

COUNCIL MINUTES
SEPTEMBER 25, 2024

The City Council held a meeting on Wednesday, September 25, 2024, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Garth O. Green; Councilmembers: Robert Cox; W. Tyler Melling; R. Scott Phillips; Carter Wilkey.

EXCUSED: Councilmember Ron Riddle.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Randall McUne; Executive Assistant Natasha Nava; Finance Director Jason Norris; City Engineer Kent Fugal; Assistant City Attorney Karl Andersen; Police Chief Darin Adams; Fire Chief Mike Phillips; Leisure Services Director Ken Nielson; Public Works Director Ryan Marshall; Economic Development Director David Johnson.

OTHERS PRESENT: Ann Clark; Tom Jett; Wendy Green; Dallas Buckner; Bob Platt; Heidi Hailstone; Mary Smith; David Shafer; Shelley Bagley Bradshaw.

CALL TO ORDER: Randall McUne gave the invocation; the pledge was led by Councilmember Wilkey.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■ We settled on the well we are calling Del Norte Mud Springs, yesterday we met with the well drillers. We've been getting sand which isn't good, there is water but not a large volume. We are taking the test samples to see what the quality is and welding a cap on it. We dismissed the driller yesterday. ■ **Phillips** we're kind of striking out. **Mayor Green** well drilling is not for the faint of heart. We met today and we're regrouping, we must find water. We still have about \$1.5 million in exploration money, and we must keep moving forward. It's very disappointing. We thought the north drainage would be a slam dunk. We know a lot more now than we did before. **Phillips** I want to thank my fellow council members and staff for covering in my absence, I appreciate it. Ireland was beautiful. I'd like to acknowledge and thank our fire department for the great work they did last week with that commercial fire near the airport. I know that several of our firefighters were sent to hospital, and I trust all is well. Thank you for what you do to protect our community. Do we have an update on the South Main Street lighting project? **Kent** we have a proposal from the contractor for compatible lights, the costs were high. They're working to try to negotiate something different. **Phillips** are the utility lines lower than the other ones. Why can't we take the existing lights from the last section. **Kent** the existing utility poles are closer than what code would allow, they're kind of grandfathered in. We can't put new ones up that are that close to those lines. We must maintain the separation from the neutral. That's causing us problems. **Phillips** thank you. On Saturday at 8:30 we'll be decorating our downtown for the harvest season. Everyone is welcome to volunteer. We've got about a thousand corn stocks, hay, and everything else. We hope to have it done in a few hours. ■ **Wilkey** they continued the striping on Lund Highway, and it continued to get worse. What happened out there? **Ryan** we're aware of this. They've had a bunch of breakdowns and issues. We've sent them a

