COUNCIL WORK MINUTES  
JUNE 1, 2022

The City Council held a meeting on Wednesday, June 1, 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; Human Resources Director Natasha Hirschi; Public Works Director Ryan Marshall.


CALL TO ORDER: Pastor Bob Sharp of Trinity Lutheran Church gave the invocation; the pledge was led by Councilmember Riddle.

AGENDA ORDER APPROVAL: Councilmember Isom moved to approve the agenda order for Council, RDA and MBA; second by Councilmember Melling; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Mayor – I have a tuna fish can 1.5 inch deep. A suggestion this is an adequate amount of water for a lawn in one week when we are in a drought. You can use a can to see what 3 watering’s a week does. I like a lawn, I am considering narrowing my lawn to some xeriscape, but I want to keep some lawn. Most people have sprinkler systems, I wish everyone did, I started a business for sprinkler pipe and I had an ad saying “don’t drag the hose”. Seasonal adjusting works well on sprinkler systems. ■Melling – when looking at water data, 1.5” is adequate to keep a lawn green in the peak of summer. Based on the water billing the vast majority of our residents water beyond that. We could save 10%-15% of the citywide water usage by not overwatering. Also, Monday night there was a meteor shower it could be great or not so much, I went out by the treatment plant on 2300 away from town and watched that, I saw about 3 meteors between 10:30 p.m. and 1:15 a.m., to the south was an orange glow, it was a reminder to me that the night skies are starting to go away, I don’t think we need to tell people to change everything on their property, but for new construction and remodels some basic parameters and lead by example for a dark sky. ■Isom – the Tuesday before Memorial Day I was at a luncheon and people complained about the cemetery, I encouraged them to go and look at it again and to call me if it wasn’t better. The cemetery looked good on Memorial Day and I thank the staff for the preparations. ■Hartley – I was looking to find plots and our map out there you cannot read anything but the sections, I looked online and couldn’t find it either, could we please get a new map and also put it online. ■Discuss renewal of lease agreements with SITLA for the Quichapa Canyon water lines & Spilsbury water tank. Jonathan Stathis – SITLA notified us that the lease agreement needs to be renewed for Spilsbury Water Tank and the water lines west of Quichapa Lake, west of Bumblebee Road. We have springs in that area. They requested that the city renew those two agreements. Legal has reviewed and we are ready to renew, it is a 30-year term.
Tyler – it is not required to be voted on; we are just bringing it to your attention. Mayor – there are 3 wells that feed that water tank. ■Update on Farmers Market – Paul – they are still trying to get feedback from Quest people, they know the vehicular entrance is off Center not 100 West but are unable to get in touch with them. They are trying to get with SUU for their building. They will not move for a few weeks, so they are not harmed. We will put them on the action agenda. ■Chief Darin Adams – update on the Value Inn, the demolition was to begin on the 25th. They have had issues with equipment in their shop, we told them it needs to get moving. They dropped off dumpsters today and they assured us they will start on the 13th; we are trying to be sensitive to the owner who was recently widowed.

PUBLIC COMMENTS: ■Laura Henderson – to add to the tuna can issue, I feel lucky that my husband and I have water shares in Cedar City. I have had a few neighbors ask me, we have our ditch water run down Dewey, we have 1.5 HP pump, I take window screening to filter seeds and we use it for to water our lawn. I had a neighbor from 200 West come over and I showed her how to do that. One day a week I can irrigate from ditch water. That is an alternative way to water your lawn if you have irrigation water. ■Ann Clark – I am concerned about the water, have we ever thought about slowing the growth, we just keep building and building. People can’t understand why we don’t slow the growth. First it is conserve, then no watering before 6:00 p.m. or after 8:00 a.m. Then every other day and the tiered fee system. We don’t have enough water; we spend a lot of money getting water. The tiered water is punishing the people because the city approved the growth and there is not enough water. Maybe we slow the growth until we get the water. We don’t have enough water if we are on restrictions. The dollar store is $1.25 now and I just spent $7.25 for grapes at Wal-Mart. Hartley – it is more complicated than you think, I would like to set down and explain that to you. Melling – it is important, I hear stop the growth; we can push out every kid that grew up here. The price of water and availability will determine growth, we have increased by 25% the cost of water and we are settled in on the fees, there was some bad math and outdated policies, but the cost and availability of water will determine growth in the future. People fled from California and Vegas and came here. The arbitrary limits punish people that grew up here. It is a lot more than stopping growth, we manage the resources and allocate to the residents and the fees have gone up significantly. Ann Clark – I heard from a businessperson, if a developer you have to bring water and I heard they reneged on that and they don’t have to bring the water. Melling – if they don’t bring the water, they have to pay a fee several thousand dollars higher than the cost on the market. Mayor – I offered for you to come and visit with us and discuss some of these things, I offer that again, I don’t think you totally understand how we adhere to the laws. I would be more than willing to talk with you about it. ■Rose Clements – I would like you to open that to an open meeting to explain about the water. Melling – we have spent dozens of hours in open meetings discussing this. We have a lot of public input and views, and a lot don’t pay attention and are we rehashing. When we meet with citizens one on one it isn’t anything we have not done in an open meeting. We are all open to meet with citizens one on one, so we are not rehashing the same issues over and over again and taking staff time. Rose – are they meetings online? Melling – generally not, we meet in a small setting, we don’t bar the residents from coming, we just can’t have all the council members there, but a few can meet. We will meet here or Festival Hall. Rose – when was the last meeting? Melling – I think we had an extensive one in December. We talk about water issues about every other month. The Water Conservancy District meets monthly. Phillips – all of our agendas are available online for the upcoming
meeting. Hartley – they are recorded so you can go back and watch those. We discussed water a lot in December and January.

