

**COUNCIL WORK MINUTES**  
**OCTOBER 2, 2019**

**MEMBERS PRESENT:** Mayor Maile Wilson-Edwards; Councilmembers: Ron Adams; Paul Cozzens; Craig Isom; Scott Phillips.

**MEMBERS EXCUSED:** Councilmember Terri Hartley.

**STAFF PRESENT:** City Manager Paul Bittmenn; City Engineer Kit Wareham; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Darin Adams; Fire Chief Mike Phillips; Leisure Services Director Ken Nielson; Economic Development Director Danny Stewart; Director of Golf Jared Barnes; Golf Superintendent Steve Carter; Fire Marshal Mike Shurtz.

**OTHERS PRESENT:** Joel Hansen, Doug Hall, Anthony Fuentes, Tom Jett, Don Oswald, Brittanie Parry, Lonnie White, Dallas Buckner, Tim Watson, Delice Tom

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

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

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS:** ■Phillips – I want to remind everyone this Saturday from 9:00 to Noon we will be decorating the downtown. We have volunteers but we can always use more. Bring gloves and wire cutters, we will supply everything else. Meet in front of Coldwell Banker. Also, we received an email about the walking trail around the Lake at the Hills. There are concerned neighbors, how was the design planned and where is it going? Ken Neilson, Leisure Services Director – the path will run along the dike and down through the parking lot on the west side to Cove Drive, that will connect future trails. It goes along the north side and around the fence on the east side to connect around the lake. Phillips – how close to the fence? – Ken – it is right around 40 feet. Originally it was 10-12 feet, but we had discussion with the neighbors and were able to move it without affecting the ADA slope and it will go around the east side. The other property will be left natural. I have spoken to the Bauman's to move it extending it out, but I have not received an email. ■Cozzens – I had a request that we paint lines on Westview from the SUU Farm to Old Hwy 91. ■Swear in Corporal Bryan Kirk Moore. Chief Adams – we are here to swear in a new corporal. With the departure of Corporal Adams, we need to fill that role. It is good to watch the young men grow, he did a great job on the assessment. Bryan Moore – I have with me tonight my wife Tiffany, our children Peyton, Rider, and Boston, my Father who worked with Garfield County for 30 years, he was also a K-9 handler; my mother Deanna, grandmother, brother Mitchell who has served the Country with 3 tours to Iraq, brother Wyatt, sister Cherish, uncle Brent and cousin Andy. Renon Savage administered the Oath of Office. ■Chief Adams – we received the traffic radar signs yesterday and will put them out Friday.

**PUBLIC COMMENTS:** There were no comments.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE  
GENERAL LAND USE PLAN FROM LOW DENSITY TO HIGH DENSITY FOR  
PROPERTY LOCATED APPROXIMATELY AT 3200 WEST SOUTH  
MOUNTAIN DRIVE. GO CIVIL/TYLER ROMERIL:**

Joel Hansen – we went to Planning Commission a few weeks ago and received a negative recommendation, but I still want to bring it to Council. There was misconception if we didn't do this. It is R-1 and has 45 acres. We are asking for R-3 for shared walls, single level units. I have spent 16 years working on this area and I want to maintain it as a nice development. We talked in Planning Commission, we are willing to put a deed restriction on the property. It is less dense than R-1. The reason we want to do what to do this is because it fits that property. It is a way to develop and have minimal impact on the neighbors, including the view. People get worried about R-3 and the density, that is why we approached it with a deed restriction. If we sell it the deed restriction would remain. I don't want multi-units. We have RE from R-1, we extended utilities and changed the density because it fits the parcel. We have a commercial piece along I-15, we could have built apartments there, we brought that in for neighborhood commercial and we won't do anything different. I don't want my work going down the toilet. It is one of the nicest areas of Cedar City and I want it to stay that way. Eagle Ridge, people that had problem, we used the same engineer. If we wanted more density, we would not put deed restrictions on the property. Cozzens – did you bring this up in the Planning Commission? Joel – no. Isom – you had a schematic. Joel – I did, and I don't have it with me. I would like to come off the road and put a U-shaped road, the remaining property will be open space and it will be an HOA, I don't intend to cut down the trees. I want to cluster the density and do some single-family shared units. We talked about the ridge line, we don't want to put anything on the ridge line, we have a height restriction there. We want it to be a nice area. even if shared walls, it won't be entry level. Target will be second family, retirees, empty-nesters. I live in a condo and I don't think I want a home, even though I have a lot in Eagle Ridge. Phillips – are you talking not doing anything with the property, are you talking the property to the east? Joel – I can't use a lot of the property, it is too steep, there is a 25-30-foot drop. We don't want to use the ridges, and because of drainage we can't go as far. We would like to give a piece of the property for an art studio for SUU, the views of Shurtz Canyon would be a great place. The problem I am having is public access through an HOA. The deed restrictions would be for 130 units, but I don't know if I could get that many. The objective with a lot size is a building site and then natural space, that is why we want smaller lot sizes. We have a 25% requirement for open space in this area. Phillips – street lights out there? Joel – probably not. Isom – how will a deed restriction work. Tyler – legally he can put that on the property, and he can remove it. It is good if he is always on the same page. It is on the restriction for the benefit of Cedar City. If the deed restriction is violated the people will come to the City and I don't know if we want to be in that situation. Paul – on Aime Avenue some time ago, that developer tried to do a deed restriction, I don't know if it was ever recorded, but the residents put a lot of pressure on the City when they apartments started coming in. We were not able to do anything, but in the neighbors minds we should enforce it. Joel – how is it different from a CC&R? Paul –

