

**CEDAR CITY PLANNING COMMISSION**  
**MINUTES – June 17, 2025**

The Cedar City Planning Commission held a meeting on Tuesday, June 17, 2025, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City, Utah.

Members in attendance: Councilmember Robert Cox, Tom Jett, Jennifer Davis, John Webster, Jim Lunt, Wayne Decker

Members absent: Adam Hahn

Staff in attendance: Kent Fugal-City Engineer, Randall McUne-City Attorney, Donald Boudreau-City Planner, Amber Ray-Planner, Faith Kenfield-Executive Assistant

Others in attendance:

<b><u>ITEM/REQUESTED MOTION</u></b>	<b><u>LOCATION/PROJECT</u></b>	<b><u>APPLICANT/PRESENTER</u></b>
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- Pledge of Allegiance – the pledge was led by Cox.

**I. REGULAR ITEMS**

**1. Approval of Minutes (dated June 3, 2025)  
(Approval)**

**Decker motions to approve the minutes from the June 3<sup>rd</sup> meeting; Davis seconds; all in favor for a unanimous vote.**

<b>2. Vesting Extension (Recommendation)</b>	<b>Iron Crest Phase 3</b>	<b>Platt &amp; Platt</b>
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**Mike Adamson:** We are trying to do a Vesting Extension for Iron Crest Subdivision. We would like to see that toward the end of August or September, if we could extend that.

Cox: When is the current deadline that we are looking at?

Mike: It is currently past the first of this month.

Cox: What percentage of that project is complete?

Mike: Most of the infrastructure is in now. We should be setting the curb sometime toward the end of this week. Possibly the first of next week, and then not too far after that, we will do sidewalks and pavement.

Cox: You have part of that done already, right?

Mike: Yes.

Cox: This is just Phase 3. It is the one on the North Side around the loop.

Mike: Correct.

Cox: For those who don't know it, well underway. That whole development is well underway. There is progress made and that is one of the things that we usually look at for a recommendation.

Mike: Sound like we are about done.

Cox: Do you have anything to add to Mr. Platt?

**Bob Platt:** All we are asking for in Phase 3, 15 lots plus the retention pond. All of this is paved sidewalk, and everything here.

Cox: What time are you requesting an extension?

Robert: I think the end of September is adequate.

Cox: Is that good enough to get you where you need to be?

Mike: Yes.

Cox: Commissioners, do you have any questions or comments?

Decker: I have no problem with extensions for the most part.

Davis: How does the city feel? Are there any concerns?

Kent: I think where we would have the biggest concern is if this had been lingering for some time and standards have changed, and that kind of thing. They are progressing, getting the work done. We don't have any concerns about this one.

Davis: I have no concerns.

Kent: When did you say the expiration was?

Mike: June 1<sup>st</sup>.

Kent: What if you extended for 6 months from the original expiration?

**Jett motions for a Positive Recommendation for the Vesting Extension to Dec 31, 2025; Jennifer seconds; all in favor for a unanimous vote.**

**3. Vesting Extension  
(Recommendation)**

**Fiddler's Canyon Hills PUD  
Phases 4-10**

**Brown Consulting**

**Steve Kamelowski:** with Brown Consulting Engineers. This Fiddler Canyon Project is a large project up the hill. If you are all familiar with the site. 400 units planned, we had the vicinity plan approval back when it was called the vicinity plan over 3 years ago. Since then, the owners and contractors have been making progress. They have been building the phases. All phases 1 and 2 are already recorded. They have been working on it nonstop. As we have been submitting plans for our next phases up the hill. It has come to our attention that the original vicinity plan might have expired. Randall or one of our plan reviewers, brought it to our attention. Saying that technically after 2 years of vicinity map approval is expired. We are asking for an extension of that to allow us to finish the rest of our phases and finish the project.

Cox: What is your timeframe?

Steve: The owner has been discussing 3 years from when we record our last phase, or 15 years, whichever comes first. If 3 years have gone by and we haven't recorded any phase, it will expire. Otherwise, if we record a phase within three years, then it will continue to reset for another 3 years.

Cox: Has this typically been 2 years that we have granted? I don't know if we have ever granted that long in my knowledge. You guys would know better.

Randall: No, I don't think we have ever granted anything more than a year. Again, this is a separate consideration, right? On the other ones you would be working on, say, one final plat. That was Tom's, some other ones, including the last one. They are working on a single or maybe 2 phases over a 2-year frame time. The agreement here, I think, is different, which is, do you expect someone to complete 10 phases in 2 years? It is less to do with the current progress of a specific phase and more of how you apply kind of a reasonable progress standard to 10 phases. 3 years between phases is more than what we grant currently for one.

Cox: Correct.

Randall: You may want to look instead of 3 years, which was their request, and what I drafted is what their request was; you may want to say, now we would rather do 2, because then that is more akin to what it doesn't do for everybody else. Then they will never reach the 15 because you only have 7 phases left. Because phases 1 through 3 have been finished. They were submitted within two years. You have now submitted four in five, I think.

Steve: Yes, we have.

Don: At least 4.

Randall: That is the progress they are making now.

Jett: For clarification, I am a big proponent of Vesting. I think our rules are a little too arduous as they are. Let's use his words, 15 years, does that mean that 15 years? You wanted a Vesting Extension to 15 years?

Steve: 3 years between phases or 15 years.

Cox: If they do Phase 4 and then they wait for 3 years and don't do another one, then it expires. Which in turn would have to come back in again.

Randall: You could theoretically have phases 9 and 10 brought in 15 years from the original date.

Steve: We just wanted to give ourselves enough. Give everybody a sense of how long this could take. That is why we said 15 years.