**CONSIDER THE APPOINTMENT OF SAVANNAH NELSON TO THE ACTIVE TRANSPORTATION COMMITTEE. MAYOR GREEN:** Mayor Green – she was requested by the committee. She works at Southwest Utah Public Health. Phillips – we are very supportive of this; she replaces Tora Taylor who was previously there but took other employment. Mayor – I did meet with her.

**CONSIDER A RESOLUTION AMENDING CHAPTERS 4 AND 8 OF THE CITY’S PERSONNEL POLICY. NATASHA HIRSCHI:** Natasha Hirsch, Human Resources – we had a few changes, we completed an audit with Utah Retirement Systems (URS) and they made recommendations to be in compliance. Additional language for exempt, they can exempt out of URS or tier 2 out of the vesting. The second change is to add the City Surveyor as an exempt position. Phillips – what is a tier 1 and tier 2 employee? Natasha - Tier 1 is for those hired before July 1, 2011, Tier 2 is anyone hired after that date. Once you become that tier you are there forever. Second change is we pay Planning Commission members a small fee, they want to specify that they are not eligible for retirement. Chapter 8 we have a policy for employees if they run out of leave time the department head can ask for a donation of leave and an employee can donate 8 hours. We are adding that the employee must use their own leave time before they can use the bank. Phillips – how often do we have an audit from URS? Natasha – every 3 years. They give recommendations to keep us compliant.

**CONSIDER AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY’S ORDINANCES REGARDING THE CITY RECORDER. TYLER ROMERIL:** Tyler – the next three items are looking at old ordinances and cleaning them up. The original ordinance was prior to the City having a finance department, the duties were directed at auditing and financial responsibilities that are not done anymore. We struck the 4-year term, State law does not require that any longer, the position is at the pleasure of the City Council. Hartley – I assume we have a section for the finance department? Tyler – yes, I will look at that also. I also made a change to gender neutral. We have an ordinance that states if a gender is mentioned it is meant to be gender neutral.

**CONSIDER AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY’S ORDINANCES REGARDING THE CITY TREASURER. TYLER ROMERIL:** Tyler – the amendments strike the 4-year term, it is held at the pleasure of the City Council. The bond amount was set at $10,000, we recently bonded for a million, so that was updated. Hartley – back to the recorder, do we update the bond for $1,000 for the recorder. Tyler – we don’t have a specific bond for the recorder, we have a public employee bond. We can strike that.

**CONSIDER AN ORDINANCE AMENDING CHAPTER 7 OF THE CITY’S ORDINANCES REGARDING THE CITY ATTORNEY. TYLER ROMERIL:** Tyler – this section struck the 4 year term and to be held at the pleasure of the City Council.
CONSIDER BIDS FOR THE EMERGENCY STORM DRAIN PROJECTS – CENTER STREET CONCRETE INLET AND OUTLET STRUCTURES.

JONATHAN STATHIS: Jonathan – no bids yet, we hope to have bids for the action meeting. We have had some interest, we have had a hard time getting bids, if we don’t get one, we will look at the blanket contracts. Mayor – are they hesitant because the lack of cement powder? Jonathan – it could be, but they are all very busy. There is a problem getting concrete, so it is adding to the issues. We heard from the boring contractor that they should be here next week. Phillips – what liability do we open ourselves if we don’t have the concrete pipe, but we are boring the hole? Jonathan – that is two different projects, this will be cast in place, it should be a shorter wait. Mayor – they build a receptor on either side, and it will run in an open culvert until we get the concrete. Paul – we have the pipe; it is setting at Public Works. Jonathan – there is going to be temporary shoring on either side that will stay in place until the concrete structure is in place.

CONSIDER A STORM WATER MAINTENANCE AGREEMENT WITH UDOT FOR THE SUU STORM DRAIN PROJECT. JONATHAN STATHIS: - Jonathan – SUU is working on a project to install a storm drain system along 200 South and north along 800 West to 200 North. They have been working on the design; it doesn’t look like they will get it all. They will only be able to do the section on 800 West adjacent to the new building, but they want the contract in place. Phillips – the 200 South section won’t be done? Correct. What happens to the resurfacing project? Jonathan – I am not sure; I think they are going to leave that section out. Melling – 200 South and 800 West is this an augmentation of an existing structure or is it new? Jonathan – it is new. Melling – there is no storm drain system underground? Jonathan - No, it flows west towards I-15 and under the freeway there. This will cut out that drainage and send it north. Melling – is this the water that was flooding the stadium? Jonathan – yes. Mayor – also the west side that went under the freeway. Jonathan – this is what the City master plan shows. There is a system in 200 North that runs west. Mayor – will it hold it? Jonathan – there has been discussion to take the drainage all the way to Coal Creek, but it is not a part of this. The agreement says that the City will maintain the pipe in the UDOT right-of-way. Phillips – they will meet our standards? Yes. Phillips – we feel good about it? Yes.

