COUNCIL MINUTES
MARCH 23, 2022

The City Council held a meeting on Wednesday, March 23, 2022, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

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

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Police Chief Darin Adams; Fire Chief Mike Phillips; Public Works Director Ryan Marshall; Director of Golf Jared Barnes.

OTHERS PRESENT: Ethan Bates, Amy Bates, Daniel Dial, Ann Clark, Jared Madsen, Tracy Sierra, Dave Clarke, H/R Brown, Kristy Spencer, Tom Jett, Trey Huck, Wendy Green, Teri Kenney, David Nakken, Alysha Lundgren, Rob O’Brien, Dan Roberts, Dallas Buckner, Stephanie Hill.

CALL TO ORDER: Pastor Joe Carrol of Calvary Chapel Church gave the invocation; the pledge was led by Paul Bittmenn.

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 – we are starting the book club I promised as a candidate, I met with the School District, books with movies, we are running it in the community at the City Library, children any age, read a chapter book, enjoy it, watch a movie of the book and get a free banana split and get a new book. I wasn’t a super reader, but if there was an opportunity to go with my friends for a movie and a banana split, I might have read the book. It will start when school is out. I attended an SUU advisory board and was given numbers, 14,324 students, 9,000 are in campus, that puts 5,000 students working online and getting their education. They are capping the students this year, if they don’t have enough housing. ■ Phillips – congratulations to the Cedar City Events for the St. Patrick’s Day happenings, they had things happening around town, bag pipers, green flowers, green shamrocks worth money, hats off to Brooke and our Events Dept. ■ Melling – I was not able to attend yesterday, but I went to the State Water Conference, it is interesting to hear about the Ground Water Management Plan and how it was managed. In the 80’s we had too much water and now we don’t have enough. There is a statewide effort to look at incentives to conserve, they are working on quite a few things to move us in a better track. ■ Jonathan – on the tree grate project, two trees on Center Street that are quite large, those are not included in the bid, they are too large to fit in the grates. We will look at a change order to modify the grates and put them on the trees. Paul – They are the trees by the IG Winery and the bakery. Jonathan – as we get in the project, we will get a price from the contractor and bring it back to the Council. ■ Swear in Patrol Officer’s Nephi Cajas and Lehi Afatasi. Chief Adams – we are excited to add two more to our ranks, Officer Lehi Afatasi and Nephi Cajas. Lehi – I have my wife Kathleen and two daughters, Suva and Isalei. Nephi – I have my family here, too many to
mention all, they are very supportive. Renon Savage administered the Oath of Office, their badges were pinned on them by Lehi’s wife and Nephi’s girlfriend. ■Ken Nielson, LS – we will be cleaning the parking garage tomorrow and Friday, level 2 and 4 tomorrow and the bottom on Friday morning.

PUBLIC COMMENTS: ■Ann Clark – I am happy, I drove by the Aquatic Center, and they were weeding, and cleaning and it looked nice. I drove up to them and told them it looked nice. When we do things and take care of the city it inspires the residents to take care. I want to thank you for spring clean-up, it is a costly gift. I appreciate the book club. I found out last night that the townhomes across from the ball fields are now nightly rentals, do they know, was it zoned for this. I see a lot of kids walking to school, there is a problem to have a hotel in the residential area. I tried to find out how many. There is a huge safety issue, I think it is like a hotel, we had a gang banger from LA that got picked up here. I don’t know zoning issues; I think of all that live there where they thought it was a nice area is now a hotel. Do they have a business license, it is on Instagram? Tyler – short-term rental you need a license, we don’t know if the owner has one. They are allowed in residential zones. Ann – my sister lives in Sand Hollow, you can’t believe all the people that come in on the weekend. ■Dan Dial, Kristy Spencer, Tom Walker, and Monte Stratton – I have gone my entire life never meeting these people, but Parkinson’s Disease brought us together. I am the founder of SW Parkinson’s Program and Kristy is the coordinator of the Support Group. We have an event coming up in April, it is Parkinson’s Awareness month, we are making you aware. Kristy – our support group and Rock Steady Boxing and Fitness are sponsoring some events in the community during April to make people aware. A support group is self-help group where members share particular challenges or successes with each other. It’s a place where people with Parkinson’s and their care partners can be themselves and connect with others, it’s a source of information, it’s members and guest speakers that are a treasury of knowledge and have practical experience themselves. A motivational tool, members can help cultivate self-esteem, inspiration and personal growth and hope for the future. A reminder to members that they are not alone, it’s an added circle of friends and family where members can talk, laugh and cry too. Our April support group will feature two ambassadors representing the Davis Phinney Foundation who is considered a leading source of education, resources, and inspiration reaching more than 500,000 people impacted with Parkinson’s. We will also have demonstrations from Rock Steady Boxing and Lee Silverman big exercises that are for people with Parkinson’s. This meeting will be open to the public and will be held on April 12th at 1:00 p.m. at the Senior Citizen Center. We will also invite people to make appointments to come down to Snap Fitness where we hold our Rock Steady Boxing classes. My husband passed away after 34 years of Parkinson’s disease last month. His life was made a higher quality because of Parkinson’s Support Groups and Rock Steady Boxing, he was able to have a quality of life, a group of friends and built his strength over the years.

