to get your permission to surplus it and purchase a mini loader to replace that. The backhoe was used to move wood chips and gravel. The small mini loader would do the same thing and give us the option to do more things at the same price as purchasing a new backhoe. It gives us the opportunity to change out banners and it's safer year-round. We're not able to do it now with the piles of snow in the lifts we rent. The new attachments would make our labor more efficient. **Scott P.**: What's the delivery time? **Wade**: Probably 4 weeks. It comes directly from the factory. It has cabs so it's kind of a special order. **Craig**: Is it all budgeted? **Wade**: Yes.

This item to go on the consent agenda.

CONSIDER AMENDING CHAPTER 25 OF THE CITY'S ORDINANCES DEALING WITH NUISANCES. TYLER ROMERIL: - Tyler Romeril: – About a month ago, I met with council members Hartley and Phillips and the Police Dept. We talked about changes to the City's nuisance ordinance. We want it to be more user friendly for the City so we could get results quicker than some nuisances in town. The ordinance reads that the code enforcement officer (CEO) who's over nuisances is supposed to take an approach of voluntary correction with citizens. If he shows up and knows there's no solution, he's still required to do that. There's an agreement in place and it gives 14 or 30 days and pushes this thing out. We want that to be the option, but we didn't want to make it be a "shall". It gives the CEO an opportunity to show up and assess the situation and then decide if we can work it out or cite them criminally. I'd like to inform the public of some changes. We identify the CEO as a neighborhood preservation officer. That position doesn't exist, so we changed it to CEO. We no longer require corrective action. Some of those definitions have been removed. When we get into the noxious weeds section, I clarified it so we knew what we could

enforce. In your memo I put "can" instead of "cannot". For noxious weeds, they apply to subdivided lots with vertical infrastructure. If it's an undeveloped lot, noxious weeds can exist. Noxious weeds can be defined in the Utah Administrative code. It's also defined by the City as 12" or higher. Improper accumulations can occur on an undeveloped lot. If you pile up your junk, it's counted as a nuisance. The next section gets into finding a nuisance. A lot of it was struck out. If an officer has probable cause to believe a nuisance exist, that means he can do something. He needs to give them written notice and needs to identify the person who's responsible, and needs to identify the nuisance on the property, describe it and request the responsible person abate the nuisance within 14 days. That's according to state law. If the City has to expend funds to clean it up, we can go after reimbursement, but if we can't get that we can go to the County Assessor's office and get the costs assessed with their property taxes. It's cleaner than going through the courts. The next section is different remedies to abate the nuisance. You can use one or multiple. Voluntary correction is what we hope to get every time. It gives them 10 days to abate the nuisance and requires the responsible person can ask for an extension of 7 days. That needs to be approved by the CEO and his sergeant. Criminal citation is highly correlated to State law. It may change on what's criminal and so would our ordinance. Talking with Randall McUne, we would treat this like we would a failure to get a business license. We may cite you or file charges in the court, but once you abate the nuisance, we won't enforce it and possibly dismiss the charges. Next is abatement by the City. We're working with Sgt. Pollock now on a lot west of town that's accumulated a bunch of junk and we reached an agreement with the property owner. The City will remove it and we'll be refunded for the costs. Next is civil action by filing in the court and then abate by eviction. Some, like prostitution houses, that we have the legal ability to evict from those properties. That is an option we kept. Other changes simplify the appeal process. The person given notice of the nuisance has the right to appeal to the city manager and work through the process. They have some due process rights.