CONSIDER BIDS FOR THE 1100 WEST FROM 200 NORTH TO 400 NORTH REBUILD. SHANE JOHNSON: Jonathan – we got some bids; it is to remove the existing asphalt and resurface and redo some concrete work from 200 to 400 North. We received two bids; Mel Clark is the low bidder $409,042.16 it is within budget.

CONSIDER BIDS FOR THE 895 SOUTH JOE THURSTON WAY INTERSECTION IMPROVEMENTS. SHANE JOHNSON: Jonathan – this project is over budget, even if we combine the two projects, it is $89,000 over budget. We can just move forward with the 1100 West; we can scale back Joe Thurston and have city crews do some of it. If we scale back, we can do just pavement or double chip seal. This includes the curb cuts. Mayor – what about the drainage, Spruce is lower than Joe Thurston Way. Jonathan – the drainage heads west. There is drainage in Joe Thurston Way. Phillips – how did we miss the mark? Mayor – all the concrete. Melling – I don’t think we are going to have the demand for the ramps, there is already access on the west of Maple Street, now Joe Thurston Way. On the west side of the street is where the apartments are. The east side I don’t think we will have as much
foot traffic. I am comfortable connecting the asphalt now, and when things are less crazy, we will put sidewalks in. I don’t think we should pay a premium. Mayor – we put this out for engineering, and we got a good product. Jonathan – we can do some value engineering. Mayor – the neighbors on Spruce Street would like to get to a traffic light. Phillips – it is important, they waited a long time for the street, let’s do what we can to make it a nice street. We have an opportunity to help this part of town, we need to have a way to move the traffic. Mayor – is it in the plan to connect Green Street? Jonathan – no, there is a developer working on a project to connect that. Phillips – we need to do what we can. How will we act on it? Paul – put it on action and have Jonathan value engineer it.

**PUBLIC HEARING TO CONSIDER THE REVISION OF THE 2021-2022 FISCAL YEAR BUDGET. JASON NORRIS:** Jason – the year end is June 30th, our crystal ball doesn’t tell us everything and we adjust budget items at the end. It is not a bad thing; it is just things we don’t anticipate. Housing Authority we are an entity to take in their grant funding, we just pass it through, we adjust $210,000 to receive their federal funding. Economic Development we had software with participation from Iron County, adjust it $35,000. The Police Department they work shifts for other public and private entities and collect revenue, we have a price we charge when officers take those shifts, it is $33,000 that will go back into their budget. Of that there are a few donations to the Animal Shelter; $8,700 to the overtime, some for uniforms, investigations, computer supplies, in house training, professional and technical services, insurance, state liquor and computer supplies. We get about $50,000 from the State from alcohol sales to help with DUI shifts and other things, they have been told not to carry a fund balance.

Fire Department they fight fires State and Federally and get paid to do that, we anticipate they will be on some before June 30th, we anticipate $45,000 in payroll costs. They did quite a bit more driving around than anticipated, especially with flooding, the city will put $15,000 in for that. Their fuel is under $9,600 and legal claims $7,800. If they have legal claims they are charged to the department. They had a message board destroyed in a vehicle accident and were reimbursed $16,416 from the insurance to purchase a new message board. We were awarded a private grant for SCBA bottles for $4,900.00

Building – we pay a surcharge to the State, we have had so many we have $6,500 to forward to the State.

Library – they acquire materials for the banana split book club and the mayor donates to pay for those it is $8,500. $25,000 in adjustments for ARFA Grants both State and Federal.

Events – TRT fund adjusting $50,000, they did a concert with David Archuleta, it was for ticket sales. $25,134 for half marathon entry fees, $12,284 from corporate sponsorships and $13,370 from Iron County Tourism.

Estimated transfer of funding from the General Fund to the Capital Improvement Fund, we don’t know exactly how much, could be as much as $4.5 million. Melling – how much left in the rainy day? Jason – nothing comes from the rainy day.

Mayor Green opened the public hearing. There were no comments. The hearing closed.
PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE 2022-2023 FISCAL YEAR BUDGET. JASON NORRIS: Jason – we haven’t made any changes from the tentative budget. Phillips – when does it need to be fully adopted? Jason – before the end of the month, but we will adopt next week. Tyler – there is public notice required, if you aren’t going to adopt next week, if it is different, we need to know. Jason – we adjusted $5,000 in legal services. Riddle – when I got into this process, this is one of the things I was concerned about. I don’t know about the money the city brings in. I want to commend the staff for what I have watched during the campaign and my short time on the council. I have people call me about how money is spent, and I tell them to show up and see what is happening. I want to commend your department and the administration of the city. I see total transparency; everyone in the city can call and find out how things are being paid for. I appreciate what the city does with the funds they bring in.

Mayor Green opened the public hearing. There were no comments. The hearing closed.