Phillips – I had the opportunity 4 years ago to watch the participants and was amazed at the tenacity and how therapeutic and enhanced their ability to overcome this disease. It is a tribute to all of you for what you do. I am amazed at all of you, thanks for your hard work. Riddle – that falls under one of my committees and I will try and be there. I knew your husband for a long time. People with his struggles are great community members, and he brought a smile to people’s faces, and he was a bright light. ■Mayor introduced Ethan Bates, he is going to be appointed to CDAT and has an interest in that. Ethan – I was lucky to grow
up with 7 brothers and 2 sisters a lot with disabilities from cerebral palsy and fetal alcohol syndrome, I ran a mile pushing him in a chair. I am excited to serve with this group. Mayor — his parents are here also and have had a wide range of children in their home.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED MARCH 2 & 9, 2022; (2) APPROVE BILLS DATED MARCH 18, 2022; (3) APPROVE BID FOR THE CENTER STREET TREE GRATES PROJECT. JONATHAN STATHIS; (4) APPROVE CONTRACT AMOUNTS WITH ENGINEERING FIRMS FOR THE DESIGN OF CITY CAPITAL PROJECTS. JONATHAN STATHIS; (5) APPROVE AN AGREEMENT WITH WILLOWSTICK FOR WATER LOCATING SERVICES. PAUL BITTMENN; (6) APPROVE A SINGLE EVENT ALCOHOL PERMIT FOR SOUTHUtAH MUSEUM OF ART FOR THE 27TH ANNUAL ART AUCTION ON MAY 21, 2022. SUMA/CHIEF ADAMS; (7) APPROVE VICTOR PLAN FOR THE CEDAR BREAKS TOWNHOMES PUD PHASES 1 – 3. ALPHABET ENGINEERING/DON BOUDREAU; (8) APPROVE FINAL PLAT FOR ROSE VILLAGE PUD PHASE 1. GO CIVIL/TYLER ROMERIL; (9) APPROVE VICTOR PLAN FOR THE FIDDLERS COVE SUBDIVISION, PHASES 1 & 2. GO CIVIL/DON BOUDREAU; (10) APPROVE VICTOR PLAN FOR THE GLC SUBDIVISION LOCATED AT 1000 SOUTH MOUNTAIN VIEW DRIVE. PLATT & PLATT/DON BOUDREAU; (11) APPROVE THE APPOINTMENT OF ETHAN BATES TO THE CEDAR DISABILITY ACTION/AWARENESS TEAM (CDAT). MAYOR GREEN: Councilmember Isom moved to approve the consent agenda items 1 through 11 as written above; seconded by Councilmember Hartley; vote unanimous.