Randall: They would vest in the ordinances and the like that existed at the time. What this has come under is not so much with ordinance. This has more to do with the planning side of this. Do we have the infrastructure for water and sewer are the main ones here. Modeling usually does that. When they did theirs, Engineering handled our modeling. The change is now we send them to outside modelers. The Engineering request is to have them go out and model that. Part of the concern would be if you take it to the modelers, and you say, okay, we are going to put in 500. I am just throwing out a number. The modelers kind of must reserve that inside of our system. So, we don't overbook like airlines do. We would essentially be asking the city and our modelers to hold those units for up to 15 years. They want that because they have investment money in this, and they have some investment backed expectations there. The city is always concerned is because how much space do we want in our pipes? We want to plan, but if it means somebody else suddenly must upgrade when our current system could handle it, but we are waiting 15 years. That is balance the city must try to maintain.

Cox: With that being said, I am thinking how do you let them progress and plan? I am thinking more like 2 years in between phases because if you are not completing every 2 years, then are you really progressing that much? Is that reasonable?

Steve: The way the owners are doing it right now is that they are bonding up front for the subdivision. Then they build the improvements. They record the plat and build the improvements. So, I think between phases one and two, it took about 2 years in between phases. they might open to those 2 years between phases. They just wanted to give themselves enough time to be able to complete their work.

Cox: To me, that is reasonable because there is progress. If you stall, then we are not trying up that.

Steve: It is going to get more difficult further up the hill they go. More excavation, more wall types, more engineering. So, 2 to 3 years is what we want and would look at. Yes.

Cox: Commissioners, any questions or discussion?

Decker: Maybe I am not fully understanding, but 15 years seems open-ended to me. Kind of like a blanket covering. So, I might be missing something here, but I don't know. That seems like a long time.

Steve: 15 years total. Originally to get Phases 1 and 2 to the point of recording. It took about 2 years. So, there are 7 more phases left.  $7 \times 2$  years would be 14 years. If the same trend continues, we are trying to get it built and approved as fast as possible. That is the owners' words. There is no intentional holding.

Decker: It is going up fast.

Cox: The other stop gap, if they do nothing, if they don't complete a phase in their proposal in 3 years. Then they have to come back for approval. There is a 3 year per phase and 15 years overall.

Steve: I think the 3 years is the number that they were trying to throw out there. That will be the number we are looking at.

Jett: For phase what?

Steve: Between any phase.

Cox: If they don't progress through a phase in 3 years then we are back to drawing board.

Steve: We just wanted to give everybody an idea that it could take up to 15 years to get the whole project done. We didn't want our Vesting to expire right when we are on the last phase. Just wanted to give ourselves enough time to finish all 10 phases.

Decker: Again, I may not be understanding but Engineering, could this potentially tie up other projects? Because they have resources tied up.

Kent: It certainly could, and I think my bigger concern is that 15 years is a long time. A lot of things have changed in 15 years. Our standards will undoubtedly change a lot in 15 years. State regulations regarding infrastructure can certainly change within 15 years. Typically, we have a project that gets approved we expect them to proceed with it and get it done. The two years is kind of the time frame that is set in our ordinance for getting it done. When you are talking about these many phases and trying to stretch that out and say the rules that applied way back when are still going to be enforced this far down the road. That does not seem like a good policy to me.

Decker: Agreed.

Kent: I would argue against that kind of long-term extension. Certainly, with the phases that are in review now we would want them to go ahead and proceed. Extending to be able to allow those to happen, probably makes sense. Generally, I am in favor of the idea that if there is still progress being made, lets work with it. When we are talking about these many phases and getting that far removed from the requirements that were in place at the time they did the vicinity plan. I don't think it is a good policy.

Jett: Did you say they were going to be bonded.

Steve: That is what they did.

Jett: If they are bonding, maybe this is for Randall. Because this is what got us into a pinch because we didn't bond. We just paid as we go.

Randall: Well, and I think mostly what we have had is a bit of a mix. They will do a lot of the work, reduce the Engineering side of it and then bond at the end.

Jett: If they are bonded then Vesting does the 2 years, it could be 10 years.

Randall: Correct, but here is your thing. Their phases 1 through 2 everything went clean. There were no problems. When they submitted for final plat for phases 4 and 5, they were already past 2 years. You have 2, 2-year clocks. Under the old one you got your vicinity plan approved by the council; you had 2 years to submit the final plat. Then once you got your final plat approved, you had 2 years to get that recorded. So, there are 2 different clocks here. Yours was approved, now get it recorded within that 2-year clock. His is what you would now call a preliminary plat phase. You have 2 years from that approval to get your final plat application. So, 2 different 2-year clocks that we are dealing with. What he is asking for an extension here will not affect once the final plat's approved. That 2-year clock to record will still exist.

Jett: I agree with Mr. Decker here. I think 15 years probably might be a little bit of a stretch.

Cox: I think the 2-years is a happy medium because then if there is progress there is no back end on it. As long as they are getting in a phase and 12 would be the max.

Steve: They won't be able to finish the entire project in 2 years.

Cox: If you don't move a phase in 2 years you're coming back, and we are doing it with current

standards.

Kent: For comparison purposes, not saying that it should be mean anything or not. The last city I worked for, the plats expired after one year. The two years already seem generous to me. It is your trade-offs, you think of Cordero with its 2000 plus acres. It was supposed to be built out in 25 years. There is some understanding that bigger projects require some time, but that one is substantially larger than this one.

Cox: Well, I think with a phase this big, if they are not closing a phase in 2 years, they are not progressing. That way it gives them some time, and if doesn't happen then we are back to the drawing board.

Decker: Why is it a bad idea to come back?

Steve: New rules. Do you mean to get a new preliminary on the subdivision?

Decker: Yes.

Steve: New rules could completely change the layout.

Decker: Don't new rules change for a reason?

