



Cedar City

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Mayor

Steve Nelson

Council Members

Robert Cox
Waldo D. Galan
R. Scott Phillips
Phil E. Schmidt
Carter Wilkey

City Manager

Paul Bittmenn

CITY COUNCIL WORK MEETING

MAY 6 2026

5:30 P.M.

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main Street. The City Council Chambers may be an anchor location for participation by electronic means. The agenda will consist of the following items:

I. Call to Order

II. Agenda Order Approval

III. Administration Agenda

- Mayor and Council Business
 - Summer water restrictions. Scott Phillips
- Staff Comments
 - Storm Drain improvement grant for the area of 200 North & Cove Drive. Kent Fugal
 - Memorial Day decoration guidelines for the Cemetery. Ken Nielson

IV. Business Agenda

Public

1. Consider a franchise agreement with Forged Fiber 37, LLC. Garrett Marshall/Randall McUne
2. Public Hearing to consider approving a Residential Development Overlay (RDO) and Development Agreement for the Cross Hollow RDO located in the vicinity of Cody Drive and Cross Hollow Road. Go Civil/Randall McUne
3. Public Hearing to consider a development agreement for a property located at approximately 1157 South Main Street (Smith's Marketplace). AWA/Randall McUne
4. Consider CWS Cooperative Agreement with Utah Division of Forestry, Fire & State Lands. Dannon Hulet/Mike Phillips

V. Staff

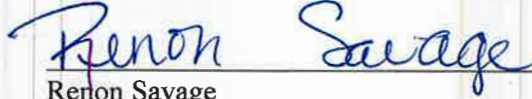
5. Consider disposal of city property. Mike Phillips
6. Consider the selection of an auditor. Lindey Matheson
7. Consider the BLM Tanker Base Lease Extension. Tyler Galetka
8. Consider the Schmidt Exchange of Services Agreement Extension. Tyler Galetka
9. Consider releasing Linda Benson, Randy Allen and Neal Smith from the RAP Tax Arts committee and appointing Kelsi Leavitt, Elaine Vickers and Kyle Bishop to the RAP Tax Arts committee. Mayor Nelson
10. Consider a resolution to amend the Consolidated Fee Schedule. Randall McUne
11. Consider settlement agreement with Armbrust. Paul Bittmenn
12. Consider entering a contract with Torus for energy management services. Paul Bittmenn

Dated this 4th day of May 2026.

Renon Savage
City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 4th day of May 2026.


Renon Savage
City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the city not later than the day before the meeting and we will try to provide whatever assistance may be required.

COUNCIL WORK MINUTES
MAY 6, 2026

The City Council held a meeting on Wednesday, May 6, 2026, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Steve Nelson; Councilmembers: Robert Cox; Waldo D. Galan; R. Scott Phillips; Phil E. Schmidt; Carter Wilkey.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Randall McUne; Finance Director Terri Marsh; City Recorder Renon Savage; City Engineer Kent Fugal; Police Chief Darin Adams; Fire Chief Mike Phillips; Leisure Services Director Ken Nielson; Airport Manager Tyler Galetka; Staff Accountant Lindey Matheson; City Planner Don Boudreau; Senior Engineer Jonathan Stathis; Economic Development Coordinator Daisy Burns; Water Superintendent Matt Baker.

OTHERS PRESENT: Dallas Buckner, Dannon Hulet, Justin Wayment, Rand Bettridge, Cami Bettridge, Ann Clark, Tom Jett, Scotty Harville, Kelly Newville, Ben Cozzens, Jeff Richards, Bill Payne, Tonya Payne, Julie Cook, Donny Cook, Scooter Williamson, Tarvis Alt, Jan Gilbert, Jelisa Robison, John Henderson, Brenden Watkin, Jeff Randall, Justin Bleau, Matthew Thrower.

CALL TO ORDER: Matthew Thrower, Refuge City Church gave the invocation; the pledge was led by Councilman Waldo Galan.