CONSIDER BIDS FOR THE EMERGENCY STORM DRAIN PROJECTS — CENTER STREET BORING. JONATHAN STATHIS: Jonathan — this is a project we are working on with the emergency projects, two 54” culverts under Center Street to reduce pressure. We received one bid from Precision Contractors for $498,382.32. Phillips — have we done work with them before? Jonathan — yes, their name previously was Precision Pipeline. They will use a 3rd party to do the boring. Sunrise has been working on the design. We are working on securing easements on both sides of Center. I met with Mr. Nakken today and have been in contact with the property owner on the north side. I will probably be bringing an easement agreement for the north side of Center Street in April. We are also working through utility issues. We feel this is a good bid for the project. Phillips — I don’t know how to compare this. Jonathan — Sunrise estimated $900,000, this doesn’t include the pipe. This will be paid out of ARPA funding.

Riddle — I know the contractor and they are very reputable.

Rich Wilson — I am sensitive to the fact that this is an incredibly good thing for the community, I am troubled, we can’t increase the volume of water by 200% without addressing the north side going to the car wash and taking care of the channel and debris. I would ask that you would say we will withhold that effort until we have finished the work on the north side so we are assured we will not be flooded out when putting the pipe in.

Mayor — we need to collect it properly on the south and the north. It was my suggestion to get drilling and get the pipes in. They are working on the north side design. Melling — we can
make sure it is blocked off if there is not somewhere for it to go. Mayor – the problem is we cannot get concrete pipe, so we will have a big ditch or concrete pipe. We can get steel pipe and we need to get that under the road, the rest will wait for concrete pipe.

Dave Nakken – in our discussion today Jonathan mentioned that the 3 pipes will be exposed and not connected to the existing culvert until we get the other side fixed. It is running the same way as it is now. So, it is basically the runoff. Jonathan – Sunrise is working on a catch basin; it is not part of this bid. The box culvert will not be disconnected as part of this bid, it will come later. Dave – it is the same as it is now. Johnathan – yes. Mayor – to bore the hole they have to remove the culvert. Jonathan – I don’t believe that will be done. Dave – we need to protect the north side. Mayor – I suggested that we dig the trench and slope for the concrete pipe so we will have a trench until we have the pipe. Jonathan – we have had discussion with UDOT to allow the water in the UDOT right of way temporarily. The Street Department has been in the ditch and cleaned it out and we think it will handle the flows until we get the new pipe installed, we are working to have that go out to bid. Phillips – when will that be done? Jonathan – the end of June or July. The emergency is to get the culverts in and catch basins, the longer term is to get the channel designed, bid and constructed going north, which will probably not happen before the monsoon. A few more things could be done with rip rap and Sunrise is working on that so the street Department can get it done before the monsoon. Phillips – have we had discussions with UDOT? Paul – UDOT will not allow us to dig a trench, we talked about using the interchange and concrete barriers. UDOT will allow us to do a box culvert permanently, but they were not amenable to a temporary trench. Jonathan – we will build a berm or bring in k-rails and they were ok with that. Phillips – we need to create some type of diversion until the north side is fixed. Jonathan – that is what the berm or k-rails will do. Hartley – that will be against the fence? Yes. Paul – we can funnel the water to the off ramp and keep the water away from the apartments.

Councilmember Hartley moved to approve the bid from Precision Contractors in the amount of $498,382.32; seconded by Councilmember Melling; vote unanimous.

**CONSIDER MATERIAL QUOTES FOR THE EMERGENCY STORM DRAIN PROJECTS – CENTER STREET BORING, JONATHAN STATHIS:** Jonathan - this is the materials for the project, we were concerned with the lead time, so we wanted it separate. The low bid is from Southwest Plumbing Supply at $196,800, so we should have the material in about 3-4 weeks.

Mayor – that is the company I created, I don’t own the stock, but my children do.

Councilmember Melling moved to approve the bid from Southwest Plumbing Supply for materials in the amount of $196,800; seconded by Councilmember Isom; vote unanimous.

**A RESOLUTION AMENDING THE CEDAR CITY PURCHASING POLICY RELATED TO PURCHASING CARD LIMITS, JASON NORRIS:** Phillips – there are enough internal controls, it is needed.