letter telling them they have 15 days to correct it. They must have it sand blasted or paint over it. They're trying to find another truck because theirs broke down. If they don't have it done within 15 days, we'll go to another supplier and have them do it. **Wilkey** it's bad. **Ryan** it's terrible. **Cox** the trucks have computers that keep them straight, so they don't deviate. **Ryan** they've had two trucks break down, they brought a truck from Phoenix to finish it up and it didn't work. So now they're looking at contracting someone until they can get their truck fixed. It's a new company, they were a low bid for our blanket contract this year. We've told them if it's not corrected within 15 days, we're going to a different contractor for everything, for the rest of the year. ■ **Ryan** we had a pressure reducer valve that blew in the Sunset Canyon area. There are two valves that supply that area, we were able to consolidate all the houses onto the valve that is working. We're waiting for the parts for the second valve to come in, it's still about a week out. We will have it replaced within a day or two of receiving the parts. **Wilkey** I had a citizen reach out to me on Friday night at 10:30 and he said the pressure reducer on his house had blown off. Luckily, he was home to shut the water off. I'm shocked it blew the pressure reducer off. **Ryan** we've been monitoring that one that they're on and none of it has gone over what our specs allow. **Phillips** are these parts standard, is this something we should keep in stock? **Ryan** these parts are about \$5,000 to \$7,000, and there are different manufacturers. We replace it with the same parts as before, so it's a drop in repair. It would be hard for us to keep stock of the various brands. **Cox** these parts last for decades. **Ryan** exactly. We contacted the manufacturer and suppliers, and we couldn't find one locally. **Mayor Green** send me the information, I have a lot of connections. ■ **Ryan** 450 West, the arterial line project that took a long time to finish, there's been some settling with some of their patches. We're proposing having the contractor participate and we'll do a full skin patch and leveling course down that whole road. That road's bad, so we'll redo all that. We would like to wait till after winter, the line they put in had a break yesterday. We don't want to replace the road and have them go and rip it up again. We want it to settle, and we want them to work out all the bugs. We have a year warranty on that, we're holding their bond money. If you're minable to that, we'll do a full leveling course down that whole road and fix all of that in the spring. **Wilkey** what's with the one spot that collects water, is there an actual break somewhere or just a low spot. **Melling** there must be a break. **Cox** can you temporarily patch the big holes until spring? **Ryan** we can look and see if there's something we can do. Kent and I both drove it and the patches that have settled across the street are not too deep. We'll take a look. ■ **Mayor Green** how was the Youth City Council meeting Monday? **Phillips** mostly just service projects coming up. The new term will take office in November. We'll be accepting applications in two weeks. ■ **Randall** I would like to introduce our new Assistant City Attorney Karl Andersen; he's been here about three weeks. **Karl** I've been an attorney for twenty years, I've been in Las Vegas for a while running my own firm. I was interested in coming to a smaller town with cooler weather. I'm from Logan, the Cache Valley area. I've only been here three weeks, and I already love it.

PUBLIC COMMENTS: ■ **Mary Smith** (Exhibit A) I'm concerned about parking along Main Street above Canyon View Middle School. The Willowood and Sunbow residents cannot see when leaving the neighborhood. That semi is long, and there were trailers, trucks, and SUV's, you couldn't see around them. I had to pull out into the road to see. I pulled over and took pictures of where I could see, my car nose would be in the traffic lane to have visibility. That is hazardous. I'm not the only person concerned about the safety of this intersection. That truck has been there for two weeks. The parking has not been enforced. My proposal is to red zone three car links on either side of our street to protect visibility. We're

pulling out into a 45 MPH road, it's unsafe without a buffer. **Kent** in my experience, and what I've seen in other jurisdictions, having on street parking on high traffic roads is not safe practices. You have the problem of vehicles pulling over to park and back into the travel lanes, and the conflicts that come with that. The sight distance issues this creates; we see this all over. I'm not sure why some of these arterial roadways, state roadways, have been designed with space for parking on them. I think it is something we should consider, coming up with reasonable restrictions on parking and presenting those to UDOT. It's a UDOT road and would need their approval. **Wilkey** what is the standard for an auxiliary street like this, how many feet do you normally give for sight distance? **Kent** the American Association of State Highway Transportation is the roadway geometrics guidance on how far you should be able to see down the road from where a driver would be stopped, to safely make your movement, based on the speed of traffic. From where she was showing that truck, it probably needs to be 300-feet to safely pull out into a 45 MPH roadway. **Melling** UDOT was assessing safety and coming up with a plan for the length of Main Street. Determining where we need right-in right-out restricted accesses or medians. Where are we with this process? **Kent** I'm not sure. **Phillips** UDOT was supposed to have a draft study for us by next month, but I don't know if they're on schedule. **Melling** I would assume parking limitations would be part of that plan. **Paul** UDOT's primary focus in that plan was left hand turns, I don't recall seeing much about parking. If you can't make a left-hand turn, some of these problems might diminish. It's harder to make a left-hand turn than a right-hand turn. **Mary** even a right-hand turn is scary because of the lack of visibility. I don't know why that area has been designated by people to sell their stuff. I would like an ordinance to protect the people. **Mayor Green** there is an ordinance regarding duration of parking. **Mary** it's not being enforced. **Mayor Green** it's not. There are various places in town where vehicles and trailers are parked for sale purposes. **Mary** they park in front of Spirit Fitness as well. **David Shafer** if you turn on to First Street off Main Street, there is a row of houses that were built a few years ago. The construction workers started using the area next to the sidewalk as permanent parking. There's not enough room for cars to pass without crossing a double yellow line. Even though the residents have huge driveways, they started using the side of the road as their permanent parking places. It's a major traffic issue, I know it's going to cause an accident. I think those cars need to have the 72-hour tow sticker put on them. We need more code enforcement officers.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED AUGUST 28 (WORK) & SEPTEMBER 11, 2024; (2) RATIFY BILLS DATED SEPTEMBER 13, 2024; (3) APPROVE AN ALCOHOL LOCAL CONSENT FOR DON MIGUEL'S, 453 SOUTH MAIN STREET. ANDREA MERAZ/CHIEF DARIN ADAMS; (4) APPROVE AN ALCOHOL LOCAL CONSENT FOR ERAWAN THAI CUISINE, 1190 S. SAGE DR., SUITE D. JITTAPORN AMONCHAILERTRAT/CHIEF DARIN ADAMS; (5) APPROVE A REQUEST TO LOCATE A MEMORIAL PLAQUE ON CITY PROPERTY. WHITNEY GOE/PAUL BITTMENN; (6) APPROVE CHANGE ORDERS 1, 2, & 3 FOR THE TERMINAL EXPANSION PROJECT IN THE AMOUNT OF \$25,958. TYLER GALETKA; (7) APPROVE ACCEPTING A BID FROM RAVEN SOLAR SERVICES, LLC IN THE AMOUNT OF \$21,500 FOR THE REMOVAL & REINSTALLATION OF THE SOLAR PANELS ON FIRE STATION 1. FIRE CHIEF MIKE PHILLIPS; (8) APPROVE ACCEPTING A BID FROM STOUT ROOFING INC. IN THE AMOUNT OF \$36,690 FOR THE RE-ROOFING OF FIRE STATIONS 1 AND 2. FIRE CHIEF MIKE PHILLIPS;