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

Scotty Harville, American Legion - I want to thank the City Council and Staff for their assistance at the American Legion Family Day this year. He handed out a thank you bag to the council and staff.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■ Summer Water Restrictions. Scott Phillips – I don't know the plans we may have. We had a dry winter, and other cities are looking at water restrictions and before it gets bad, I want to know if we have anything in place. **Matt Baker**, Water Department – we have not had any discussions. **Phillips** – so we are just the standard no watering between 8 a.m. to 6 p.m. No odd day or even day watering at this point? **Matt** – no. In 2022 we did the odd and even day restrictions. **Phillips** – I would suggest we start looking at it and have a plan in place. **Mayor** – is there a trigger, something we should be watching for? **Matt** - Wells we are a month ahead of schedule from last year. We started our first well April 24th last year, this year it was March 19th, and started another one the next day. We started the irrigation wells two weeks later, and we started one of our big wells out west of Quichapa last Thursday. **Phillips** – I think we should start to look at something. I don't have all the best answers, but we need to be the leader in that as well as the citizens with our own properties. **Matt** – if we do that, we need to tell Cedar City Parks to lead by example. Also, the schools, SUU and churches. **Phillips** – yes, we don't want to be brown and die, but we need to work around and try and have less water and have it stretch a little further, maybe a little dry, but still green. **Cox** – the State has a program that pays about \$2 a square foot to take it out your grass. **Mayor** – we have meters to show usage, is there an education for

people to see their usage instead of forced restriction. **Matt** – yes, there is a link on the city website to show you every time you use your water, it is myneptune360. **Cox** – also the smart controllers for your yard, I see so many sprinklers on when it is raining. Also, a lot of people are overwatering. **Matt** – there are landscape companies that over water also. **Phillips** – we have a conservation tier, if you use more you pay more. **Galan** – we should make it more formal, put it in the newsletter about metering their own use and in the next 30 days figure out what is needed for the rest of the year. **Mayor** – with the new Public Information Officer we can have her help with that. **Matt** – the information to check your water usage is on the water bills and it is in the newsletter. City overall usage, not counting construction, and we have 90 hydrant meters out now. Citywide, March 10 to 15th we used about 3.5 million gallons per day. When the temp went up to 80 degrees 4.1 up to 5 million gallons per day (mgd), up to 6.6 mgd, down to about 5.5 mgd in the beginning of April, 7.6 mgd on April 11th, back down to when we had the snowstorm, then yesterday we were at 8.98 mgd. **Cox** – what was last year, or a couple years ago comparable to the same month? **Matt** – I don't know, we didn't keep track of daily use like we can with this system. **Scott** – we can do that now look at comparables' week after week, month after month, year after year. **Mayor** – we did have a report of usage once we implemented the tiered system. **Phillips** – yes, the overall household usage did go down. **Cox** – overall we use the same amount of water including the growth and that's after the conservation tier. **Matt** – 8 or the top 10 users are irrigation sprinklers, that includes culinary and irrigation, most of them are schools and parks. **Mayor** – secondary system is part of that; we need larger users on the secondary system that will have a big impact our overall water use. That is well on the way, we have about \$7 million of the \$10 million that the Conservancy District has been able to get towards getting that system in. Hopefully we can finish our studies and on the best way to do that and get the last \$3 million out of the next appropriation. **Cox** – We put a filtration system in the sewer treatment facility that we will release type one refuse that we can pipe back and put on the big users like cemeteries, parks and schools and takes a big draw off the aquifer. **Schmidt** – I talked with Eric and Kent. We have quite a few large events coming to the park, and Eric has enough money; he could chip seal the lot behind the Elks Lodge and put Angle parking to increase parking for the park. **Phillips** – that needs to be an agenda item. **Storm Drain improvement grant for the area of 200 North & Cove Drive.** Kent Fugal – we are in the application process for the BRIC grant. One thing eligible is storm drain improvements where we have potential for flooding. We are looking from 2150 West, the storm channel from Tagg N Go and through the fields down to Lund Hwy where we dump into Quichapa Channel gives us a lot of concerns, especially from 2150 to the north side of the railroad. We need to replace the crossing for the railroad and there isn't enough capacity. As we go down there are capacity issues all the way down. The application is in 2 parts. The State requires we submit a notice of intent; we have done that they were due at the end of April. We are working on design work to be able to submit the application to the Feds in July. Councilmember Schmidt has been aware of that, but we want you all to be aware and let us know if you have concerns. **Paul** – tell them about the match obligation. **Kent** – it is 25% local match. If we are only able to get funded our highest priority, which is 2150 to the north side of the railroad, it was about a \$3 million project. The entire project, the initial estimate to come all the way to the Quichapa Channel is about \$15 million. If we get funding for the entire thing, it is a significant match. If we are successful in getting the full project funded, we will need some budget discussions. **Mayor** – it would be over a few years? **Kent** – yes, we do have some time. **Phillips** – this is part of the storm drain master plan. **Galan** – there is a mechanism to space out the 25% through the life of the project? **Kent** – I think we