Steve: Well, rules like having outside consultants doing studies and things like that. When we have already done all those studies. Rules regarding ordinance changes with lot sizes, road grades could change. We have designed this whole site all the way out now and we are trying to use that plan all the time. Cox: It does make perfect sense to not change the rules on them midstream.

Randall: There are some constitutional protections. They are not always incredibly clear. We discussed this one, but courts don't want us to change midstream. They invested 100 million in this project and then a week later we changed it. So, courts require us to be reasonable, which is not always a helpful standard because it is somewhat vague. That is what you are aiming for what do you think is reasonable under these circumstances, so we don't have to change the ordinance entirely. What would apply here for this setup?

Decker: I am not trying to be cynical. You answered my question very well. Thank you.

Randall: The way I have worded it is 2 years since the most recent recording of a final plat within the PUD. That will allow you too just

Kent: With that motion would item A, the 15 years from the original vicinity plan approval of March 9, 2022, would that go away? Would we be on a 2-year phase approval.

Cox: That is what I was suggesting. With that we don't have that big open window.

Randall: Is that your motion Mr. Jett?

Kent: I was not trying to steer that. I was just looking for clarification.

Jett: This is a unique one because of the size of the whole project, and we want to make it successful, everybody to make money, and win.

Steve: Yes, it is a big project, and I think it will serve the city well.

Cox: I don't think it is unreasonable to expect one phase to be completed every 2 years. If you aren't doing that, then there really is no progress.

Randall: Just to make sure based on what is here and to emphasize again what Kent was saying, we would have it on subsection 2, we would take out the language on the earlier of and strike A, and it would just be within 2 years of the most recent. Is that your motion?

Jett: That would be correct. It wasn't but it is now.

Randall: I must make the model with it.

Jett: I need all the help I can get.

Decker: 2 years seems very generous to me.

Davis: I am hesitant, I understand where you are coming from. I don't want to put the city at a disadvantage or in a situation where they hate us.

Cox: Mr. Fugal, you were saying 2 years is probably alright, but most are one.

Kent: I have seen a lot shorter than 2 years, but 2 years is consistent with. What our ordinance has for the initial and trying to get these one every year. Which some of the as Randall has mentioned, some of the other extensions we have done, we have just added year. When you are talking about 7 more phases to get done that probably is not workable. So, I think the 2 years while I still have concerns to dragging out as long as this could potentially still drag out that we are working off old standards. To me that sounds like a reasonable compromise.

Cox: I think there is a concern.

Don: We are still on 12-year deal. We have 5 additional phases.

Cox: They must perform. The 12 years is max anyway.

Randall: To emphasize it can potentially be longer than that because we are asking you to key it from the last the last final plat recorded. There is a delay in between when they file the application, get our approvals, and then record it. It could be longer, but on the flip side, they have already finished phases 1 through 3. I believe they have filed for 4 and 5.

Steve: We have turned in the application.

Randall: There are only 5 phases left that have not already been approved or have started in the process. We have just stopped them because of the 2-year clock.

Steve: We intend to submit applications as fast as the city to get these done.

**Jett motions for a Positive Recommendation to extend it 2 years from the previous plat for each phase; Davis seconds; all in favor for a unanimous vote.**

#### 4. PUBLIC HEARING

Development Agreement  
(Recommendation)

478 East 325 South

Tom Jett

**Tom Jett:** I addressed this issue a couple of weeks ago. This is at 325 South 400 East. A Development Agreement where we plan to build our forever home. That is a small dirt road that exist. That dirt road has been there for about 80 to 100 years, the home at the end was built in 1910. I would ask to wave a few of our requirements such as the asphalt on that road. Curb and gutter along my portion of that road. That is in front of my property.

Cox: There is a little bit of land beyond your property that at one point could be developed even though it might not be likely because of the topography. Is that correct? If they do not submit and then they have to do curb and gutter, then we have some with and some without. Have you considered that?

Jett: I will tell you if the property to my east develops and they put curb, and gutter completes that road and put curb and gutter in. I will be happy to put the curb gutter in.

Cox: Do you want a deferral agreement?

Jett: Yes.

Cox: Is that what is written?

Jett: If the property to my east develops and they put a road in and they have curb and gutter in?

Kent: I wanted to clarify what you see on the screen with those red lines; those are my suggestions. That did not come from the applicant. What is there but prior to those red lines is what came from the applicant. That was paragraph that I found troubling and those where my suggested revisions. You don't need to take my suggestion necessarily.

Jett: I'd also be willing to chip seal, but I'd like to chip seal in front my property, not the whole street for the neighboring property. So, they will benefit financially from my wallet.

Decker: Isn't there just one lot before your property?

Jett: Yes. It is 200 feet long.

Randall: Those owners were here in a previous meeting.

Decker: As I recall, the Heatons. Have they expressed an interest in curb, gutter or pavement?

Jett: Nope.

Decker: I am wondering why you would not want curb, gutter, or payment? Is it just costs only.

Jett: Half the street is not curb and gutter. The street is a street to nowhere. Curb and gutter are traditionally there to direct the water. So, it is not running onto everybody else's. The water is going to naturally run down through that irrigation ditch.

Decker: Again, I am not trying to be cynical, but is there such a thing as a road to nowhere?

Randall: Here is a question for you. If you look at the city's map, we have 100 plus Cul De Sacs. Many of those are noticeably short roads.

Decker: That is what Cul De Sac not nowhere

Randall: Right, and that is what our ordinance would require if we had to do. We would be aiming either for putting it through it or a temporary Cul De Sac.

Jett: It would eliminate half my lot.

Randall: A temporary one forever.

Decker: The curb and gutter would take half your lot.

Jett: No, the Cul De Sac would.

Decker: Gotcha.

Cox: Are there any plans for that to punch through.