Scott P.: When we approached this, we had some deadlines in the old ordinance that allowed 30-days, and if that didn't work a 2nd notice was given that gave you another 30 days before action was taken, so 60-days had gone by before anything happens. I like that it's 14 days now and we can write notifications on it immediately. **T Romeril**: Mr. Phillips asked for a definition of graffiti. We list that in the ordinance but don't define it. I pulled state law and I'll include that in the revision for the next meeting. We also had the discussion of a definition of a family. That's different than we define it in the building code. My suggestion is to strike that and remain consistent with the one definition. It's more restrictive. **T Melling**: I appreciate the clarified definition of noxious weeds, as it has a different connotation at the State level. The accumulation of junk changes are appropriate as well as the shortened timeline for addressing these problems, especially if weed abatement is in fire suppression. If it's truly a public safety hazard, it may not be something you want to let go 60-90 days. The concern that I have is the criminal citation element. I would like to tie the City's hands to use that only as a last resort. State legislature has done that to some extent. More lives have been ruined by overzealous enforcement of criminal codes than weeds in their neighbors yards. With the weed abatement I don't want to become Roy City and have granny getting a class B misdemeanor because of her weeds. I don't know the best way to deal with that. With some of these rentals, if you have an absentee landlord they aren't subjected to social pressures or shaming of keeping their yards looking nice. For the older

residents, we need to be careful there. In other areas of the code we've looked at owner occupancy, but maybe we could look at owner occupancy with the weed abatement and an extended timeline or a relaxed standard. Another concern is how the City manages its own property. It's not anything against our staff, but more of an allocation of resources issue. I've had complaints from citizens that our City property is not well maintained. At the June Council Walk along the railroad tracks, many residents expressed concerns about overgrown grasses on City property. I know we will eventually develop that into a walking trail and it's a fire hazard for them. When I've brought up the weed abatement issues, one of the top responses is if they maintain the City's weeds they'd be able to invoice them. I want to be sure that the City is above reproach. If we demand a higher standard from our citizens through increased budgeting, through contacts or personnel and equipment and we're meeting those standards we expect of our citizens. I don't know the best way to deal with the noise. I'm not ok with noise complaints in industrial areas. I do realize that residential is a place of quiet hours and I don't know in reviewing this if there's a better way to define some of these noise issues. I know it would be hard to enforce. I would like to take a closer look at this and see what we can do.

Laura Henderson: I was wondering about a noise ordinance and how or if that may come up. There are issues of noise. I appreciate that large portions of the ordinance was removed. I'm concerned about if something doesn't happen on a regular basis regarding noise, sometimes the ordinance says it must affect 3 or more people, but not to the same degree. If it affects a person's repose and that's one person. It varies throughout the ordinance. The other thing is enforcement. Now, we have one CEO who's stretched thin and it's hard to get him to be everywhere at once. His hours are 9-5 and after 5 p.m., you have to call the Police Dept. and they have to reallocate their resources. I didn't know if a set noise time frame was appropriate. **Scott P.**: I've been working on a noise ordinance I would like to present to Mr. Romeril for him to consider, because it's a separate noise issue. I've been looking around the country at different communities and how they deal with noise. I hope down the road we can look at noise being a separate issue. As our City improves, we can look at roads and other issues that noise is a problem. We're still trying to get some bugs worked out. **Laura**: It's just in there in a lot of different places and in different ways. And the way it's been dealt with. **T Romeril**: That definition is for nuisances in general. That came from state law. How we deal with noise is under the inappropriate conduct section and it's defined as unreasonable noise that disturbs others. It's very broad. **Scott Henderson**: The dealership that's on Main, just north of the Chevron, and Mountain America Credit Union. The street doesn't go very far goes back, but it goes toward a monument that's dedicated to the Armed Forces,. But on the corner behind the dealership the weeds are very tall and there's a few junk cars there. It's disgraceful for the City to have that near the war memorial. People want to see the war memorial. I wish the CEO would go talk to these people. It's not a small lot. There's junk cars there all the time. **Scott P.**: Lt. Roden, I'm going to ask you to look into it. It's Bradshaw Chevrolet that owns the property.

This item will go on the action agenda.