Phillips I would like to offer a word of caution on item number five, I would like us to consider establishing some kind of standards. We've had several requests in the last few months, there's a lot of great people that live in Cedar City that do great things. We can't put a plaque or a statue up every time someone passes away. I'm not saying we don't approve this request. I would like us to consider that for the future.

Councilmember Phillips moved to approve the consent agenda items 1 through 8 as written above; second by Councilmember Melling; vote unanimous.

CONSIDER PLACING A PLAQUE ON CITY PROPERTY NOTING PROPERTY DONATION MADE BY GEORGE. A WOOD. GEORGIA SMITH JOHNSON:

Melling have we confirmed the placement? **Paul** the statue will be placed at the Depot. They want a sign placed stating that the park property was donated by the Wood's. **Phillips** until we have further information clarifying that that occurred. I struggle with this because, I'm not saying it didn't happen, but we can't seem to find records on it. Gerald Sherratt was a great president of the University; he was a wonderful mayor. He did a lot for this town. We haven't done anything for Mayor Sherratt. We need to be very careful that we don't put plaques on every little nook and cranny of the airplane, that it can't get off the ground. I would like to get further information on this before I'm comfortable voting on it. **Wilkey** I agree with that. **Melling** maybe we will table this till the next meeting. I can call Mrs. Johnson. If we have an entry number, it's easy for staff to verify.

Councilmember Melling moved to table placing a plaque on city property noting property donation made by Geo. A. Wood; second by Councilmember Cox; vote unanimous.

CONSIDER A PIONEERING AGREEMENT FOR CHELSEY PHASE 1A SUBDIVISION. GO CIVIL/PAUL BITTMENN:

Dallas Buckner, Go Civil – this is the pioneering agreement we discussed last week, it goes above and beyond what's currently in the city's ordinance as far as reimbursement. We're proposing standard reimbursement on the water line. For the two miles of offsite sewer, we were proposing a service area map. There was another service area map that had been adopted by the city for Shurtz Canyon, which is the basis for this. I know this isn't the exact same scenario as Shurtz Canyon, it was point loaded and there wasn't frontage to recoup. I look at this sewer line that we're asking for the service area. We are opening a giant area to try and get reimbursed over 10-years, 15-years if we can get the 5-year extension for the two-mile line. **Paul** the Shurtz Canyon line was point loaded and there's no other way for those people to get sewer access. There's nowhere else to go, it must go through that line, and it must go under I-15 and wrap around the corner. This property has 4500 West, a main sewer line right down the street. Theoretically they have options for people to take their sewage. **Tom** can you explain to the audience what pioneering is. **Dallas** we're proposing a deviation from the standards, when someone puts a piece of infrastructure in, that extends past their property line, there's a reimbursement agreement. That agreement explains this is in front of your property and if you want to hook on to it you must pay a portion of that back. That's a straight frontage calculation. What we're doing on this exhibit, we're saying we only have X amount of front along here, but based on the city's master plan for sewer, there's a master plan line across here. We would anticipate with this being a 20-foot deep 18-inch sewer, everything north of that line, as the topography falls to the north, could drain to that line and utilize that sewer. There is a trunk

line going north south, so there is feasibly a portion of this that could tie directly into that. However, where you draw that line, and where it doesn't become feasible is in here. **Wilkey** normally we base it off frontage and this is basing it off acreage. **Dallas** yes. The reason we're proposing the service area map is due to the shaded 923 acres. You could conceivably purchase the south half of this pivot and work out a deal with the landowner you're buying it from. I'll buy the south half, you keep the north half, give me a 45-foot-wide strip for a road, and then they come in and develop 40-acres. They have 45-feet of frontage along 2800, they would take 45-feet times the unit cost to determine their cost. I'm developing 40-arces and 300 houses which is why I'm asking for a service agreement versus frontage. **Phillips** didn't you know this up front when we entered this agreement initially. Didn't you have some idea of how this was going to be developed? **Dallas** the reason we're before council is because of the service area map and the change. We could go with a straight frontage agreement and get it approved through staff. Normally we're not doing two miles worth of infrastructure. This is a big piece of infrastructure, it's a \$3 million sewer line. If there's a way to try to recoup or get reimbursed for a portion of this so that some guy that develops here doesn't have to put in 2,000 feet of sewer main and figure out the easements. If there's a way for us to possibly get that reimbursed. The way we have that money structured on here it goes back to the PID. It doesn't go to the developer. It helps these residents get that bond paid off sooner. If we're denied tonight, we would proceed with the frontage agreement. **Phillips** who does all the bookkeeping on that to know when things are developed. Is that the city's responsibility? **Dallas** yes, it would be no different than the other reimbursement agreements. We have a ratio that says if you develop 40-acres inside of the service area, you pay the cost per foot times the acreage. **Paul** the bookkeeping is a problem for staff, we had this conversation a little bit last week. That's why we have the 10-year limitation in our ordinance, staff doesn't want that liability extended so far in the future, we're more likely to make a mistake. **Wilkey** none of these owners know that we've put your acreage into a thing, if you develop you must pay this person back for your sewer. Developers already know how it's done, but we're deviating from how it's done. Are they being notified? We're changing the way that things have always been done without the property owners being notified. **Dallas** with the GIS capabilities and the layers that have been added, I think that there's better ways to track that. As an engineer, I'd look at a property to write a proposal and have no idea if there's a frontage agreement or reimbursement agreement. The GIS layer will help with the bookkeeping aspect. If someone looks to develop the parcel across from Chelsey with the septic rules as they are, there's no way for someone to do a project here without running a trunk line. **Wilkey** as we get closer to the 4500 West piece, by having them be on this map, are we saying they must be part of this district or service area. Could they cut their own line, or are they held by this and must reimburse? **Paul** we won't let them subdivide unless they pay the reimbursement fee. **Wilkey** I feel like we're encumbering somebody's property, we're sending them down a path without them even knowing it. **Melling** the frontage-based reimbursement agreement, that makes sense because someone already paid for the bulk of it, so you need to reimburse them. I like a lot of aspects of this acreage approach, reasonable minds can differ. I like that this is a taxing entity that's getting reimbursed. The biggest issue for me is the tracking aspect, I don't want the city to be liable to any extent. The tracking process for reimbursement agreements is going well, I don't want to alter that system. That's one more chance for failure. If there was a way to make the PID the enforcing entity instead of the City. **Paul** the PID doesn't have the ability to do an exaction, we're the only entity that does. When we enter a contract with the PID all those other landowners are not bound by that contract. The only mechanism we really have is our ability to exact something from a