Councilmember Phillips moved to approve the resolution amending the Personnel policy related to purchasing card limits; seconded by Councilmember Hartley; vote as follows:
AYE: 5
NAY: 0
ABSTAINED: 0

AN ORDINANCE AMENDING CHAPTER 26 BY CREATING REQUIREMENTS FOR EXTERNAL ACCESSORY DWELLING UNITS. DON BOUDREAU: Don – last week you entertained the ADU’s, similar to internal units. 800 square foot maximum, max 2 bedrooms, 16’ tall and architectural and location behind the primary dwelling and they will require 1 parking space per bedroom beyond the 25’ front setback.

Phillips – the internal units, it speaks to parking, one additional parking space. Are we assuming the internal only has one per bedroom? Don – we are not assuming that the state allowed certain restrictions that should or should not apply and that was the one space per bedroom. Tyler – State law will not let us require more than one additional parking space.

Hartley – I have concerns on the discrepancy on the storm drain on a duplex and an external. Paul – this is an amendment to the zoning ordinance which does not cover any fees for the enterprise funds. Staff would use the existing ordinances to charge similar to every other use in the city. If one comes in under current ordinance and pulls a building permit or get another garbage can and we would amend the bill accordingly which is additional charge for sewer, storm drain, garbage, if they get another meter, they can do that, if not they get to the higher tier rate sooner. If the Council wants to amend the ordinance to not charge that you can do that. Hartley and Phillips – they should be charged. Melling – how do we administer that, at building permit, or when they get an extra garbage can, how will staff find out what is going on. The water is already considered, it was brought up last week and I was trying to figure it out and Mr. Bittmenn reached out to me to explain that. Phillips – this can be a slippery slope, but we are doing a lot of infilling development. This will not work for everyone. People have already done some of this. I know we are concerned about the character of the neighborhood, but it is something we need to create an opportunity. We put the right restrictions on size and height and parking. I think we are making the right attempts. Melling – the owner occupancy component is the biggest quality control, especially for the older neighborhoods. If someone invests in building one of these, the odds of investor owned will be nil. If an investor is not living on the property they will not be on that market, it has to be owner occupied. I am excited to see this option. Mayor – I supported this, the owner occupant can live in the back building and can be handicapped accessible and maintain the neighborhood in the front and it can generate cash. We have a lot of people trying to live on social security with a mortgage, the way to make it work is to make a little money and it provides an avenue.

Phillips – will the building permit trigger a business license. How do we monitor that? Melling – they are pulling a permit for a guest home, you could say there are other parameters, that is an opportunity for staff to bring up issues. Don – they pull the permit and look at parking. When they get occupancy, we can look at the business license. Riddle – I have discussed this with a few people. We have people questioning without education. I own a house with my brothers and sister. To use that properly, I had questions and educated myself. Phillips – how do we do that? Riddle – I am concerned about that. We get a lot of emails. I had to read and understand the ordinance and discussed it with some other people. I
am concerned about the lack of education we come across continually. I was one that fell into that. I would like to help educate and understand better. Melling – we could use non-profits or our website to get information out. We can ask people to get licensed so this can be tracked. It would require municipalities to require a business license for tracking. I don’t think that will go through, but the data collection is important. We want people to know they are available units. Don – we do a lot of that at staff level when people come in, we give people the options that are available. Riddle – continually having a regulation bothers me. I don’t think we need control on everything we do. Melling – we need to find ways to get out of the way. This creates a new option.

Councilmember Riddle moved to approve the ordinance amending Chapter 26 by creating requirements for external accessory dwelling units; seconded by Councilmember Hartley; roll call vote as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terri Hartley</td>
<td>AYE</td>
</tr>
<tr>
<td>Craig Isom</td>
<td>AYE</td>
</tr>
<tr>
<td>Tyler Melling</td>
<td>AYE</td>
</tr>
<tr>
<td>Scott Phillips</td>
<td>AYE</td>
</tr>
<tr>
<td>Ron Riddle</td>
<td>AYE</td>
</tr>
</tbody>
</table>

