

**COUNCIL MINUTES**  
**FEBRUARY 15, 2023**

The City Council held a meeting on Wednesday, February 15, 2023, 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; R. 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 Chief Darin Adams; Fire Marshal Mike Shurtz; Leisure Services Director Ken Nielson; Airport Manager Nick Holt; Library Director Steve Decker; City Planner Don Boudreau; Public Works Director Ryan Marshall.

**OTHERS PRESENT:** Ryan Talbot, Kathy Long, Ann Clark, Jessica Kinsey, David Woods, Janet McCrea, Andy McCrea, Wendy Green, Bob Platt, Tom Jett, Carter Wilkey, Teri Kenney, Alysha Lundgren, Shane Bulloch, Tim Watson, Kathryn Garza.

**CALL TO ORDER:** Councilmember Phillips gave the invocation; the pledge was led by Tyler Romeril.

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

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

**COMMENTS:** ■ Mayor – I presented at the Chamber for the State of the City and talked about the third leg of the water and realized it has come on quickly following our meetings with the Joel Ferry, so I asked Andy to bring the last part of that. ■ **Andy McCrea** – we will talk about Coal Creek, it is a big part of the water shed, but a lot becomes unusable because of minerals and clay and when a big storm happens, we get a lot of mud. See Exhibit “A”. Just below Milt’s the yellow part has a lot of soluble minerals exposed at the surface and the water dissolves the minerals and makes the water worse. The volcanic becomes unusable with the clay. The problem with Coal Creek is that as it flows downhill the quality goes down. We want to salvage as much water as possible. We have an opportunity to preserve it by pumping it high before it gets to the sediment and bypass the soluble minerals by piping it. If Martins Flat is not large enough, you can go to Martins Flat B. We have to keep surface water holders first and they will get high quality water and if there is extra we can preserve it. This also provides meaningful flood control. If you don’t get the diversion turned out before high flow you fill the ditch with mud and debris. That could be eliminated by piping the water. The biggest benefit to flood control, hydrologically speaking, is pumping in a retention basin. High flow events then will soak in quick before it flows down. **Phillips** – we are pumping, but we will still have floods. **Andy** – the State Engineer biggest concern is if you stop pumping you won’t justly compensate the people. If you pump like the dickens to cover all the ownership and whatever else, you use it as subsurface diversion. We will put it in front of the State Engineer next week. **Mayor** – we have an appointment next week to meet with the State Engineer to pitch our grand scheme and the hope is to get approval, we were denied at Martins Flat. We will do what we need to do to qualify it and agree to mitigate agriculture so there is no damage to those that own water rights. The City also owns a lot of surface rights, we would like to use our rights for our needs in our city. If we can