Randall: That road is not a master plan road. It is the same thing we would ask a new subdivision comes in and they make a short a road. That is what we would make them do. The difference here is that Mr.

Jett is the King of infill. That is what he is asking, do you think infill gives him some leeway that says a new developer, new subdivision would not get.

Cox: I am somewhat sympathetic to his request because the other side of the street is developed. There is no curb and gutter other than that one little strip, but not forever. If someone down the line must do it, then I think he must do it. That is my break point, if that makes sense. If they develop beyond, which is possible, and the city is asking them to do curb and gutter, then I would think it would need to roll all the way back.

Jett: I am okay with that.

Davis: How do you come after someone with that after so long?

Cox: We do deferral agreements quite often, but they are a little harder too.

Decker: I am wondering about the enforceability on that down the road. I am not trying to get on Tom's bad side.

Cox: Because there is nothing to hold them over the barrel, right?

Randall: If the east property comes in, say 10 years from now, short of a lawsuit and lean kind of thing. There is no way to force Mr. Jett or any successor to get it done. It is through leans and lawsuits. The city's best enforcement mechanism are those permits. The ability to say you can't live there, build. That is our easiest enforcement. You have heard the argument from me on every deferral agreement that has ever come through.

Cox: The thing that not only this body but the City Council has to deal with is why do you think you deserve? While we ask other people to enforce the curb and gutter? I am not trying to be facetious.

Jett: I don't think it makes sense to put it there. For the curb and gutter it would be directing the water to any place. If anything, it will be keeping the water off my property. The way my property will be lifted. My home will be a couple feet off the street elevation. The natural drainage will go right on down.

Cox: I agree, there are some things that don't make sense even though it is city ordinance. We discussed

the sidewalk to nowhere.

Decker: I don't know if this is a precedent or not, but there are two homes that went in a street just half a block from where I live and curb, gutter and payment was required just to the south of me and it is only half the street, but aesthetically it is more pleasing.

Jett: But that is a through street.

Decker: Eventually it will be, right now it is not.

Cox: This potentially can be, but it is not likely.

Davis: Back to the curb and gutter, we do have on my side street, we have curb, gutter and sidewalk. I have seen that full, the water hopped the curb and flooded the basement of my rental. It was a great day. There is that possibility.

Jett: Like I said, my home will be 2 feet above the street.

Davis: I don't want yours to flood mine.

Jett: Mine will be a slab on grade. I won't have a basement.

Cox: Any more questions?

Jennifer: Can I ask questions?

Randall: As long as you recall your role for this conversation is not as a member of this Planning Commission. You are speaking as a neighbor who may be affected by the decision being made.

Davis: Okay, I am speaking as a neighbor and not as a member of the Planning Commission. I might be affected by whatever we decide. I own the property to the north and don't love that you are just chip sealing 12 feet across the road.

Jett: No, I would be chip sealing half of center line.

Davis: But not the whole street?

Jett: Not the whole street.

Randall: If you go by what Mr. Jett's request is, he would not put in any of those improvements at this point. If a property right across the street from yours, the Heatons on the corner, if they ever develop. Then Mr. Jett's proposal would be that he would only put in a chip seal to the halfway point of the road, not the center line plus 12 feet. Just in front of his property. He would avoid putting in the access road that would be required up to his property line and he would also avoid doing that 12 feet. The difficulty in my case is. I look at that 12-foot past center line and part of the reason is it allows a two-way flow of traffic. If you do only half the street, you are not going to have two lanes at all. I think that is the reason we push for that 12-foot past. Is so you at least have minimum for two-way.

Don: You just have a beat-up piece of asphalt.

Randall: That is why I think you can see Kent's recommendation is that it would still require the 12-foot past. The strikeout you are seeing.

Cox: So, center plus 12 feet. Which is typical and the ordinance.

Randall: Mr. Fugal also struck out the waiting until the neighbors put in theirs too. You can see what his recommendation is. I emphasized Mr. Jett when I drifted this for him, this was not negotiated. He wanted his wording. I am not saying this as my recommendation, and I warned him I would say that.

Jett: He made that perfectly clear.

Randall: The call is the councils with your recommendation, but even these kinds of agreements with the city result in things not getting finished. The triggers are well one, curb, gutter and sidewalk as he proposed it is no trigger. He would never put those in.

Jett: Unless the property to the east of me continues that road through.

Randall: Well, that was not what you recommended. Now we are adding it. My two biggest fears on these are one, the enforcement I already mentioned and two is informal precedent you create. What is the difference in this case versus every other case that we have throughout that road. Informal every case



where we have a have a temporary Cul De Sac that leads to a drop off. We have a few of those next to the temple. We made every one of those put in at least a temporary Cul De Sac and curb, gutter and sidewalk along their street.

Decker: I am very concerned about the precedent it could set.

Randall: If someone else comes in with a similar set-up you are going to be either telling them yes, because it is a good idea, or you will need to explain why there is a difference.

Cox: Does anyone else have any questions for Mr. Jett?

*Public Open Hearing*

*Public Closing Hearing*

Lunt: Motions for a Positive Recommendation for property at 478 East 325 South as stated.

Davis: This has been stricken.

Lunt: Does anything in red need to modify?

Randall: That is the question for you. What Mr. Jett proposed does not have those red changes, the cross-outs or the additions. Do you make a positive recommendation on Mr. Jett's proposal with his addition today of adding to the part of curb, gutter and sidewalk if the east property comes in or do you want a positive recommendation with what Mr. Fugal is recommending with the redlines?

Jett: All I am asking if I must chip seal it. That you allow me to just chip and seal it in front of my home versus enrich the neighbors. Nothing is more frustrating than enriching other people.

Lunt: My recommendation will be for Mr. Jett's proposal. Just so this can move on and come to a head.