that is like a deed restriction, but we don't have anything to do with those, then the HOA enforces it. Phillips – the concern I have with street lights, we have issues where you cannot find people's homes, how would we address that? Joel – on the top of the ridge, my thoughts are to put street lights would have visual pollution. I believe there is lower lighting that shines from the ground up to the street signs and addresses. I do plan, when we develop South Mountain Drive to put nice decorative street lights. Phillips – I think it is necessary for public safety. Paul – did you look at R-3 single family, it allows smaller lots, I am not sure it allows shared walls. Joel – I have not looked at that. Phillips – you knew it was R-1, did you have a change of heart? Joel – to be honest, it took 3 years to decide what to do with this property, that is why we changed to RE, I feel the same about this property. I could leave it R-1 and there will be 30 foot houses that ruins everyone's views. If it is estates the property will be leveled. We would like to continue to develop, and I feel strongly doing what we want to do is the right way to use the property and I have done a lot of research and talked with professionals. Cozzens – why didn't you make the arguments in Planning Commission. Joel – the only thing I didn't say was the deed restriction. The main problem in Planning Commission is changing it to R-3 and then selling it. We own a significant amount of property and we don't want to lose and sell this and ruin the rest of the investment. Phillips – is your intent with the U-shaped road to have one way in and out. Are you doing that to other areas? Joel – just this street. We have an entrance to the estates. Cozzens – does how he explained this change your view any? Isom – it is a crisper presentation and the concern about changing the zone with the prospect of it being sold was a concern. Joel – it would destroy my values to put apartments on the ridge. Cozzens – if the restrictions are on the HOA, it could still change. Tyler – CC&R's are binding, but there is not 100% way to avoid changing. Isom – we know we need different types of housing and more affordable housing, and that was a point that is valid. Phillips – I don't think it will be affordable housing. Joel – no, but they will be smaller homes, but not smaller in quality.

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

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM R-1 TO R-3-M FOR PROPERTY LOCATED APPROXIMATELY AT 3200 WEST SOUTH MOUNTAIN DRIVE. GO CIVIL/TYLER ROMERIL:** This is the same as above.

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

**CONSIDER AN ORDINANCE AMENDING THE ACCESS REQUIREMENTS FOR CITY SUBDIVISIONS. GO CIVIL/TYLER ROMERIL:** Dallas Buckner, Go Civil – we have been working on this with Tyler. Tyler – it says if you put a subdivision in the city it has to access a dedicated, paved City street or State Highway. This subdivision accesses a paved County road, phase 2 would access Westview. Mr. Meisner thought about de-annexing, but Alma Adams and Reed Erickson said they don't want to be in the subdivision business. Does it harm the city, we could say it has to have access to

a paved, dedicated street whether it is City, State or County. Phillips – people say it is cheaper in the County. Tyler – the County would rather them use their streets, we could get an agreement that we don't participate in maintenance. Paul – the County has not asked for that. They don't have curb and gutter, but we can get emergency services, snow plows and garbage trucks through. Action.