CONSIDER APPROVAL OF THE CERTIFIED TAX RATE. JASON NORRIS: Jason – every year it looks like I don’t have the certified tax rate prepared, but the County is working diligently. Cedar City is not asking for new tax money, we are not raising taxes, however we are required to have the Council adopt the certified tax rate. The County Auditor has not completed that yet, I hope to have it next week, but if we don’t have it we can wait until the last week in June. Isom – the rate is the figure to keep taxes in check. Melling – I struggle with this. We talked the end of last week, my understanding is the certified tax rate looks at what we decided when we had the last truth in taxation on what we needed in the City, the dollar amount. As the appraisals go up the taxes go down, if it goes down the rate goes up, the rate is adjusted, but the dollar figure is set. As new homes are added they are new dollars added. Jason – if your home appreciated more than your neighbors you taxes may go up. If it goes down, they pay a little less, we don’t ask for more, but your home value adjusts that. There are other taxing entities, the School District, the Water Conservancy District, I don’t comment on those, only the city.

CONSIDER DISPOSING OF CITY PROPERTY LOCATED AT 3900 WEST 1600 NORTH. CLARK BRATEN/TYLER ROMERIL: Clark Braten – originally 3900 West came straight, but the rest was not so the road had a jog. The City rebuilt the road 5-6 years ago to have it straight and leaving a small piece of property that they don’t maintain. We have talked to the County about their strip. We would like to acquire for better access and also to fence it off to keep 4-wheelers from spinning around and prevent semi-trucks from parking there. We want to clean it up and improve it.

Phillips – the current configuration aligns with 3900 to the North? Jonathan – yes. Phillips – what type of fence are you talking? Clark – just a legal fence, 4’ high. Paul – there are setbacks and taper requirements. Melling – I am having trouble with the parcel, to the north of 1600 is all the same owner, the SE part of the intersection the LDS Church owns that, is there an overlap or is it solely the city that owns the piece? Jonathan – there is a piece of County ownership, it is Williams Lane. Clark – it is 33’ wide. The owners did not know it was county property, they have it fenced and landscaped. I have owned the property since
2005-2006, I wasn’t the sole owner, I am now, and I want to make sure I own the property I am fencing.

Tyler – if the council votes for approval you would be required to get the property appraised. Mr. Braden – we want to make it work if we can. Tyler – once the appraisals are done, we open for public bid and then we can vote to sell it or not. Phillips – have you talked with the County? Mr. Braden – yes, we have talked with Reed Erickson. It was given to the County for a lane that never happened.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING LOTS 9 AND 10 IN THE FAIR VIEW SUBDIVISION. WATSON ENG./TYLER ROMERIL: Darryl Brown, Watson Engineering – we want to amend to combine lots 9 & 10 into one lot. Paul – is it all one owner? Yes. Phillips – do they want a bigger lot? Darryl – yes, they want to build on the line between the two lots.

Mayor Green opened the public hearing. There were no comments. The hearing closed.

CONSIDER A REQUEST FOR A VARIANCE TO THE CITY ENGINEERING STANDARDS REGARDING AN ASPHALT TAPER ON HIDDEN HILLS DRIVE FOR THE PITTMAN SUBDIVISION. WATSON ENGINEERING/JONATHAN STATHIS: Darryl Brown, Watson Engineering – we are in the process engineering design of a new subdivision at the end of an existing right of way, Hidden Hills Drive. The purpose of bringing this tonight, the Pittman property line is at the centerline of Hidden Hills Drive. Our understanding is the adjacent north property owner Elliott is not willing to work with Pittman. Per the Engineering Standards it is required to have a pavement taper. We have aligned the center line southerly, so Pittman is required to pave centerline plus 12’, so all the centerline and the 12 feet is on Pittman’s property. We are required to have a pavement taper which would encroach on Elliott’s property. We are asking for a variance to the taper requirement if the adjacent property owner Elliott will not work with Pittman on this subdivision.