have 3 years once the award is made and the match will come along as we spend the money. We would build projects and request reimbursement from the Feds for 75% and we eat the 25%. **Schmidt** – this is an important project; there are 3 or 4 buildings foundation that could be wiped out as well a culvert under the railroad. We met with Celeste Maloy and her assistant today and he thought we could get a letter from her for assistance on this grant. **Kent** – Union Pacific has concerns about this, the culvert can't handle all the water, so the water builds on the south side of the track. **Mayor** – I encouraged they go for the full amount. ■ Memorial Day decoration guidelines for the Cemetery. Ken Nielson – Mother's Day and Memorial Day are big days for decorations. All decorations from Memorial are good until June 1st outside the headstone, they will be gathered up after that time. **Schmidt** – have we got all the arrows and signs painted well? **Ken** – the contractor is finishing up this week and the first of next week. **Phillips** – this is a good opportunity to get on the social media pages. **Ken** – it is on the pages and in the newsletter. **Galan** – I drove through the other day, I wasn't sure which entrance was only an entrance, and which is only an exit. Once I got in it was very comprehensive. **Ken** – the sections completed are there, I will check the others.

CONSIDER A FRANCHISE AGREEMENT WITH FORGED FIBER 37, LLC.

GARRETT MARSHALL/RANDALL MCUNE: **Randall** – a new fiber optic company that wants to come to Cedar City to compete. They need a franchise agreement with 3% tax to the State, and they forward some to us. Other utilities are already there. I have not heard any complaints. **Schmidt** – in a subdivision we are already putting in 4 fiber companies. I don't want to enter more unless it is beneficial. **Phillips** – what legal obligation do we have where we can't deny them if they meet the criteria. **Randall** – I have not done any studies recently, but past is if they can fit you should add them in, that is where UTOPIA got in trouble. **Galan** – that is something difficult to implement. One concern I have is when South Central started putting in all their lines, the permissions they have from us, it doesn't cover sharing piping with anyone else, is it private property do they parallel with South Central. **Paul** – they typically parallel other companies. **Galan** – our PUD they tore up every street and kind of put them back. **Paul** – this does not cover private streets. I would like to be able to set down with this company and see their methods, what trenching, how quick they get in and out with our Public Works Department before it is finalized. **Wilkey** – do we have 4 or 5 of these contracts? **Schmidt** – we do, we have InfoWest, South Central, Century Link and TDS. **Phillips** – Paul is correct, if there isn't a rush, can we table it? **Randall** – I don't know if there is a rush, the first conversation was last fall, then they asked to be put on the agenda. **Wilkey** – I express the concern that we don't want to stop others from doing business. **Galan** – there is no representative here? **Randall** – they asked what date and I didn't hear back. **Galan** – I am uncomfortable approving before the meeting with Public Works and know the scope. The contract is almost bullet proof. **Cox** – I would ask that we go back to them for their proposal and plan, if it is minuscule then we not consider. **Galan** – there has to be a discussion. Our people need to talk with them; not all fiber optic groups act the same way. We don't want to have endless tearing up. **Wilkey** – this is to allow them to use the PUE. What Galan is referring to does this get into the specifics. **Paul** – we want to know what they are doing.

Councilmember Phillips moved to table to a date yet to be determined after they meet with staff; second by Councilmember Schmidt; vote unanimous.

Paul – there was a time not so long ago when we considered doing our own fiber because no one would come here.

PUBLIC HEARING TO CONSIDER APPROVING A RESIDENTIAL DEVELOPMENT OVERLAY (RDO) AND DEVELOPMENT AGREEMENT FOR THE CROSS HOLLOW RDO LOCATED IN THE VICINITY OF CODY DRIVE AND CROSS HOLLOW ROAD. GO CIVIL/RANDALL MCUNE: Dallas Buckner, Go