**CONSIDER VICINITY PLAN FOR THE VALLEY AT BAUER MEADOWS SUBDIVISION PHASE 1, GO CIVIL/DON BOUDREAU:** Dallas Buckner, Go Civil – this was discussed last week. Hartley – do we need to resolve the fencing and drainage and tank or does that come at construction drawings. Tyler – you can approve with the understanding that the fence, double fronted lots, the water line, water tank and storm drain need to be resolved. Hartley – did they find out if the tank was on the master plan? Dallas – it was on the master plan but not the RDO. Don – there was a lot of discussion and I mentioned that it should be shown on the RDO. We put on the record that it was in the master plan but not shown on the RDO. Tyler – we have to figure that out before final plat. Dallas – we brought changes to Sketch last week, and we put an application for the Planning Commission to change that.

Councilmember Isom moved to approve the vicinity plan for the Valley at Bauer Meadows Subdivision, Phase 1 with those concerns noted; second by Councilmember Hartley; vote unanimous.

**CONSIDER A VARIANCE REQUEST FOR PERIMETER FENCE IN THE CEDAR RIDGE ESTATES PUD LOCATED AT APPROXIMATELY 250 E. CEDAR RIDGE CIRCLE, PLATT & PLATT/JONATHAN STATHIS:** Dave Clarks, Platt & Platt – you know our requests. Phillips – I have some heartburn on this. I went and looked closely and talked to people about it. People are creatures of habit. If I lived there and wanted to take a stroll, I can do that. If I am a golfer and it lands in someone’s back yard I will go and look for it. I think we have to set a parameter that it is private property, selected PUD, and a long time ago they went to BOA for a wrought Iron fence. I think there needs to be some delineation. Whatever we do should need a similar look, even if the owners put those up.
Hartley – I went and walked it and have similar concerns with people going to private property. I know we passed the ordinance, but I don’t think it fits the other reasons, this is a perimeter at the base, there needs to be a separation from the yards and golfers.

Melling – would that be a grant of a variance with contingencies that the CC&R’s require the fence? Paul – you can do that and put it in. The problem with a developer putting it in CC&R’s, they give that to us, get final approval and record another set of CC&R’s and we don’t see them, and they can be changed, so that is a drawback. There is nothing illegal. We can’t yank a final plat if it meets ordinance.

Jared Barnes, Director of Golf – I spent years working for the developer of golf course communities. I am glad we are here having this discussion. I hope to run the golf course for 15 more years, communication is key. I was unaware it is zoned for 40 townhomes, and I much prefer this if it is developed. A couple of thoughts, hole #1 was built in 1963, so for 60 years, golfers stand up and try to cut over the corner. I walked the hill today and watched a good player hit today and if homes were there, I said he hit it over 5 homes. I would guess 6 out of 10 balls don’t make it, 4 out of 10 looks for their $4 ball. The homeowners will get golf balls, I don’t know if they will want golfers in their yard looking for them. Some homes have nets in their yards. These homes will get hit often. I have dealt with homeowners for 25 years yelling at me and my staff. This building is hit all the time. My preference as operator of the golf course is the fence goes in first and we keep people out. We have a gentleman that walks the hills and collects golf balls, he cleans them up and donates them to the high school teams and others. I talked to him, and I asked him on an average what do you expect to find in that area, and he said 20-40 balls a day. If he is finding 20-40 balls, I am guessing another 20% of the golfers go and finds their ball. Without a fence the homeowners will be at my desk all day long. I get that people want to live on a golf course. Windows will be broken. I have never dealt with one that will take this much action. Isom – we like the reduced number.