Jonathan – the asphalt taper is required by City Engineering Standards, that is why it is here requesting a variance. The taper is to make a transition between the existing asphalt and the new pavement section. Originally Hidden Hills Drive was a 66’ master planned road, but that was changed to reroute to Center Street, so Hidden Hills Drive is no longer on the Transportation Master Plan. Melling – if I remember right this will not go through either, and Pittman subdivision has 5 lots, so it will have five people driving on a nice 66-foot-wide road tapering to a 45 foot road that we get to maintain. In the tapering process, what alternatives do we have, could we put chevron signs and call it good? I am all in favor of smaller roads. Jonathan – one issue that came up in the last 24-hours. When I discussed it last week with Daryl and Tim we discussed the taper, but what I didn’t realize is at the narrowest point there is only 22’ of pavement available for use. Ordinance requires the width on the developers side plus 12’ past center which for a 45’ road it would be 27’ of asphalt. They meet that to the east, but not at the one spot where it narrows, they don’t have the 27’ of asphalt. That brings up a concern to me because it is not meeting ordinance at that one spot. Melling – is that due to elevation? Daryl – are you talking about the property boundary? Melling - yes. Daryl - Hidden Hills Estates has an angle boundary, it used to continue at and
angle, this property used to be two separate parcels, now it is one parcel and that is the reason. Melling – the width of the asphalt at the narrowest point. Isom – can that be dropped? Jonathan – they have to tie into the existing curb and gutter at the end of the street. Daryl – it comes to an angle and then over. Melling – We don’t have a public right of way? Jonathan – no. Melling – what would we do short of eminent domain, tell them they can’t develop because they don’t have enough frontage? Jonathan – typically they go to the adjacent property owner and obtain that. Melling – if the adjacent property owner doesn’t want road access, if they want to develop in the future, tough. Daryl – they can access from Hidden Hills Drive. Hartley – is there a home up there? Yes. Melling – I understand for a 2-way road the concern with the 22’ asphalt width, but we have very few users, I am not worried about the fire trucks getting through. Phillips – what if the responsibility of the property to the east if they decide to develop? Jonathan – they would have to develop their side of the road. Phillips – but we still need to taper from 66 foot to 45-foot road. Melling – the proposal, they are doing all they can on the tapering. The proposal meets all the spec for this owner, but that is if the property owner to the north participates, but they are not. Phillips – the hatch on the map is what the city standards require if it was all the way down towards the bottom, so the City has given a lot already. Jonathan – that is on the adjacent private property. Phillips – but that is what if it would be if it was developed the right way. Melling – I see three paths before us, say sorry you can’t develop without the adjacent property owner working with you or grant the variance or eminent domain is the other option if we want the road built to that standard. Paul – the City has not exercised eminent domain for a single development. Melling – I don’t see other options. I don’t want the message that your property value means nothing if the adjacent property owners won’t cooperate. And I don’t see a public safety concern with the volume going in. Jonathan – traffic volume would be very minimal. Melling – the variance would not apply to the property owner to the north, if they developed, they would be required to put in the required frontage improvements.

Jonathan – the Pittman subdivision will put this at 80 lots, so there will not be any more development with a single access. Melling – the neighbors to the north are aware of that? I believe so.

CONSIDER VICINITY PLAN FOR THE FORT CEDAR COMMERCE CENTER
PUD PHASE 4 LOCATED AT 1195 W. INDUSTRIAL ROAD, GO CIVIL/DON
BOUDREAU: Dallas Buckner, Go Civil – this is phase 4 of Fort Cedar similar to phases 1-3 and extending and looping the U-shaped road. Phillips – talk to us about the property against a master planned road. Dallas – we met with Jonathan and Tom, there is a master planned road and a 65’ strip that was platted short in phase 1 or 2 and we carried that around. The previous discussion Tom had with Kit, he told Tom if he left a wide enough swath you could have a legal lot to build on. 65 feet was wide enough for a building lot, and he could plat it that way, so that is how it has happened. There is a 65’ lot all the way around the subdivision short of the master planned road.

Tyler – this is something staff is looking at; this is not something we want happening in the future if you can throw a football and hit a master planned road. Maybe we won’t ever put a master planned road there. We will be looking at something to fix that issue, so it doesn’t happen again.
Jonathan – there is a 66’ and a 55’ master planned road around this property. Melling – we don’t have direct access to Airport Road. Dallas – when the Animal Shelter was being put in the road was taken out and then put back in. Melling – master planned is curb, gutter, sidewalk and water and sewer lines. I am not sure how much a sidewalk covered in weeds would do anyway. If we are looking at that maybe, consider sidewalks in industrial areas. I agree there needs to be a fix, but I don’t know about requiring a sidewalk in industrial areas. Hartley – I would rather it be a case-by-case basis. Melling – if we are open to variance, if the road doesn’t connect a residential area to a commercial area, it could be the criteria. Riddle – will the MP road west of the freeway ever go in? Paul – there is an existing road that goes there, east of the old Coke plant. Riddle – is it a road? Tom Jett – it is a UDOT easement. Melling – the road ends at the north end of this property? Jonathan – it goes all the way. Riddle – it is used all the time. Melling – where does it connect? Paul – at Industrial.

Tom Jett – I made a comment to Tyler Romeril that when the time comes that it does get developed, we will participate even if we have not developed ours yet, when and if the time comes.

CONSIDER ACCEPTING THE ROAD DEDICATION FOR 375 NORTH 4375 WEST IN THE IRON WEST SUBDIVISION. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – this is the main entry road to 4500 West. We brought a minor subdivision through; this is detailed with roads and got a positive recommendation. We are bringing the road dedication and then we will go to Planning Commission for a minor lot subdivision. Phillips – the furthest to the east is Lamplight? Dallas – yes Lamplight. Melling – this was a weird parcel. Dallas – it has the box culvert. With spacing requirements, UDOT allowed us to split the difference. Melling – is this the parcel, the west side is the panhandle? Dallas – yes, that is 4500 West. Melling – it is a master planned road going north? Jonathan – yes, it is 4500 West. Melling – you will only have the one access to 56? Jonathan – they have 4500 West. Dallas – we will provide a secondary access, chip seal to tie into Center Street. Our construction drawings have the road and the water in Center Street.