Civil – Exhibit “A” is the official RDO 3-page document that was prepared. The property is on Cross Hollow and Cody Drive, behind Silver Silo, and south of Carmel Canyon Estates and west of Wildflower Subdivision, the hill area that is undeveloped. We got a positive recommendation from Planning Commission. We are condensing the density for the overall RDO area which is 77 acres in three pods. Pod 1 we are proposing R-3-M, Pod 3 we are proposing R-3-M, and Pod 2 leaving as R-1. Currently all the property is R-1 except a sliver along Cross Hollow which is Central Commercial, it is part of the property, but is not part of the RDO, and will be left Central Commercial. There are 4 units per acre allowed with R-1 zoning, there is a density bonus given with RDO’s. The density is shown at the bottom of Exhibit “A”, which if left as R-1 would allow 310 units, with the RDO bonus density they are allowed 464 units, but they are asking for 400 units which is 90 more than would be allowed with 4 units per acre but less than allowed with the bonus density. The way the ordinance is written there should be a community benefit for an RDO. Our proposal has 77 acres, Pod 1 is 14.69 acres, Pod 3 is 5.63 acres and Pod 2 is 57.06 acres which is the majority of the property. We have a Development Agreement accompanying the RDO with two items. We proposed, there are two dead end streets in Wildflower Subdivision, Church Street and Sunnyvale that are dead ends, we are proposing to develop Pod 2 in the same fashion as the houses adjacent to it as R-1, 10,000 square foot lots, and complete these streets. Church Street would be a cul-de-sac with houses around it and Sunnyvale; we would bring a road out and put a cul-de-sac. There is a master plans around it, we will talk about Church Street, it is supposed to tie into Cross Hollow. When we went through Sketch we entertained Master Plan Amendments. The city is going to require modeling studies with those, so we decided to show as is and we will do the studies and do the amendments later. Some comments we got from staff were conceptual access plans, (Exhibit “A”, sheet 4). Pod 1 an existing road into Sunset Canyon we will match there, we will have a looped street, and with density requested it would be over the 80 units with one access, so we have shown one access through one of the commercial sites as an access. Pod 3 Leavitt’s are planning a signalized intersection, and we are waiting for the location to match it. Off of the existing neighborhoods, it is a cul-de-sac concept and then we will extend the road out to a cul-de-sac and have R-1 homes around it. This sheet is just a schematic to show a concept, in order to do that we would have to go through the master plan amendment to remove the road. I did do a conceptual road concept and at straight grade it is at 12% which is a challenge. We are assuming the master plan road will go away. RDO Color Map Markup Exhibit “A” sheet 4 the gray areas are area of development, after we plat and develop the roads, the remaining plat, the green area give to the city, we dedicate 39-40 acres to the City. Parks have standards for paved trails, and it would be a challenge to meet those. There are existing dirt trails. **Wilkey** – I know the property, it is sage brush, why do we want it, it is unbuildable? **Dallas** – to preserve the esthetics and the trails. The city has already accepted property from Carmel Canyon Estates and Sunset Canyon. There are power lines and trails. The residents and parks see the value of preserving open space. The topography does not lend itself to development or paved trails. There is a tax burden for the property owner. **Cox** – you could move the top to the bottom

and terrace it like they did across the street, so there are options that are not desirable. **Dallas** – we could cut it all up, but preserving it is more beneficial to everyone. If the city doesn't want it, it can stay with the developer. **Mayor** – the idea of the RDO the density is because the developer is giving something that is of public good to go through the process, that is the only give. **Dallas** – the way the ordinance is written, there should be some community benefit, PODS 1 & 3 will be developed as PUD's, so minimum open space amenities there. One of the benefits is the open space. The second part of the Development Agreement that Planning Commission did a non-recommendation was storm water proposal. There is a master plan road to Church Street, a random 12" water line, the main one is storm water. The city master plan shows a 5-acre detention pond and an 8-acre dike. The RDO map lays out a preliminary volume with a reasonable footprint. There is a curb inlet grate across from the LDS Church, there is a 5- and 8-acre dike, that location is very challenging, I propose that it be moved up. With the storm drain outlet in Cross Hollow we can discharge. Hydrology there is hard surface increase we generate that we are responsible for, there is an area of 16 acres, and it drains to the dike and the 56 acres drains to the pond, the 136 acres drains to the dikes. We recognize we need to provide for our runoff, but the majority of the runoff comes from above. If the RDO is approved we would give the land and the city would pay the cost to upsize, we said we want to be paid for the upsize of the construction and the land. We were 12% of one basin and 22% of the other. The major issue we have is they are proposed on the flattest property. I do feel the best location of the dike is moved or broke into multiple locations. There are issues down here and that was part of the 2022 storm drain master plan.