**CONSIDER BIDS FOR THE GOLF COURSE FRONT 9 IRRIGATION SYSTEM CONTRACTOR. JARED BARNES, DIRECTOR OF GOLF:**

Steve Carter, Golf Superintendent – we put to bid for a contractor to put in the irrigation system front 9, #10 and driving range. We have 4 contractors bid, from \$784,900 to \$699,640. We are here to recommend going with Heritage Links the \$699,640. We did our research and made phone calls, one was in Colorado, a 45-hole course, they did a 3-phase project, they didn't get the first phase, but did the other two. They did similar to what we are doing by the City buying the product to save money and Heritage Links installed it. He said it went very smooth and as far as changes on the course, as long as done before the work was done, they were good to do it without cost. Jim Ruel, our consultant recommended them and the high bid, he said they are both very good. We recommend going with the low bidder. Phillips – I read the bids and the process, it is complicated, are we looking at the same thing from each bidder? Steve – yes, it is apples to apples. Isom – I like saving money. Steve – it fits in the budget as well. Cozzens – they have fall of 2019. Steve - they will come in and put some main line in the rest will be a spring project. Cozzens – will you keep the course open? Steve – yes, we will close the hole they are working on. Paul – Public Works has started digging the pond, they have it grubbed out. Isom – thank you for your patience and outlook on this project. Consent.

**CONSIDER BIDS FOR THE GOLF COURSE IRRIGATION SYSTEM**

**MATERIALS. STEVE CARTER, GOLF SUPERINTENDENT:** Steve – there are a few items in materials we need to get approval on because of the cost. The HDPE pipe, there were 5 bids and WL Plastics, a local provider will get the pipe for \$209,942.50, that is a huge savings. The other is with irrigation wire, there were 4 groups to get bid packages, SW Plumbing, Scholzens, Mountain Land and Turf Equipment and Mountain Land and Turf Equipment were the only ones that bid and Turf Equipment was low at \$71,345.20. Phillips – are they within budget? Steve – yes. Consent.

**CONSIDER DISPOSAL OF CITY PROPERTY. FIRE CHIEF MIKE PHILLIPS:**

Mike – we are looking to dispose of 12 SCBA's and 31 bottles and expired turn outs. In the past we have donated to local fire departments. Tyler has provided a document, so we don't have any liability. Consent.

**CONSIDER APPROVAL OF WILDLAND INTERFACE ZONING. MIKE**

**SHURTZ, FIRE MARSHALL:** Mike Phillips – in 2012 record breaking fire season the Governor said we need a better way to deal with wildfires in the State of Utah the goals of the catastrophic wildland fires in Utah to create resilient landscapes, create fire adaptive communities and have a strong and effective local wildfire response. During that time the counties were allowed to participate in an suppression fund where they paid a premium and once that was paid the State would pick up the cost of the large fires, but

municipalities were not allowed to be part of that program. In 2016 Senate Bill 122 this wildfire policy allowed us to get into that system. They also put the counties and the municipalities under the same system. In that system we have to provide prevention, mitigation and suppression efforts and in turn they pay the large cost of wildland fires. We signed into that cooperative agreement and we are part of that CatFire program and part of the program we have to do the community wildfire prevention plan, and we are a little behind on doing that. One of the key components is creating a wildland interface map. I will turn it over to Chief Shurtz to talk to you about that.