CONSIDER APPROVING THE MOUNTAIN VIEW INDUSTRIAL PARK SUBDIVISION PHASE 1 FINAL PLAT LOCATED IN THE VICINITY OF 2475 W. 850 N. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – we had to do 2 phases, we have phase 1 north of 850 North and phase 2 south of 850 North. There was a road dedication in 2016, the lots were part of a minor subdivision, we are doing the subdivision. Tyler – we have received what we need, we don’t have the bond, but it won’t be recorded until we have that. Jonathan – the FAA approval has not come through yet. Dallas – the FAA is taking longer and longer, 3-4 months to get approval. We filed a month and half ago; we should have something soon. We are putting in improvement, the highest improvement will be a mailbox. Phillips – can we approve contingent upon that? Tyler – yes on the bond and FAA clearance. Paul – every time we take money from the FAA, we agree to follow their rules. Hartley – we can approve it with the contingency that they meet the FAA requirements.

CONSIDER APPROVING THE MOUNTAIN VIEW INDUSTRIAL PARK SUBDIVISION PHASE 2 FINAL PLAT LOCATED IN THE VICINITY OF 2475 W. 850 N. GO CIVIL/TYLER ROMERIL: addressed with the item above.
CONSIDER AN ORDINANCE ADDING ADDRESSES TO THE CEDAR RESERVE PUD UNIT C LOCATED IN THE VICINITY OF 1600 NORTH LUND HIGHWAY.

PLATT & PLATT/TYLER ROMERIL: Dave Clarke, Platt & Platt – an oversite by us, the City Engineer and the County Recorder. Unit B we put an address on each building, we overlooked that before recording. Since it has been recorded, the policy is they won’t put addresses on plats unless approved. We didn’t use to do that, just the past 10 years. This is to put a number on each building to be consistent with the previous phase. Tyler – it has to be an Ordinance.

CONSIDER AN ORDINANCE VACATING AND AMENDING THE FINAL PLAT OF THE CEDAR RIDGE ESTATES PUD LOCATED IN THE VICINITY OF 300 EAST CEDAR RIDGE CIRCLE. PLATT & PLATT/TYLER ROMERIL: Dave Clarke, Platt & Platt – this PUD was platted in 2006 with 40 townhome units, the road was going to loop, the developer never built it and he decided to put it as estate lots. The Steve Gilbert building is at the top of the hill and will stay commercial. The cul-de-sac, Cedar Ridge Circle goes in front of the Club House. Hartley – a subdivision instead of a PUD? Dave – no, it is a PUD, but we are amending that PUD, so we need to vacate and then amend. Phillips – did we ever resolve the fencing issue? Dave – no, in 2007 we went to Board of Adjustments (BOA) for a variance to be a wrought iron fence. We requested a variance to revise that variance, we go back to BOA next week. We asked to eliminate the fence, that was denied, the developers agreed to a fence, we talked with the Golf Course, and they are open to change the type of fence, but we have to get BOA approval. It will be wrought iron or a concrete slot type fence.

Tyler – the city has received what it needs minus the bond. I need the original signed CC&R’s to record with the plat.

CONSIDER VICINITY PLAN FOR TRAILSIDE TOWNHOMES PUD PHASE 3 LOCATED AT 170 WEST-75 EAST 1050 SOUTH. PLATT & PLATT/DON BOUDREAU: Dave Clarke, Platt & Platt – this is the 3rd and final phase of Trailside Townhomes. This meets all the city current zoning ordinances as far as driveway widths, open space and driveway lengths. The roads are dedicated, the improvements will be installed. Phillips – how will you access from phase 2? Dave – there is a road of 75 East, there will be a driveway straight through. Phillips – I drove through there today. Dave – phase 2 isn’t built yet. Phillips – will the tenants in phase 1 have access? Dave – the road connects by lot 6 of phase 1. Melling – is this the area the soils are bad? Yes. Are they city streets? Dave – they are already dedicated and accepted by the city, that happened in 2005 or 2006. Melling – do we want double chip sealed roads instead of asphalt roads? Dave – on Mountain Vista to the north, it was a PUD because the city didn’t want the roads, they put pit run, geo gird, gravel and pavement and it helps bridge bad soils. It will be up to the soils report, and they make recommendation to City Engineering. Phillips – the open space will be gravel and xeriscape? Dave – it is maintenance, poor soils and we are in a drought. Phillips – a tree or two would not take much water. Dave – xeriscape doesn’t mean no plants. I think there will be some landscaping but not next to foundations.
Mayor – 75 East there is a 400-foot gap between the two subdivisions, the one to the south can’t go to Smith’s and the one to the north can’t go to Wal-Mart. How many front doors in these two subdivisions? Dave – 209 units in the one. Jonathan - South Rim has 65. Mayor – you don’t have to put the road in, but the people would love it if you did. Melling – because of bad soils, do we have wiggle room on saying we don’t want sidewalk on one side of the street but in exchange we want you to chip seal the 400 feet? Tyler – I am going to say follow city ordinances. Melling – it is a lot of city money because the City Council in 2006 didn’t have a crystal ball. Mayor – there are a lot of people that like Smith’s and a lot like Wal-Mart. Melling – I am saying do we have veto power in an area of really bad soils, would it have to be an ordinance change? Tyler – the more flexibility the more opportunity for a lawsuit. Melling – when it comes to health, safety and welfare, our infrastructure ages and unless we raise taxes, we won’t maintain the services and then they become trip hazards. Paul – that is a money issue. Tyler – we have a 7-year program to take care of sidewalks. Jeff does a good job in the 7-year program for areas that heave and we take care of them as soon as possible. The city can take care of those. Melling – in the future. Jonathan – right now they will only be putting sidewalk in on one side. Melling – the other parcels on the northwest and southeast won’t have sidewalks? Dave – there is a 400-foot gap with nothing. Hartley – where are you proposing the traffic go when it hits Mountain View? Dave – Fir Street. Hartley – you can’t make a left hand turn there. There is not a good option. Dave – Green Street, 170 West, Fir, those streets are a mess, they were built years ago. I don’t know who the contractor is, but the City Engineering evaluates the soils report and says this is required to meet our standards and have some longevity.