Wilkey – the two pieces proposing to leave R-1, the developer does not plan to keep those pieces. **Dallas** – we are asking for the upper threshold but still held to the underlying zoning and this is the most clear-cut standard. With my experience with cul-de-sacs there may be 4 houses and maybe 15 with the other lots. On the west side we could make larger lots, ½ acre, ¾ or 1 acre lots. **Wilkey** - our master plan already shows the detention at this size, what are they giving us? **Kent** – the master plan doesn't say how it has to be designed. Our practice has been that the upsize to accommodate all the water not coming off their property and we reimburse for the construction cost. They were also asking the city to pay for the property but have backed off. **Cox** – their property may have 1 acre foot run off and we require a 5-acre foot pond. **Dallas** – I consider this a regional basin, there is a big up stream runoff, and we are a small percentage. We are required to do our part, but there is an issue with the city, and we need a regional facility. **Wilkey** – I met with the developer, where I struggle, at the end of the day he is choosing to buy a piece that is mostly undevelopable and wants to take a small portion and put all the density on one piece and leave the open space. He did say he would do some open space in the RDO. **Mayor** – are there any limits in what the council can ask for? **Randall** – it is mostly open, if you don't want the RDO you can say no. If you consider it, you can put in conditions and negotiate in good faith. It should be reasonable and rational. **Mayor** – this area is frustrated with townhomes going everywhere, I took Ryan to a property in Enoch to show him where he could build. **Wilkey** – I am about the American Dream, I want to see something. It is a long and busy road. I see why he wants to do what he is doing. **Dallas** – the R-3-M zone is more popular than R-3-1, I have never done an R-3-1 subdivision. When you talk about a buildable product of that size and want a decent size house, you have an R-2-1 lot. The RN you get closer to the minimum. There is a 300-foot set back from R-1, RE, if we want a R-3-1 or RN you end up with a 7,000 square foot lot. **Cox** – it is our restrictions that are preventing that. **Wilkey** – I do work in Desert Color and some of their lots have 3' setbacks and it is better than a town home. **Dallas** – when I talked with

Ryan about smaller single family detached, we looked at Cody Drive, I would have a hard time having homes front that road, and I don't think the city would allow it. If we go from public to private you need a roundabout and you have a 5-acre basin. There is a slope and curve coming off Cody. We have one access off Cody and one off Cross Hollow. There are a lot of challenges. Ryan mentioned that he talked with you and Scott about that, but to put something in there that works and the concession with land, it is 3 acres within 14 acres that we are giving to the city and can't be developed. Double fronted lots on Cody drives up the costs also. **Schmidt** – the houses on top, my understanding was that it might be sold or Jones is keeping the property. Why are you putting this on the map. Could you build as part of the RDO? **Dallas** – yes, Jones have had this for a long time and does not have an interest to develop it. **Schmidt** – they could sell these in this RDO? **Dallas** – it is part of the RDO. There are two owners, Ong and Jones, everything to the west is under contract by the applicant, everything to the east is the Jones'. If this RDO is approved, there is no way 50 homes will be built in Pod 2. That area is locked in as single family homes. The city wants the roads completed, especially Church Street, they want a proper cul-de-sac. The red, green and gray as R-1 and the rest is left as open space, if the city accepts it. Modeling studies need to be done before we can do everything with the inlets. **Mayor** – there are fire issues with the open space, and we take on liability so we will have additional costs to think about in that area. **Wilkey** – Ken, are you comfortable talking about the green space. **Ken Neilson**, Leisure Servies – we met with Dallas, it is not a location for a paved trail. We do not have dirt trails; we don't maintain dirt trails. Armbrust shoots off our trails for walkable space. If the City wants to get into that business, they will have to decide. **Galan** – there are some qualifying aspects for an RDO and the only thing I hear as qualifying is giving us the land that we might not want or do something with it we might not like. Tell me the RDO definitions. **Dallas** – the ordinance vaguely said community value. **Galan** – it could be a historic overlay, transit overlay, affordable housing, I don't see that. What are we defining as RDO. **Cox** – if we can make sure the setbacks we have high density on the higher traffic roadways, get the setbacks where it can pencil and get the single-family homes within. The more density the less roads we have to snowplow. **Don Boudreau** – the ordinance states: *any public or private amenities benefiting and adjoining the residential zones, i.e. parks, trails, schools, churches and other such amenities as approved with the master plan.* It is very discretionary decision on what benefits the city is gaining. We have unbuildable slopes that offer the city as open space, it can be argued that open space as you urbanize can be a benefit, but there are challenges we would have to take on related to fire. I am not convinced that concentrating all the density downstream is potentially the best idea, it is going to put a lot of homes down in the watershed as opposed to spreading them out. It is very discretionary and opportunity to master plan an area as opposed to the macro scale that we see in the general plan, we can really look and see what makes the most sense here. The city has needs for drainage in this area. **Randall** – initially the applicant indicated we should pay our percentage of the land in addition to other things. We responded back that this is a discretionary thing, and according to case law and State Property Ombudsman, we can require reasonable amenities that we think fit and so the demand is you pay for all of it, the land as well as the improvement costs for those master planned improvements for drainage. They responded back with what you have in your packet, donating the land, they removed their complaint or argument for a percentage of the land value as one of the claimed amenities, and then they asked for the rest. It is within your discretion; you don't have to give it at all, it is more just a contract negotiation more than a taking. **Wilkey** – I consider the detention and the dike working together, but I don't on the green space. **Phillips** – why is