Webster: I have trouble getting over the goose and the gander thing. You, what is good for goose is good for the gander. I don't know how you get over the top of that. They just don't. There is a nice guy who says, yeah let's just do it, it is fine, it is an old street. I have mountain property, it's old roads frustrated, but you are going to require something of one and not the other.

Cox: Motion dies for a lack of a second. Do we entertain another recommendation?

Jett: You can give me a negative recommendation. We all know this will go to the next step and then I will plead my case at the next level. I just need to get off the dime.

**Webster motions for a Negative Recommendation; Decker seconds; all in favor for a unanimous vote.**

## 5. PUBLIC HEARING

Road Vacation  
(Recommendation)

400 East 325 South

Tom Jett

**Tom Jett:** I have asked the city on the property, the dirt strip, to vacate that road. Right now, that road is 65 feet wide. I have dealt with Engineering; this was before Kent Fugal came along. I dealt with the previous City Engineer Jonathan Stathis. He states that he didn't have any problems making this into a 45-foot road. That is a standard city street. I am asking the city if they would vacate 22 feet of the road on the south side of 325 South directly in front of my property.

Randall: Your map shows 21 feet. I think it goes from 66 to 45.

Webster: Is the 45 is that normal width of the road.

Jett: According to Jonathan that road would be more than adequate. There are five homes on that street.

Kent: Our current city standard for a local residential street is 45-feet. That is what this would leave is that standard.

Cox: Based on it being a dead-end road and only five houses on it, that would be logical.

Lunt: What happens to this property we would vacate?

Cox: It goes back to owners. All along there. Any property that borders that. The Heaton's would get their 20 feet.

Randall: The difficulty is this Mr. Jett's request does not include the Heaton's. If you look at what he has here, that cross section is only in front of his property. From the city's perspective that doesn't make a lot of sense.

Cox: No, we need to vacate all or none in my opinion.

Jett: The reason I didn't do that, and I don't want to speak for other people. I offered the Heaton's to participate in the surveying and the cost of putting this thing together. They refused, I said, "Well you don't want to participate. I am not going to do your bidding for you."

Decker: They did come and say they want the same situation that you want. Correct?

Jett: They can come in front of this body and ask for it.

Randall: They can ask but the city can still do it on our own. It doesn't make a whole lot of sense to us to vacate that.

Decker: When you say vacate that property, in simple terms, is that the city giving you that property?

Cox: It would be giving it back. Those property owners gave from the center line to the easement. They are giving it back to property owners. Who once gave it to the city for the road for the Right-of-way.

Decker: Did you once own that?

Jett: That was about 100 years ago.

Cox: It is attached to the property.

Don: We did notify the neighbors via mail. Because typically if we are vacating if it was the whole street it would fold in half. It would go to both property owners. In this case it is all going to Mr. Jett's property. We did make sure they got notice that this was happening to see if they had any interest. We have not heard anything back.

Cox: The reason that we did it that way is because there is already a curb and gutter in place on one side of it. To vacate a part of the street that already has public access to it.

Randall: It is like one has it, one doesn't, one has it and one doesn't. I would not do one thing in that regard. It does create an interesting situation for us; and this would be a conversation for the council as well. If Mr. Jett is not putting in any improvements and we are vacating 21 feet. The city may not want those incomplete curbs and sidewalks. Liability wise I don't want them if we are not going to finish them. I'd rather give them to those owners on that north end and say they are yours. You deal with the curb, gutter and sidewalk. Congratulations, they are now yours from. Sorry.

Davis: Thank you. I already have a curb, gutter, and sidewalk in front of mine.

Randall: You do but your next neighbor doesn't, and then your next one does, and then the next one doesn't. If you guys don't like the some is and isn't. That is what these two combined are leaving there. We are leaving the curb, gutter, and sidewalk on an unfinished road, sidewalk that is just a sitting liability to the city.

Jett: I don't know what liability the city has.

Randall: Some trips on a sidewalk we are liable, that is it. We spend a lot of time and effort trying to keep with sidewalks throughout the city. You can see where we mark and cut them down and replace them. Because of a root or whatever else messes up our sidewalks. We would have, I think 3 of the properties there have curb, gutter, and sidewalk in front of them. From a liability perspective, the city would be better off if we are going to vacate that 21-feet to vacate at least enough on the north end to hand that curb, gutter, and sidewalk over.

Cox: I know this is probably not pertinent, but it kind of is. The middle house that didn't do curb and gutter, was an exception or was it developed before that? That was a city standard.

Randall: It is a very old house, but I don't know for sure.

Jett: It was in place at that time.

Cox: They got an exception and that whole street is kind of a mess.

Randall: That is a fair statement.

Jett: I notified everybody. I even went above and beyond and gave emails for the people that aren't in the area. So, it wouldn't take longer to get the mail. I have connected them verbally. They showed zero interest in that additional strip. I put it on my side.

Cox: The 45 feet width of the street makes sense. How we configure that is another discussion.

Randall: You could split it part way, right? Let's just say and I don't know the distance myself. Let say it is 6 feet into that completed curb. The city could split it. By statute, if we vacated the entire road, we are supposed to split in half. That statute language doesn't apply here. It does allow some flexibility of either giving all 21 feet to Mr. Jett and to the Heaton's or 10 ½ and 10 ½, or 6 on one side and 15 on the other. Those are all legally viable. The question is whether we are vacating to benefit the city, not just Mr. Jett. Obviously, it benefits him, but if we are vacating for our purposes, that liability question on that curb, gutter and sidewalk matter to me at least.

Decker: So, is the only reason you want this vacated is to provide you with more property? You already have enough for a home.

Jett: I have 66 feet wide. I can put a single wide trailer in there. By the time I do my front and back setbacks, that will leave me with about 16 feet of width.