Dave – they are willing to require the fence; they just don’t want to do it now. I talked with Steve Carter yesterday. I understand their position, but they want it on the homeowner. Tyler – why, what is the difference with other PUD’s? Dave – Ashdown or Cedar Ridge didn’t put them in. Paul – they were not required. Richard – Cedar Peak, when we originally came in and they asked for the fence, it was 40 units. We can move a lot of soil and make it conducive with the terrain. The fence will go up and down if it is on the perimeter and wrought Iron is in rectangular fashion. On the north side it is steep terrain. You would have to grade that and every lot would have to be graded out. We are trying to keep golfers off the property and as adults we have to be responsible for your actions. If you know you can’t hit it, why are you doing it. You can also put trees in and that would be easy to do. Mayor – it takes 20 years to grow a tree. Richard – on the back 9 there are several properties that don’t have a fence, some have gates. Every pad will be different on our project. If each put in their own fence, we can put it in the CC&R’s, and when it goes for a building permit you can ask where the fence will be, and the fence could flow without an eyesore. Some lots are high on the property you will have to have a fence by your back patio, or you will fall off, it is that steep. You will catch it at plan check. Paul – we don’t enforce CC&R’s. Tyler – we don’t do that in any PUD in the City. Richard – you do a building permit, and you can ask where your fence is. Phillips – why would we want to do that 14 times. It will create more
time for our staff to look at the grading. Jonathan – it will take more time. Richard – you will have to pull a grading permit. Phillips – are you developing the PUD or asking individuals to do that? Richard – we are developing it and putting the utilities and then sell the lots. Hartley – wouldn’t you be making the pads, so you have the elevation when putting the infrastructure in. Mayor – they will only do stubs to the property. Richard – in the beginning there will be 3 done, but we will sell as time goes on. Phillips – you are concerned about the fence going up and down, and I don’t want fences in different places. Richard – we staked the property lines, but we don’t want to grade the perimeter for the fence. Tyler – at the first you make an argument of a homeowner knowing what they are buying. Isn’t that the same for a developer of a PUD. Richard – yes, we met the caveats to allow for this. Phillips – it doesn’t allow it; it allows you to ask. Melling – I recognize that if we are going for a certain aesthetic, if we can’t articulate and grant a variance to allow what we want to see, as a responsible property owner they have a right to come back with 46 units plus request and we can’t complain. Phillips – why did you jump to that? Melling – because of the cost, it will be high end units, and if we can’t find a variance that will add to the cost of each lot, and it will diminish with each lot. The economics if we want to see something and not find room for it people can use the tools at their disposal. Paul – the city is not in the position to remove the variance they already have that was passed by the BOA around 2006, it runs with the land. Melling – what are the terms? Fully installed at development. Paul – they only varied the site obscuring fence, they asked for wrought iron fence. Melling – that has to be on the property line? Paul – the perimeter fencing in the ordinance is at property line.

Riddle – in the situation, we have homes around the Golf Course, when the golf ball comes up, I have an aunt that lives on Sun River and she collects golf balls and glass from windows broke. Is the city liable for the window? Tyler – no, the property owner assumes the risk.

Richard – this is a city owned golf course; the patrons have to obey rules on the golf course. Paul – there is not a rule to hit the ball straight. Richard – when you tee off and don’t have the ability you don’t try. There has to be some responsibility. Isom – if there is a fence Dick Carlson won’t have access. Richard – if we have trees put in, people won’t try. Phillips – you are welcome to put in trees.

Jared Barnes – I agree if you can’t hit it you shouldn’t try, I agree, but some will if they can clear 5 out of 10 times they will try. People aim to where their best potential is, and I can’t stop it. Golf is hard. One thing I struggle with is people say they hit our house on purpose and there is not a golfer that does that. I like the tree idea. The 3 trees we planted we spent $5,000 and they are Christmas trees, trees are not cheap. Maybe they won’t try to hit it over, if there is a fence, they may not try to hit it because if they don’t make it they lose their $4 ball.

Riddle – who cares about the golf ball, that is not the issue, the issue is if we grant a variance or not. Jared – I agree, my only suggestion is that it will be a decision that will be in perpetuity for 30-40 years and that is where the golf ball comes into it. There are some steep hills, if a homeowner puts their own home at the property line and one at the end of their patio that is the waive in the fence. Richard – that is happening on the back 9. Jared – but they are all on the property line. Richard – I took pictures, some are beautiful don’t have a fence and terraced to an existing patio, they are new homes within 5 years. I would like the
council to look at that in a manner where the rules have already been set. Tyler – in the ordinance it is elective, it is a may, not a shall.