Pod 3 against Cross Hollow Road? why could it not be moved behind the other commercial areas? I am tired of seeing town homes along Cross Hollow Road. **Dallas** – there is some topography that it will not work. Also, you can't see, initially we had a 4th pod we pulled out, there is 10 acres of commercial left on Cross Hollow Road. **Cox** – is the applicant willing to keep the open space and take care of it and still do the drainage. **Dallas** – I have been in a number of meetings with dirt trails, the fire risk is new, I see the value in preserving it, we look at previous RDO's and look at what concessions they made, and I have not seen any to this magnitude. If you say in order for this RDO to go, we need to see a park in Pod 2. We proposed a major chunk to be open space. The developer has some park ideas, and I am cautious about putting them in a development agreement. **Schmidt** – the biggest benefit I see in the green area, a lot of people walk through there. If the city doesn't take it then you take the liability and you won't want everyone walking and riding their motorbikes through there.

Mayor Nelson opened the public hearing. **Donny Cook** - most of this is what will be built and not if it should be other than commercial, as it is prime real estate and increase in value. Four years there was a city master plan designating most of this area as R-1 and open spaces, and I took it into consideration when I bought my property and built my home. There is approximately 60 or 70 homes valued at \$1 million each that will be directly impacted by the zoning changes with \$60 million in real estate and the property taxes generated that will be affected by your decision. Growth is inevitable and needs to be managed also esthetics that it creates and the atmosphere. The current Planning Commission and City Council are looking at the proposal as a business transition between the city and developer and not manage control for the current owners. Storm water, Cody Drive and flooding washed out parts of the road. New Smiths their request to hold water up above and released downstream which is the Cross Hollow area. You allowed a variance and the bike trail underneath the road will be unusable at that time. Last and most important the failure of the city to secure land for the freeway interchange. When I spoke to UDOT representative and said what is the plan when they finish their responsibility, he smiled and laughed and said it is the city problem.

Scooter Williamson - I ask you to deny the RDO as proposed, the proposal is not a small neighborhood adjustment. According to your own staff report it increases baseline density by 90 units or 30% while concentrating most of that density into 2 pods along Cody Drive and Cross Hollow Road. The density increases much more when they exclude a large chunk because it would cut into profits due to excavation costs. The developer is asking to reduce or modify infrastructure obligations including discussions surrounding master planned roads and major storm water detention requirements. To many residents this feels less like balanced planning and more like an attempt to maximize profits by increasing density and cutting development costs while shifting long-term impacts and liabilities onto the city and surrounding neighborhoods. Most importantly, city staff recommend denial. The report states that the applicant is requesting bonus density, changes to master planned infrastructure, and for the city to take ownership of steep hillside land that comes with maintenance, fire mitigation and possible flooding liability. Staff then conclude that the applicant is offering nothing in exchange for these requests. The report also says that traffic impacts cannot be evaluated or recommended because of limited access points and concentrated vehicle trips. I would ask the council to consider why approve major density increase before fully understanding the impacts. Staff additionally note that much of the proposed open space is steep, rough terrain that is generally undevelopable. The city may inherit long-term maintenance, wildfire, drainage, and liability concerns in exchange for allowing substantially

more density. The staff report states that RDO's are discretionary and not required. I also think it is important to recognize that the residents of The Sunset Canyon neighborhood and many surrounding areas are predominantly long-germ and well-connected members of the community who are deeply invested in Cedar City and care greatly about the responsible growth, public safety, infrastructure, and preserving the character of the area. They are watching this decision closely. I respectfully ask you to follow your qualified staff recommendation and deny the proposal in its current form.