Mike Shurtz – this map (see Exhibit “A”) is one component of that zone, we need to delineate the areas in the city and mitigate risk. The background on the map, we took the data the State used to determine what our participation commitment was, a risk analysis, they have a portal URAP and it takes 40 layers Utah Wild Risk Assessment Portal, you can put your address in and get your risk. We did that for Cedar City and it took in historical fire occurrences, slope, red flag areas, we took that to staff, it was confusing. One subdivision you could have 3 or 4 different colors for different risk. We took the data and our experience and fire occurrence and got it down to what you see. This is the city limits and subdivisions that are platted are not included. The red is what we have as where wildland interface exists in the City limits. We propose to adopt the map, it is similar to a flood zone map or subsidence map. We want to move forward. Cozzens – if someone wants to subdivide, what would additional costs be for them? Mike – there will be mitigation efforts, but not much for costs. We are not quite that far. We will bring that through the process when we have it. We will apply the same code the County has. Our current subdivision ordinance takes care of water supply, access and street width. Thinning the fuels and restrictions on wood shingle roofs and wood decks. We haven’t determined the additional costs, but there may be some. Cozzens – how would this affect Joel? Mike – that would affect him, if you leave the vegetation and not created defensible space then the protection shifts to the structure. One misconception is we want everything cleared out and cut, you can accomplish a lot by thinning by 10 feet and natural vegetation away from the house. Cozzens – have you worked with the home builders association? Mike – we have, they like the idea of a single code, the State code is adopted in the County, they would like that. Cozzens – they seemed agreeable? Mike – yes, and there were people from the insurance industry, and they brought up the fact because of what happened in California, they are very much in favor of something like this. Phillips – if this is like the flood control, is there ability when a subdivision come it, can it change? Mike – yes, we may have areas red now, but if a developer clears it and puts in the roads and water system there would be very little extra for them to do. We have another tool to access the risk. If they take care of vegetation and they are not on a steep slope other requirement could fall off. A few months ago, Chief Phillips was invited to a meeting with Rocky Mountain Power (RMP) and in response to what happened in Paradise, CA, Cedar City is in the blue, they would shut off power if the fire risk is too high. This lines up, it is interesting that RMP thought the risk to their utilities lined up with our wildland interface areas, our goals align. Paul – RMP activated it a few weeks ago, they were kind to work with the City, they know we have lift stations and water systems and they offered to help us find power sources for these items. They did not have to activate it. Action.

**CONSIDER ACCEPTING A FEMA ASSISTANCE TO FIREFIGHTER GRANT IN THE AMOUNT OF \$684,300. FIRE CHIEF MIKE PHILLIPS:**

Mike – our self-contained breathing apparatus have expired, and we have talked about it in the budget for a few years. We applied for a grant and were turned down, last year we asked for more money and we were awarded. This will buy 99 SCBA's and will cover all Iron County and New Harmony. Out of that we get 34, \$345,600, \$208,080 will be Federal \$37,575 is what we will have to pay. Mayor – we have to do the match to accept the grant. Mike – I have talked with all the Fire Departments and they are all in.

**PUBLIC HEARING TO CONSIDER AMENDING THE CITY ORDINANCE THAT DEFINES A SIGHT OBSCURING FENCE. CITY ENGINEER KIT**

**WAREHAM:** Kit – when we updated the engineering standards, we had new changes for site obscuring fence, masonry, solid composite manufactured by Fibron and Chain link with minimum specs for privacy link, which is the type that is 98% privacy factor. Those are the three fences we are going to allow in the ordinance. There are several situations where they are required.

Tyler – previously it was tight board or masonry wall or similar. It would expand to masonry, solid composite or chain link/slats. If you use property to store debris, you have to have site obscuring fence. In the I&M-1 zone there is a section for storage that would need site obscuring fence. Junk or Scrap yard requires site obscuring fence. Solar property for solar generation, it is a 98% site obscuring fence. I wasn't at Planning Commission; my suggestion would be just site obscuring since it includes the 98%. If a commercial or industrial development bordered residential it says 6-foot-high masonry. The second part says if residential goes against industrial it only says site obscuring, we want it to be masonry. Apartments with 4 or more units would have site obscuring fence. Next section deals with authority to Planning Commission, the Planning Commission has the ability to take requests to deviate from what the site obscuring fence is, as staff and Planning Commission agreed, we want it spelled out in the ordinance, we want that language struck. If a parking lot with 5 or more vehicles cannot be within 10 feet of a residence, a school or a hospital unless, what the ordinance currently says, there is a masonry wall or hedge, and we suggest striking that and saying site obscuring fence. The whole point of this is to make it more uniform. Mobile home park requires site obscuring fence, so that would give the developer a chance to choose between the three materials. Phillips – if the mobile home park is in existence and they have a board fence, will they be required to change it? Tyler – no, this is going forward. Subdivisions it says site-obscuring masonry fence. The Planning Commission does not feel comfortable giving the developer the ability to put in chain-link around a PUD so they suggest it will say masonry or composite fence which eliminates the ability for the chain link with slats. A site obscuring fence is required around waste receptacles in the subdivisions and the storage of recreational vehicles. If the lot backs to a public street, that will require site obscuring fence. Phillips – we had 100% before, now 98% why the change and how do you determine 98%? Kit – that is the manufacturer. Tyler – unless block wall, nothing is 100% site obscuring.