Carter Wilkey – it does connect with 75 East. What about the BLM piece, how does the road go through? Jonathan – there is a road dedication. Carter – who pays for it? Dave – the developer.

**CONSIDER VICINITY PLAN FOR SOUTH RIM TOWNHOMES PUD PHASES 1-3 LOCATED AT APPROXIMATELY 175 WEST 1150 SOUTH, PLATT & PLATT/ DON BOUDREAU:** Dave Clarke, Platt & Platt – this is southwest of the previous discussion. It came to Council a year ago, the developer decided to go with 2 bedrooms instead of 3 bedroom units. We had to meet the new PUD requirements, that is what this is. We have been to Sketch and Planning Commission. They have nice amenities planned previously, the roads are wider, driveways a little deeper, it meets the current PUD ordinance. Melling – townhome construction is done all at once for each building instead of each lot done in a subdivision.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE CHANGING THE GENERAL PLAN FROM MIXED USE TO HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 300 W. 995 S. PLATT & PLATT/TYLER ROMERIL:** Dave Clarke, Platt & Platt – this is in the same neighborhood, the Dixie Leavitt apartments are to the south. We amended the plat to do twin homes. Spruce and Green will connect to Joe Thurston. This is adjacent to R-3, it is currently zoned CC, the general plan shows it as MU, we are asking for high density and a zone change to R-3-M. Phillips – how big of piece? Dave – about an acre. Phillips – it is also adjacent to R-2-2. Dave – I am not sure what his plans are, I would guess like the 4-plex behind Dairy Queen, it is the same
developer. Phillips – it won’t be commercial in the area. Melling – it stops before the right of way. Dave – it goes right up to Driscoll Lane, the end of that is a city cul-de-sac.

Mayor Green opened the public hearing. There were no comments. The hearing closed.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE CHANGING THE ZONE FROM CENTRAL COMMERCIAL (CC) TO DWELLING MULTIPLE UNIT (R-3M) FOR PROPERTY LOCATED AT 300 W, 995 S. PLATT & PLATT/TYLER ROMERIL:** Dave Clarke, Platt & Platt – discussed above.

Mayor Green opened the public hearing. There were no comments. The hearing closed.

**CONSIDER GRANTING A VARIANCE AND ENTERING AN AGREEMENT WITH RSLES-1 LLC FOR THE DEVELOPMENT OF PROPERTY LOCATED IN THE VICINITY NORTH OF THE ASHDOWN FOREST PUD. DAVID SMITH/MICHAEL CARTER/TYLER ROMERIL:** Michael Carter – we are back after about a year, we asked for guidance for mediation, and they recommended us to go forward to follow the detailed resolution in 2008. Mr. Romeril and I have worked on an agreement to waive the 80-lot agreement because of the lots in Canyon Gate Subdivision. I registered a concern with fire protection and safety from you, so we would add to this proposal that the Bridgewater Street be built out as a City Street and connect with 2350 North and Ashdown Forest at the channel, the city would have access without be constricted by a PUD other than the people of Ashdown Forest. Tyler – how do you propose to forcefully allow the city to access private property. Michael – the city property starts, and we will make it a city street. Tyler – how will it help the city? Michael – the city could access that through a Knox box. Tyler – we can’t force that. Michael – it is for emergency services, it is platted. Tyler – that is not a public access, our city vehicles will not have access unless we force that through litigation with the Ashdown Forest PUD. Michael – as a gesture for public safety we offer that. We are asking the city to grant a waiver consistent with what was suggested in 2008 to allow Mr. Smith to go forward with development. Mr. Romeril and I have worked on an agreement, and we ask for consideration. Paul – you have a bond in the agreement, what is the amount, the length of the bond? Mike – northward to the city building a road and Linford Nelson to build a road to access Wedgewood Lane and Main Street. We would bond to help build a portion of the City’s road and work with Mr. Nelson and bond for that. Paul – how long would the bond be and the dollar amount? Michael – that is yet to be determined; it is when details are finalized. When we know where the road will be and what the costs are. The contract has an initial term of 10 years with a possible extension of an additional 10 years. Paul – if it goes beyond 20 years then there is no road. Michael – yes, but we know the city has an agreement with SITLA to put a road in within 16 years. Also, we will work with Linford Nelson. Phillips – show the property ownership? Michael – the city and two parcels of Linford Nelsons. Melling – the road doesn’t go through Mr. Nelsons property. Michael – we are proposing a road with Mr. Nelson also. Phillips – is Mr. Nelson planning to develop as residential? Michael – if we put a road in it gives him options for lots. It doesn’t help him to the south. We proposed two ideas, but neither are conclusive. Phillips – you can’t get bond amount because we don’t know where the road will be. We are stuck between a rock and hard place. Michael – that is why it is open ended, to do the avenue favoring the City or Mr. Nelson, either are open to consideration. Melling – the current general plan has them
low density other than the frontage of Main Street. Michael – we are looking at the agreement with SUU being a part of that so they can do something with their property, it is styled to benefit Mr. Smith and SUU. Hartley – public safety is the biggest issue. You build the homes and a road to nowhere. It doesn’t matter where the road is built if it goes to nowhere, I don’t know how it solves the problem. Michael – I have tried to come with options to build city streets. If we can’t get it done Mr. Smith and SUU has to wait until the city builds a road and if they do build a road. This is why we went to the property ombudsman and that is why we asked for the variance to the 80 lots.