Decker: Do you own this whole area?

Jett: Yes, but that is a whole separate lot.

Decker: Well, that is easily changed.

Jett: It can be changed, but if I do that it will affect the middle lot. This one right here. If I carve into this, this will be access into these homes here. So, if I carve into this lot right here, that will eliminate my access to this lot here.

Randall: He did get a variance from the Board of Adjustments to allow him to treat the lot we are dealing with today as a corner lot. The setbacks for the rear and west side do allow him to get much closer to the property line than the property would otherwise. Again, no different than what a corner lot would get. It is just treated as a corner lot.

Decker: Okay, it essentially is a corner lot, isn't it.

Randall: We wouldn't treat it that way naturally in our ordinance, but for building purposes, it is not too different.

Kent: If I could, one other comment I wanted to make, just to consider, having a 45-foot road is certainly acceptable in terms of it meets our current standard for the local road. If you allow 21 feet of vacation on one side of the road, that means the neighbors across the street can never request anything the south side gets, and maybe that okay. Tom's done some leg work out there and no one seemed to be interested and maybe that is fine. If this is approved as presented, it does eliminate the possibility of any vacation on the other side of the road.

Cox: It keeps it at 45 feet, and it makes sense to have that street 45 feet because it is just a 65-foot-wide street with five houses on it. There are a lot of resources that are to me a waste.

Randall: Resources for a road that is not done.

Davis: I don't know if the city does anything about it.

Randall: One other thing on this, there is a water line that goes through there.

Jett: The water line runs right here.

Randall: If there is a vacation here, we will need to make sure there are adequate easements. He will have to put in PUE anyway.

Jett: I will be 20 feet plus off that water line.

Randall: That is one of those things to make you aware of.

Decker: That city water line would be on private property.

Jett: Which is not uncommon.

Cox: If they have an easement, then he can't build on it anyway. He'd have to build it to be able to access it with an easement.

Decker: Having the easement in the front, is that common.

Cox: Yes. It is quite common.

Randall: Most of your public utilities' easements are in our front. The rear ones are harder to access so we have tried to avoid those if we can.

Cox: The rear ones where you were in high school. Now they try and it in the street. So that they can get into it. It is hard to get through fences and rear lots of everything else. In the last 20 years, they have put more of those in the front.

Decker: On private property.

Cox: With a utility easement.

Jett: I have no heartburn if the city wants to continue that 21 foot strip along the Heaton property. I just didn't do it because it wasn't my property, and I had an opportunity to give them an opportunity.

Randall: Tom, I know you and I have discussed this, but do you know if that fire hydrant that is there. I assume you would probably have to move that. Do we usually have public fire hydrants on private property.

Kent: With the PUE it would be okay.

Randall: Would we still be within it? I just don't know the distance.

Kent: That is something Tom would want to make sure of because if not and it is back beyond the existing Right-of-way line. We would want to make sure that we extended a piece of public utility to cover that hydrant.

Jett: Absolutely.

Randall: It is not a killer. It is just something we wanted you to be aware of.

Jett: If there ever was a fence, it would be notched. At that point where the hydrant is and you see that it is uncommon too.

Randall: I just want to let you see if you haven't been out there. You can see where there is a sidewalk break along her property. Then there is grass, and more sidewalks, and even further down there is more grass. That is what I mean is we have curb, gutter and sidewalk, but it is a dirt road.

Cox: No one else on that street has had to put in.

Jett: The curb and gutter goes just to the right.

Randall: I am just meaning the north side.

Jett: It just goes to the edge of the sidewalk.

Cox: To me, it is not fair to have him pay for the whole payment when there hasn't been any on the street anyway. Otherwise, all the other neighbors should be pitching in.

Randall: Robert, that is your question. Because this isn't a requirement for Mr. Jett. This is anybody who wants to come in and build a home, subdivision, and they need to get to it. We make him do a 26-foot-wide road, but just the asphalt portion of it.

Cox: The point with this street is that no one else has been required. They are already there, so they are never going to pony up anyway.

Randall: That is true with his triggers. We are creating triggers we don't expect to ever happen. You would create a situation, and again that is your call and the council's call. Where it is unlikely those improvements will ever come in.

Cox: That is where there is room for an exception in my mind. It is already a dirt road. No one else has had to put it in.

Davis: My house was built 50 years ago.

Randall: Who knows maybe if you give them 10 ½ feet, they might add to their houses.

Davis: I don't think I can. I would put up another unit to the east of it.

Jett: You have enough room to put another unit in.

Davis: I will have to pave all this.

Randall: It does create that odd situation where everybody, including Mr. Jett, is hesitant to build. When they must pay more than what they think is their fair share.

Jett: I hate that term, but when it benefits me, it sounds good.

Kent: Tom, one quick question, is the intent that this area that is currently used for turnaround would remain intact?

Jett: No. I will build a turn around. I think the term is called a hammerhead.

Kent: You are talking coming back this way for a turnaround.

Jett: The road will go straight down. Just like this. Then I will build a hammer head right in here. On my personal property. So, the garbage, fire truck, mailman, and Amazon can all turn around.

Decker: I may be the lone ranger here, but I am very comfortable with a 45-foot-wide road, but I am not comfortable with a 45-foot road that doesn't have improvements, curb, gutter, or pavement. That is where I am coming out on this. Again, I don't mind being the lone ranger if I am. I think it needs to be developed, however that happens it is not mine to judge. I am fine with 45-foot-road and the vacation with vacating, but unless there are improvements, I am not fine with it. By improvements I mean curb, gutter, and pavement.

Cox: Any other questions or comments?