Mayor Wilson-Edwards opened the public hearing. Tom Jett – why 6 feet, why not 8 feet, 6 feet doesn't even cover a window. Paul – we measure from the high side of the fence. Tom – I think we should consider raising the height for junk yards, scrap yards a higher fence. Tyler mentioned commercial to less dense property, how do we calculate that, if both are commercial zone, we have a block, half is commercial and then homes, I think we are better to say against a different zone versus a different use. Tyler – it is done by zone, less dense residential purposes, but essentially it is done by zone. Tom – Larry Palmer interpreted it as a different use. Clarify to lesser zone. Paul – we still have residential uses in commercial zones. Phillips – this is new stuff. Paul – people purchase property, raise what is there and build something new. Such as 200 south on the SE corner of the intersection the law firm built a building and a residential area is next to it. If we go purely by zone they wouldn't have had to put a wall in. there are some areas going by zone we don't like the result. Tom – we could clarify a little narrower, what is considered lesser. Paul – if you put commercial next to a residential zone or use. Tom - historically we have tried to stay out of PUD's in the City, what I heard was requiring PUD's to have fenced areas for RV storage. Tyler – it now requires that, storage of a recreational vehicle. Tom – why do we get in the rules of a PUD. Tyler – we are already in that, we are not trying to get into it. Tom – then you should get out of that. Cozzens – I agree. Paul – we set minimum standards for PUD's, I think it was a compromise that came around 15 or more years ago. Tyler – the ordinance says the storage of recreation vehicles have to be in excess of 560 square feet. Phillips – we have PUD's in the middle of residential areas.

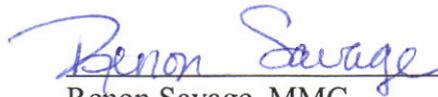
Tyler – I will get with Drew Jackson to come up with language. Phillips - I have read through this, but I want to read it again. I don't want us to dilute what we need to do. Tyler – some of the uses like HS or solar panels, motor home parks will be given the option of chain link which they didn't have before. Phillips – but they had board fences. Tyler – I don't know if we are diluting but giving more options. Adams – what about the heights in the proposed everything was 6 feet but for a solar farm which is 8 feet. Why that instead of a junk yard. I wasn't around when the ordinance was written. Adams – it used to be 8' city wide. Tom Jett – I spoke with York Jones several years ago, he was a man with great deal of knowledge and I spoke with him about fences, he said the history there were people that didn't like their neighbors so they built very tall fences, I think at that time is when the wall was pushed down to create enemies and blocking daylight for some residents. Phillips – wrecking yards is different than residential. Tom – I agree, but wrecking yards and industrial could have taller fences. The public hearing closed.

**CONSIDER THE ACCEPTANCE OF A PROPERTY DONATION TO THE CITY'S ANIMAL SHELTER. CITY ATTORNEY TYLER ROMERIL:** Tyler - the City received a letter a few weeks ago from an individual in CA, Jerry Chichmanian, he is a trustee of a will of Wiktorina M. Adelbert she donated a piece of property in Beryl through her will for Jerry to find an animal care facility to donate it to so he donated it to the City. It is the Beryl townsite, 0.16 acres, value is \$500 and has \$16.06 owing in back taxes. We would also have to pay closing costs and back taxes which would exceed the value. Tom Jett – I will pay those costs for the City, it was her wish. Tyler – the City may

someday have a buyer. Adams – during the MX missile time people from California were buying property all over. Action

**REVIEW BIDS FOR THE VETERAN'S CEMETERY STREET IMPROVEMENT PROJECT (1600 NORTH & VA WAY). CITY ENGINEER KIT WAREHAM:** Kit – the bids are coming in tomorrow, we will send you a staff sheet with the results of the bids and it will be on next week.

**ADJOURN:** Councilmember Isom moved to adjourn at 6:55 p.m.; second by Councilmember Adams; vote unanimous.

  
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Renon Savage, MMC  
City Recorder