Councilmember Phillips moved to deny the variance request for perimeter fence in the Cedar Ridge estates PUD located at approximately 250 E. Cedar Ridge Circle; second by Councilmember Hartley;

Richard – can we table it. Tyler – there is a motion and second, it needs to be voted on.

Vote on the motion: AYE – 3, NAY – 2 Melling and Riddle.

**CONSIDER APPROVING THE FINAL PLAT OF THE TOWNHOMES AT CROSS HOLLOW PUD PHASE 2 LOCATED IN THE VICINITY OF CODY DRIVE AND CROSS HOLLOW ROAD. PLATT & PLATT/TYLER ROMERIL:** Dave Clarke, Platt & Platt – there was discussion on grading, there is a water vault that comes off Cody Drive, the power box is also on Cody Drive. Per industry standard and the Cedar City Engineering Standards you rough grade first, you have to get the utilities in the right spot and grade. It is a small piece of property. When we brought in vicinity the grading was approved in the whole development, that is why the developer did rough grading. The pads are not to grade, he did enough to get utilities in at the right grade. There are rocks that have not been hauled off from phase 1 and 2. Phillips – when it came through for consideration was it vested under the old PUD ordinance because there is not open space? Hartley – the driveway lengths are not there either. Does 16’ meet the old ordinance, is the rolled curve counted? Jonathan – yes in the old ordinance. The vicinity was all brought through at the same time. Dave – they brought those through all at once and then did 2 separate final plats. Tyler – with the penalty, when council approved phase 1 the construction drawings with that put in the utilities in phase 2. The only way to get it in phase 1 is to go through phase 2. Are there utilities in the stub outs? Dave – no, each building has one sewer lateral, when they did the water they did the same thing, the stubs one to each building. They didn’t have to “T” it off. Tyler – I have received everything. Phillips – I have a problem with this being so small. Melling – this is one that sparked the changes.

Councilmember Isom moved to approve the final plat of Cross Hollows PUD Phase 2; second by Councilmember Melling; vote unanimous.

**AN ORDINANCE VACATING LOTS 8-13 AND 20-24 IN BLOCK 5 OF THE VALLEY VIEW SUBDIVISION LOCATED AT 901 SOUTH JOE THURSTON WAY. PLATT & PLATT/TYLER ROMERIL:** Councilmember Isom moved to approve the ordinance vacating lots 8-13 and 20-24 in Block 5 of the Valley View Subdivision located at 901 S. Joe Thurston Way; seconded by Councilmember Hartley; roll call vote as follows:

- Terri Hartley - AYE
- Craig Isom - AYE
- Tyler Melling - AYE
- Scott Phillips - AYE
- Ron Riddle - AYE
AN ORDINANCE AMENDING THE GENERAL PLAN FROM MIXED USE TO HIGH DENSITY RESIDENTIAL ON PROPERTY LOCATED AT 901 SOUTH JOE THURSTON WAY. PLATT & PLATT/TYLER ROMERIL: Councilmember Hartley moved to approve the ordinance to amend the General Plan from mixed use to high density residential for property located at 901 S. Joe Thurston Way; seconded by Councilmember Isom; roll call vote as follows:

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

CONSIDER AN ORDINANCE AMENDING THE ZONE FROM CENTRAL COMMERCIAL (CC) TO DWELLING MULTIPLE UNIT (R-3-M) ON PROPERTY LOCATED AT 901 SOUTH JOE THURSTON WAY. PLATT & PLATT/ TYLER ROMERIL: Councilmember Phillips moved to approve the ordinance to amend the zone from CC to R-3-M for property located at 901 S. Joe Thurston Way; seconded by Councilmember Hartley; roll call vote as follows:

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

CONSIDER A RESOLUTION AMENDING THE DEVELOPMENT AGREEMENT WITH LUXURY HOMES CONCIERGE, PLATT & PLATT/ TYLER ROMERIL: Dave Clarke, Platt & Platt – we need to clarify the property ownership changed to Shurtz Canyon Oz, LLC and they are responsible for the Development Agreement. Tyler – and we increased the residential by 10 acres but not density.