developer. **Cox** with the frontage approach, if someone buys land behind, they only pay for the frontage which is Dallas's point. **Melling** correct, which is kind of unfair. **Cox** if they bought an easement to get a road back there, and then develop the whole back portion. **Melling** we've got those master planned improvement amendments, even if that were the case they're still going to have to develop the whole road. **Cox** they have to pay for as wide as their development is. **Melling** it would be advantageous for a developer to develop the back half of a property and have a flag development and pay a lot less. The seller is going to charge more for that property. They would have to put in the road improvements too. If they're putting in all the road improvements, then that lowers the development costs of the front half of the lot. This developer is more likely to get reimbursed because the development costs are so much lower for the front half. It's the timing, we only have a 10-year timeline. If one works their way around this issue to try to avoid paying reimbursement to the PID, those actions are going to make it easier for the front half to develop as well and fully reimburse the PID. **Dallas** is there a way to word this to say, the calculation ratio and tie it to a connection onto the 2800 line. Meaning if someone develops in this corner along that trunk line, they can choose not to connect for reimbursement. **Kent** I'm not sure how you could word that. The other problem I see, regarding the ability for reimbursement to the PID, reimbursement is per-acre based on the entirety of this area. If someone doesn't connect, and doesn't contribute to the reimbursement, that reduces the potential reimbursement for the entire project. That difference isn't absorbed by other properties. You've lost the ability to receive that reimbursement. The only way the acreage calculation can work is if you know exactly who will utilize that line. That's not the case here. There are big differences between this project and Shurtz Canyon. There is a defined service area. It's best guess what would feed into that line. Along 4500 West there's going to be some deviation from that, and the agreement as written would require reimbursement for properties that don't benefit from that line. The frontage concentrates the reimbursement, when they develop, they will pay their share. If properties along that line develop, that's full reimbursement. The frontage calculation is the best chance at reimbursement for your client. **Wilkey** I can see where Dallas is coming from. If someone wanted to do a flag subdivision, with a certain amount of acreage and with frontage under a certain amount. Maybe, we use acreage reimbursement instead of frontage reimbursement. **Paul** there's definite risk to the developer. There's a risk that the properties may wait for the time to run out before they develop. This reimbursement agreement we have is not a foolproof method for reimbursement. **Wilkey** as a developer you can't depend on all the properties developing. **Dallas** it's rare as a developer to make a substantial reimbursement from these agreements. **Paul** if you deny this agreement, we will follow the frontage agreement we have in place. If you approve it, the exception to the ordinance are; the 5-year extension of time, and the area calculation on the sewer. Everything else in the agreement mirrors our ordinance. **Melling** I appreciate that Dallas thinks outside the box, and explores new approaches.

Councilmember Melling moved to deny the pioneering agreement for Chelsey Phase 1A Subdivision; second by Councilmember Wilkey; vote unanimous.

CONSIDER AN ORDINANCE AMENDING THE CITY'S STORM DRAIN MASTER PLAN AT APPROXIMATELY 1900 SOUTH OLD HIGHWAY 91 (MIDDLETON RDO AREA). PLATT & PLATT/KENT FUGAL: **Bob Platt**, Platt & Platt – nothing has changed. **Wilkey** we're just specifying depth and width. **Melling** I don't think there's anything on the master plan for a channel. **Randall** this is a new addition. **Kent** the master

plan came through I-15 and ended; this extends it up though this area. Staff is comfortable with this, and we recommend it.

Councilmember Melling moved to approve the ordinance amending the City's Storm Drain Master Plan at approximately 1900 South Old Highway 91 (Middleton RDO area); second by Councilmember Cox; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE
Carter Wilkey	-	AYE

CONSIDER A VESTING EXTENSION AGREEMENT WITH MD DEVELOPMENT FOR IRON CREST SUBDIVISION PHASE 2. PLATT & PLATT/RANDALL

MCUNE: Bob Platt, Platt & Platt – **Randall** the date has been amended to June 22 instead of September 25 as recommended by the Planning Commission. I added some language that staff will work with him logistically knowing he wants to amend phase two. **Phillips** they must go with existing ordinances at that time.