Tyler – the property ombudsman has not offered an opinion yet. In 2008 the city offered a development agreement. The current city ordinance says we cannot enter a development agreement waiving the engineering standards. That is why we are here to get a variance, if we vote no, the property ombudsman will render an opinion. Melling – we don’t have an opinion yet, and the ordinance has not changed, or has it? Tyler – I don’t know if the ordinance changed. Michael – it was an option in 2008. Melling – if we deny and it goes to the property ombudsman, is it binding or can it be used in litigation? Tyler – it is not binding. If a claim is filed and a judge rules against us after a property ombudsman, we may be responsible for attorney fees, the same if it goes the other way.

Paul – one other piece of the puzzle and it has nothing to do with Mr. Carter or Mr. Smith, the #25 parcel we are bringing it through the process to dispose of and then we will not be putting in a road. We are planning to trade for another piece of SITLA property. Michael – that may be an eventually, but as you are looking at it now, it is an option.

Phillips – when it was at the council in 2008 what happened? Paul – it was to work a development agreement as an option, but it never happened. Phillips – so we are not going against a previous council, it never happened. Paul – what happened with the 2008 council is not binding for the 2022 council. Phillips – they were to find options, but it never materialized. Michael – they gave us a road map to follow and that is what we are trying to do. Phillips – now it is back to see what we are going to do. Unless we find a way for the other access, I don’t know how that will happen. I am not comfortable moving forward without knowing where the road will go. Michael – the variance is for a road to be built at some point. In 2008 document it is generically for a road to be built. We are trying to reign that in with some options in an interest of resolutions, but it doesn’t impose on anyone to build a road, it is in an interest of trying to prevent litigation. Mr. Smith has been isolated by decisions made in his absence and put him on an island.

Hartley – if the bond is not made at the time of agreement there is no assurance a bond would ever be placed. Michael – within the next 10-20 years. Hartley – say we go out 5 years we are going to build a road, we couldn’t force you to get a bond. What if Mr. Smith financially couldn’t get a bond? Michael – we wouldn’t propose an agreement if we weren’t planning on putting up a bond. We are here in good faith. Hartley – I agree, but circumstances change. Michael – I propose we take matters at hand and not in speculation.

Phillips – when you developed Canyon Gate at about 75 lots, what anticipation did you have moving to the east with property that you already owned? Smith – the annexation agreement if one crossing was made we could put in 80 lots and with two we could move on. When the
PUD Ashdown Forest was proposed, it was discussed, Kit Wareham discussed maintaining access to our property through Ashdown Forest. Then the next thing it was at Bridgewater, Kit said it was an access, staff said no, it had to be opened. As far as a bond, I don’t know. I know how to proceed if we can’t figure out a way. Phillips – when you had access on the bridge, is there any documentation? Dave – the minutes of the Planning Commission and City Council and we can do depositions. I was 38 when I bought the property, and I am now 83. Hartley – did you take it through the civil channel for access? Dave – the 2008 situation happened when Mr. Bittmenn was City Attorney, we could sell the lots and then figure the next step, not build out all the property. We have the situation with SUU now, they preferred to have their own property, but they don’t have a way to use it. It was $100,000 an acre then and now the entire thing is valued at $380,000. I have had cordial discussions with Linford Nelson, we did a masterplan with IBI and now it is gone, I think it is a forcible contract. There has been plenty of time, but it is like a mouse in the maze. One time we were told to put a road through Linford’s property, and he agreed and then before the meeting Kit said he was overruled.

Michael – I would like you to give it some thought, there ought to be a way to move forward. As lots are sold, cash is generated. If there is a way to agree with the variance. This is unique I don’t feel there will be a precedence, it is a very unusual circumstance.

Tyler – I disagree, I don’t think it is unique, think of the developers that put in million-dollar roads and they did it to develop their property. Not every piece of property is developable when the owner wants to develop, the mark has to work its way out. Every week we see people putting in a long road in order to put in the second access.

Councilmember Isom moved to go into the RDA meeting at 8:28 p.m.; second by Councilmember Phillips; vote unanimous.

**CLOSED SESSION – PENDING LITIGATION & PROPERTY NEGOTIATIONS:**
Councilmember Phillips moved to go into closed session at 8:38 p.m.; second by Councilmember Isom; roll call vote as follows:

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

**ADJOURN:** Councilmember Isom moved to adjourn at 9:01 p.m.; second by Councilmember Melling; vote unanimous.

[Signature]
Ronon Savage, MMC
City Recorder