Councilmember Melling moved to approve the resolution amending the development agreement with Luxury Homes Concierge; seconded by Councilmember Hartley; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

AN ORDINANCE AMENDING THE GENERAL PLAN FROM CENTRAL COMMERCIAL TO RESIDENTIAL MEDIUM DENSITY ON PROPERTY LOCATED AT 2901 SOUTH TIPPLE ROAD. PLATT & PLATT/ TYLER ROMERIL: Councilmember Isom moved to approve the ordinance amending the General Plan from central commercial to residential medium density for property located at 2901 S. Tipple Road; seconded by Councilmember Hartley; roll call vote as follows:
AN ORDINANCE AMENDING THE ZONE FROM CENTRAL COMMERCIAL (CC) TO DWELLING SINGLE UNIT (R-2-1) ON PROPERTY LOCATED AT 2901 SOUTH TIPPLE ROAD. PLATT & PLATT/TYLER ROMERIL: Councilmember Isom moved to approve the ordinance to amend the zone from central commercial to R-2-1 for property located at 2901 S. Tipple Road; seconded by Councilmember Hartley; roll call vote as follows:

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

AN ORDINANCE AMENDING THE GENERAL PLAN FROM MEDIUM DENSITY RESIDENTIAL TO RESIDENTIAL ESTATES ON PROPERTY LOCATED AT 3000 NORTH 175 WEST. PLATT & PLATT/TYLER ROMERIL: Councilmember Phillips moved to approve the ordinance amending the General Plan from medium density residential to residential estates for property located at 3000 North 175 West; seconded by Councilmember Hartley; roll call vote as follows:

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

AN ORDINANCE AMENDING THE ZONE FROM ANNEX TRANSITION (AT) TO RESIDENTIAL ESTATE (RE) ON PROPERTY LOCATED AT 3000 NORTH 175 WEST. PLATT & PLATT/TYLER ROMERIL: Councilmember Hartley moved to approve the ordinance amending the zone from AT to RE for property located at 3000 North 175 West; seconded by Councilmember Isom; roll call vote as follows:

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

Rich Wilson – going back to item #13, can you clarify is the concrete piping part of the material bid you approved tonight or the property going north. Jonathan – no. Rich – we have to address the property going north, Mr. Nakken and Mr. Wilson lost property on the
south side $500,000 in total in our apartments. On the north side the city has potential to lose $12 to $15 million without addressing the culvert, there was still damages on the north side of the 3 property owners. I feel strongly if we don’t address the needs on the north side to get the water out and increase the pipe by 200%, we create the biggest flood potential of the units and I ask consideration more than get in the ditch, going 7-9 feet and go into the property owned by the State and private property and you said there is a lot of erosion in the ditch. We cannot get pipe and we are going to deal with the south side first and then worry about those on the north. We need to worry about both at the same time. You need to take good consideration on how to get through the property owners on the north.

Jonathan – I appreciate your comments, we are working extremely hard to address your concerns, Sunrise is working on this. They will move to design the downstream as soon as the emergency portion is done. Mayor – do you want a trench? Rich – supplies are hard to get, the magnitude will require track hoes, moving fence to get it away in the curvature, it goes all the way to the car wash. This is a major project and the rip rap to help control it are going to require time, energy and cost and that is why I ask if the concrete piping was part of the material cost. Mayor – it is part of the entire project, there is an option to dig a trench through the parking lot, the only route I know until the pipe gets here would be to dig the trench and take it to where they rap and some can be done prior to the season. Nothing happens until the water gets to the south side and it could be opened into a massive ditch and eventually, they will build a big ditch. Jonathan – the council voted to go with plastic pipe. We can’t order pipe when we don’t know the size or the exact location. The plastic pipe will be quicker. Mayor – we are on it, and we are concerned. The money appropriated we are focusing on that. We built a trench by Silver Silo on one side. Phillips – we have $3.5 million left. As soon as it is designed, we will get it ordered. At some point if we are too far out, we need to do some emergency measures. Mayor – if we do plastic pipe, we can start bidding.

ADJOURN: Councilmember Isom moved to adjourn at 7:30 p.m.; second by Councilmember Phillips; vote unanimous.