PUBLIC HEARING TO RECEIVE COMMENT RELATED TO CEDAR CITY'S APPLICATION TO THE PERMANENT COMMUNITY IMPACT FUND BOARD

FOR RECREATION CENTER FUNDING. TYLER ROMERIL: Tyler Romeril: – The CIB has specific board requirements in order to apply for their funding. One of those requirements is to have a public hearing. We held a public hearing on July 15th, but with that public hearing the item before it dealt with possible budget for this aquatic center. The discussion we had about this possible CIB funding came under that agenda item. In looking at it, the CIB would like us to readdress it under the proper agenda item.

Tyler Romeril read the CIB Statement: "*Cedar City is proposing to add on to its existing aquatic center. The proposed addition of a child-care area and a recreational center will complete the original design of the building. The child-care area is approximately 2,250 square feet. The recreational center will have a main level and a mezzanine level. The main level is approximately 32,760 square feet. The mezzanine level is approximately 15,538 square feet. The total project cost is estimated to be $6,200,000. The proposed funding for this project is a combination of a loan from either the Community Impact Board or seeking funding on the open market. The Community Impact Board offers competitive interest rates and loan terms. Cedar City has had positive experience in re-financing debt over the past year with the private market, where we have locked in rates as low as 1.1%. Either the Community Impact Board or the private market will be good options for project funding.*

Cedar City can reduce the total amount of loan by using some of its capital reserve funding. The amount of capital funding available is not yet known as our finance offices are closing out the last fiscal year. In the near future staff will make a presentation to the City Council with a request for capital funding. The capital funding will reduce the total loan the City will need in order to build the additions to the aquatic center. Future repayment of the loan will not come through property taxes. The City is not seeking a general obligation bond. Recently, Cedar City retired approximately $990,000 in yearly payments for the debt obligation on the Heritage Theater. This debt service was paid through sales tax revenues. The anticipated repayment amount on a $6.2 million dollar loan is substantially less than the debt service on the Heritage Center. Cedar City has capacity to repay the debt without special assessments or property tax revenue.

The current proposal is to include the use of the recreation center with the family pass rates and daily user rates charged for the aquatic center. City staff anticipates the additional amenities in the facility will attract additional use and increase the revenue generated by the facility. The proposed costs to operate and maintain the facility and proposed operational revenue were discussed in public during the City Council's July 15, 2020, meeting. The presentation from that meeting is available for public review through the City's web page either by reviewing the minutes or by watching the streaming video from the meeting."

T Romeril: The meeting itself for those who would like to research the public meeting, go to www.cedarcity.org, you would scroll down and halfway through the page and there's a "Watch City Council on YouTube" button. Below that, it says "Watch Now". You click on that and search for the meeting that's identified for July 15th. It's 3 hours, 19 minutes and 2 seconds long. At the 2nd hour and the 7th minute is when that discussion begins and it ends at the 3rd hour and 11th minute. Mayor Edwards opened the public hearing.

Laura Henderson: The funding is unknown right now because it's closed out for what? **T Romeril**: When it comes to the available general capital fund, that is unclear how much is in there until we get through our audit. **Laura**: So, it's unknown how much money we would get so we wouldn't have to pay the $6.2 million in total. **T Romeril**: It's unknown how much we have in that fund that would offset the total loan, should the Council choose to use those funds. **Terri**: I think where some of the confusion is we're not approving the financing; just approving the application process. It's just one more step. **Laura**: I got that. **Terri**: The fiscal year just ended 3 weeks ago. It's not unusual that we don't know yet. **Laura**: I know. It's not that I didn't understand. I'm just clarifying. **Mayor**: We don't have the exact amount of what we have transferred over to the capital account until we have the audit completed and presented back before the Council.

The Mayor closed the public hearing and no action is needed on this item.

ADJOURN: Councilmember Isom moved to adjourn and move into RDA City Council at 8:23 p.m.; second by Councilmember Hartley; vote unanimous.

Onjulee Pittser

Onjulee Pittser, Executive Assistant