Councilmember Wilkey moved to approve the vesting extension agreement with MD Development for Iron Crest Subdivision Phase 2 until June 21, 2025; second by Councilmember Melling; vote unanimous.

CONSIDER AN ORDINANCE VACATING A PUBLIC UTILITY EASEMENT IN THE VICINITY OF 1972 AND 1960 MAHOGANY CIRCLE. PLATT & PLATT/PAUL BITTMENN:

Bob Platt – nothing has changed. This is way up on the hill, the utilities won't be placed here because they're all in the street. We're just vacating the utility. The utilities have signed off.

Councilmember Cox moved to approve the ordinance vacating a public utility easement in the vicinity of 1972 and 1960 Mahogany Circle; second by Councilmember Wilkey; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE
Carter Wilkey	-	AYE

CONSIDER RE-ALLOCATING FUNDING FOR THE CEDAR CANYON SPRING FILTRATION BUILDING. MAYOR GREEN:

Mayor Green – my goal is to get started as soon as we get the approvals. **Cox** with our well situation the way it is, we need that water. **Mayor Green** we need this building and we need this gadget. We have a water tank on our capital budget of \$2.2 million, consultants tell us we have plenty of storage, we need wells and water. I propose that we move the \$2 million earmarked for the water tank for this filtering system. **Wilkey** how long has the water tank been budgeted for? **Jason** well over two years. **Paul** this was one of Mayor Wilsons last budget proposals. **Jason** we had that bid out and it was \$9 million. **Melling** that was before our water master plan had been fully updated, and the analysis of the tanks versus the supply. **Mayor Green** I will bring stuff back

to council as we move along. **Jason** if council gives us direction to repurpose that capitol budget, that's all we need. This would go through the budget revision process, and I'll formally itemize it as a structure rather than a tank. **Wilkey** do you want the whole thing or just the building? **Mayor Green** the whole \$2.2 million, spend it as we need it. **Melling** even if we could build that water tank for that price, it wouldn't have nearly as much of an impact on our water system as getting that water compliant. That's 20% of our supply. **Wilkey** this is a bigger priority for us than the water tank. **Paul** the test project that you guys funded two budgets meeting cycles ago, those fellas are ready to hook up Saturday and Sunday. Testing will start this week, or early next week. The test is scheduled to run through the spring, up to a year. We're not likely to go purchase the filters. The purchase of the building could take place, but it's not very likely to take place in the next 30 days. The building exceeds the limits of our purchasing policy of what we can do without going out for a bid or a request for proposal (RFP). By the time you publish the RFP and bring the results back to the city council for approval, it's not likely at all that that will happen in the next 30 days. You've authorized staff to spend that money. It's not likely we will start paying bills with that money, but we could. **Jason** while staff has authorization to take action on that project, we cannot spend \$2 million without bringing that back for your authorization. **Paul** everything over \$50,000 will have to be bid out. The steel building, concrete, filtration, concrete floor, and footings will all come back to you. **Cox** are you going to bring the pipe up through and make the loop as you do the concrete? **Paul** yes. **Mayor Green** the building will cost \$50,000, with you're go ahead, I'm going to get that RFP and buy that building. I'll get the engineering for the concrete. We'll assemble the building on the pipes, the floor will be poured, and we'll get the gadget. We'll move along as we get clearance. **Wilkey** we're acting as the general on this project. **Mayor Green** we're the general.

Councilmember Cox moved to re-allocate funding from the tank to the Cedar Canyon spring filtration building and system; second by Councilmember Melling; vote unanimous.

ADJOURN: Councilmember Melling moved to adjourn at 6:35p.m.; second by Councilmember Phillips; vote unanimous.

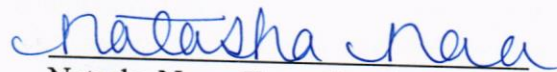

Natasha Nava, Executive Assistant

EXHIBIT "A"
CITY COUNCIL – SEPTEMBER 25, 2024