### *Open Public Hearing*

**Ann Clark:** I think we should follow the rules. The other thing I want to say is, Tom think about it. I know you don't want to pay for it but it is helping the city look beautiful and nice. It could be your contribution to the city. Do you see what I am saying. I am sitting here thinking, will it always be a dirt road? Will it never be developed? Then what do you do? Honestly, curb, gutter, and sidewalk keep things from being a weed mess and everything else. Look at it this way, Tom, it could be your contribution.

Jett: I am making enough contributions to our city.

### *Close Public Hearing*

Webster: You guys can decide because it has got its complexities. I am for narrowing the road because then that is what is good for everybody else, but I agree with you and narrow changes the thing a bit.

Cox: You can make a dual recommendation. You can make a Positive Recommendation for the road width to be 45 feet, but along with that curb and gutter to his point. I mean, you could do those multiple ways. What are you thinking, Mr. McUne, is that a little better?

Jett: I am okay with a Negative Recommendation; I just need to move it forward.

Webster: I don't like kicking the can down the road because you have a hodge podge there and along

with what Ann said, what do we ever or never do with this? I think that is a fair question for the city council.

**Webster motions for a Negative Recommendation on the Road Vacation 400 East 325 South; Decker seconds; all in favor for a unanimous vote.**

## **II. CITY ITEMS**

### **1) PUBLIC HEARING**

Ordinance Text	Sections 32-2 Pertaining	Don Boudreau
Amendment	To Definitions	
(Recommendation)		

### **2) PUBLIC HEARING**

Ordinance Text	Section 32-5	Don Boudreau
Amendment	Pertaining to Boundary	
(Recommendation)	Adjustment & Subdivision Amendment	

### **3) PUBLIC HEARING**

Ordinance Text	Section 32-7 Pertaining to	Don Boudreau
Amendment	Preliminary Plat Applications	
(Recommendation)		

**Don Boudreau:** With the Chairs permission I would like to talk about items 1,2, 3 together. They all run together here. Essentially, these are changes to the City Subdivision Ordinance to align our own ordinances with recent changes to the State Code. A lot of this you could look up and look at this as clean up. The first section 32-2 pertains to city definitions. There are quite a few changes there, but I think the primary changes are the removal of Lot Line Adjustments and Parcel Boundary Adjustments. These were two processes previously in the state the code that we addressed, and state has done away with those processes. We are adding two new definitions. These are the kinds of things I think are the most important. One is called a Simple Boundary Adjustment that was like our old Lot Line Adjustment, and another called a Full Boundary Line Adjustment. In essence with a Simple Boundary Adjustment we do away the notifications that were required under Lot Line Adjustments, which I think is completely appropriate. This is if two property owners want to agree on where let's say their lot line or rear lot line is. So long as we are not affecting easements, public Rights-of-Way, and we are not creating any nonconformities with setbacks. This is the process for them to utilize. They can do that with a document that gets recorded with an exhibit and the city. We look at it and they are off to the races. In a nutshell. The Full Boundary Line Adjustment is for something that entails more complexities, and it is defined simply as something that is not a Simple Boundary Line Adjustment. As best we can tell, this would be for creating new lots, things that affect easements, public Rights-of-Way, and combining two lots. Essentially it is a subdivision amendment as best we can tell, which is a process you guys see here a couple times a month. Moving on to the next Section 32-5 these are processes we have established a process for the Simple Boundary Adjustment. The full boundary adjustment, and we have had added language out of the State Code to clarify our Subdivision Amendments processes. Essentially, Subdivision Amendments are something that has not really changed much and will still be bring those to the Planning Commission. Lastly, under Section 32-7 that is just a quick cleanup of language where we

do away with the Minor Lot Subdivisions. Those are now called Subdivision Exemptions in State Code. This is just clean up, and we did make those changes to our Minor Lot Definitions in 32 as well. That is the quick summary.

Cox: So, in a nutshell, these are to conform with state statute.

Don: Yes, sir.

Cox: If you want to get the cliff not version.

Don: That is what I tried to give.

*Open Public Hearing*

*Close Public Hearing*

**Davis motions for a Positive Recommendation for the Ordinance Text Amendment City Items 1, 2, and 3; Jett seconds; all in favor for a unanimous vote.**

4) PUBLIC HEARING

Ordinance Text Amendment (Recommendation)	Section 32-9-O Pertaining to Warranty Inspections to be Completed within 15 days of Written request	Amber Ray
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5) PUBLIC HEARING

Ordinance Text Amendment (Recommendation)	Section 32-9 Pertaining to Warranty Bonds	Amber Ray
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**Amber Ray:** This is also having the State tell us what we need to clean up and what we need to do. So, this is an Ordinance Text Amendment, when a developer comes to bond, we ask for 110%. 10% of that is a warranty and 100% of that is the initial bond. We hold that 10% warranty until a year after the construction acceptance. Then we release that we are not allowed to ask for the warranty bond prior to Construction Acceptance anymore. That is just changing that. Also, when someone wants an inspection, that needs to be in writing and then we must do it within 15 days. There are stipulations of weather, different things like that. Which is basically the state lines out all those reasons why we could not do it in 15 days. Any questions?

Cox: Does that cover 4 and 5?

Amber: Yes.

*Open Public Hearing*

*Close Public Hearing*

**Davis motions for a Positive Recommendation for Ordinance Text Amendment for Items 4 and 5; Jett seconds; all in favor for a unanimous vote.**

6) PUBLIC HEARING

Ordinance Text Amendment (Recommendation)	Section 26-VIII-1 Pertaining to The makeup of members of Planning Commission	Amber Ray
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## 7) PUBLIC HEARING

Ordinance Text	Section 26-VIII-2
Amendment	Removing Terms for a Council
(Recommendation)	Member

Amber Ray

**Amber Ray:** This is 6 and 7 together. It has come to our attention that somebody is interested in removing a City Council from the Planning Commission. That is how it is throughout the state to not have a City Councilman on the Planning Commission.

Cox: If we are not the last then we are one of the very few that are the last that has a City Council representative on the Planning Commission.

Amber: Currently it does say that the Commission shall consist of seven members. One of them being a Councilman. So, if we want to take into consideration, do you still want it to be seven or six?

Cox: We should have an old number in my opinion. Five or Seven, five is probably typical.

Randall: Seven is what we have tried to do with most of our boards. There are few that are not, but we have tried to get most of them in that seven realm. It is a little easier to not have too many missing and you have less times. Yes, I will confess that I am part of the impetus behind this because at last meeting that I had Robert sitting up here, Tyler Melling presenting, Carter Wilkey walked in. If you saw me, I nearly cried. Because we are required to publish meetings as council meetings if the council is here. If Carter had said anything at all relevant to that item, we probably would have been in violation of Utah Law. Being present, probably not. It was a little gray. It would be a lot easier if I didn't have somebody potentially voting.

Cox: It also impairs the separation in elected official and a recommending board. There are some things there that make it. I have to deal with it twice, not that it matters. I do see the pitchforks twice on some of them. I think that is why the state has moved away from this, and we are one of the few that still have this setup.

Davis: I like it. I feel like that you are here and then you can add some context to things on the agenda. You get to hear the backstory and then you get to hear it on City Council, and fill in some of the gaps, but these guys can do that.

Cox: I agree, those are benefits, get to hear it here, and bring it to the City Council.

Randall: One of the other things that I would note, and Amber and I talked about his. There is another one that talks about assigning council members to various boards. That still occurs, Robert, I am assuming you are probably assigned to a few other boards as well, but not as a member. Frequently you are just there as a liaison for the council and kind of just oversight kind of concepts. That would still occur.

Cox: Not a voting member.

Randall: Correct. The mayor would still be according to a different ordinance that we are not asking you to change would still be assigning the Planning Commission but member. Simply that is part of their assignment.

Lunt: So, we as a council remain at seven or drop down to six

Randall: What has been proposed is seven and I at least because I know before when Paul Bittman was City Attorney, he was the one that pushed quite a bit to try and get almost all our boards to seven. Logistically it is easier for staff at seven.

Cox: Seven is a good number because this meeting started and we didn't have three of you and we couldn't have started the meeting if it was five-member commission.

Randall: Or even.



Cox: Just to use that as that as an example.

Randall: Please don't ever do even number. Because if you have six and everybody shows up, you could have a tie.

Cox: Yes, you have to have a tiebreaker. Yes, we have to write an ordinance for a tiebreaker, right? I think since the others are at seven, that probably is a good number and that gives us an easier number for a quorum.

Amber: Just to go along with that the 26-8-2, it tells that the term of office for a Councilman is the same length. We are just removing that part. That is just cleaning it up.

Webster: That is bad news when cleaning it up is getting rid of you.

Cox: I am fine with that.

Decker: Personally, I like the idea of having a council member here, but I understand, and I certainly would yield to legal if there is a concern.

Cox: It is more of a legal issue than me being here or not being here to be honest. I enjoyed being here and part of the conversation.

Amber: It not a personal thing.

Randall: And you are always welcome to come and give your opinion.

Kent: On a Public Hearing item. I would like to add my perceptive on this issue. Back in the 90s I was on the Pleasant Grove City Council in Utah County, and I was the Robert on that council. I had the assignment from the mayor to be a member of the Planning Commission. One of the things that bothered me was when I got training for the Utah League of Cities and Towns. The League of Cities and Towns was training us on what the rules are for Planning Commissioners engaging with the public related to items on the agenda. It is basically that you shouldn't be engaging with members of the public, especially anyone who has anything to do with that item outside of this meeting. According to the training from the league, but then training for council members is completely different, right? With a council member, you are expected to take those phone calls from constituents and even seek out people's input. This was conflicting, me as a city council member, sitting on the Planning Commission, I had to conflicting sets of rules I am trying to operate under. That was uncomfortable to me, and I suspect that is part of why back in the 90s so many very common up and down the state to have a city council member on the Planning Commission and now it is hard to find any outside of this corner of the state. I think that is part of the reason probably why that came into being.

Cox: Well, it is akin to jurors discussing a case outside of the courtroom on one hand, but then people are calling and asking about the case to the elected official on the other.

Jett: Randall, how does that apply? I get people that ask me, why is this way and why don't we change this and am I violating some.

Randall: No, there is prohibition with you talking to the public. Let me explain why it comes into effect. You have probably heard us say before that public clamor is not a valid reason to make your decisions. For administrative type decisions, that is always the case. Public clamor shouldn't be considered at all. Legislative decisions, where the council votes on changing an ordinance, public clamor is in fact allowed. They can catch the winds of where the politics are going, and they can vote in that direction because it is election year, and I want to get re-elected. That is allowed. You are in a boat where your kind of administrative, even if you are discussing legislative things. The Utah League and Cities and Towns, I think consistently been for decades, has recommended that you not talk to the public about these things. I have never found a law that says you can't. It does make it awkward later when someone says you only voted that way because you talked to this person outside the meeting. It is not illegal; it is just one of those areas where I ask you to be cautious. The open and public meetings act only says, you can't talk about it when you have a quorum. If it is just, you individually or even 2 or 3 of you, it's not a quorum.

You can legally do so.

Cox: Thank you. Do we have any other questions or comments?

*Open Public Hearing*

*Close Public Hearing*

**Jett motions for a Positive Recommendation for Items 6 and 7 to change the Ordinance that removes the City Council member from the Planning Commission and to remove the terms of the Council Member; Jennifer seconds; all in favor for a unanimous vote.**

The meeting was adjourned at 6:38 p.m.

  
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Faith Kenfield, Executive Assistant