Ann Clark – I would usually say follow the General Plan. I am conflicted. I bought my house 20 years ago and could go to the arena and it was the old west. I like the raw land. I drove down there and Leavitt's have demolished an entire hill, will there be any hill left. Maybe the trade off is the green space. The problem is the RDO takes over the General Plan, they say one thing and do the other. I think the green space is worth it. **Randall** – the way the RDO is written, it shows pods that are approximately how it will be, the numbers can't change. **Dallas** – based on my recommendations to the Jones', the low hanging fruit, it could be pushed out, 30-49 acres, not changing the road configuration, it could be bigger lots. It is approximate road configurations, the minimum is ¼ acre lots, but the range is could they could be larger.

Julie Cook – who are the Jones you are talking about? Craig and Sherry. I am a Jones. I grew up on 200 West. I knew everyone on 200, 300, 100 and 700 West and there is a huge value growing up in a neighborhood, you know the good and the bad in your neighborhood. What bothers me, it is not just a switch and bait, there are approximately 3,000 people living down there we don't know, but I also see a freeway, there are times I can't get out of Crescent Hills, I would like a change in traffic to 30 mph, everyone is going 50 mph. I object to the RDO. The Henley going in is 1-, 2- and 3-bedroom apartments, it destabilizes the area. It is doubling the size of the Henley. Slow down.

Travis Alt – I bought my lot before this was changed, before DR Horton and I spent 2 years of my weekends building my home that I now hate. I can't let my kids play in my yard; I have found drug paraphernalia in my yard. This has ruined Sunset Canyon. I owned this lot when this happened and I would rather have a flood ruin my first level than have this crap. The people in the townhomes don't have enough parking spaces and they park on Cross Hollow Road; there is zero visibility. I would appreciate it if you took a look and said you have damaged this area enough, leave it R-1, they can make money in other areas of the valley. I am stuck, I will never get value out of my home. You have million-dollar homes in the area and no one compensated me for my property loss.

Jan Gilbert – Cedar City is growing over 3%, U of U study respondents said the rate of growth is too high. We will grow, my concern is that the type of zoning change accelerates growth, they can put up 350 apartments in 18 months to 2 years. Look at the Henley Apartments in 18 months, most of the population growth has been in migration. I am not anti-growth but 3.2% is high growth but you need to plan for it. A lot of junipers and cedarwood need fire reduction. No bus service on Cross Hollow Road. The city housing study it says the city needs more single family housing.

Jelisa Robison – I need to stand and fight for my home and neighborhood. Trying to get out of the neighborhood, there are cars everywhere. Our kids can't ride their bikes through the

neighborhood. We have so much on the west side of Cross Hollows, please do not let it come to the east side where our kids play, they ride to the church. Cody Drive is already really busy. As we keep adding developments like this makes it hard for our kids to play. We have invested a lot of money and time in our homes. We already struggle with water pressure in our neighborhood. We bought 9 years ago and none of this was there. Let us preserve what is left.

John Henderson – I live in the 55+ community, September last year was not a big storm and the water coming down the street, you won't have houses there. The people on the corner ruined our view. They didn't do the two lots because it drops off so much because of the drop off and your public works trucks get stuck. I was in fire service 36 years, we can make this is open space and modify the fuel.

Brenden Watkin – we just bought two lots to build a home, Pod 1 would greatly affect us, none of us want it or see the need for it or see any reason to change it from what it currently is. Some say we need affordable housing; we aren't wealthy, we make livable income and we scrimp and save to build on one of those lots, it is not impossible to build a single-family home affordably. I would rather have smaller single-family homes. I echo what has already been said. No value or reason to accept what has been presented.

Kelly Newville – I want to introduce you to me, so you understand the integrity of the development of Section 16 that was owned by the Jones family who was my grandfather. I am a lifetime resident of Cedar. I am the great granddaughter of the statue in front of your building, Henry Lunt. I am also the great granddaughter of Lehi Willard Jones who developed and worked in this area harder and longer than almost anybody that I can find research on. My uncle is York Jones who has more integrity and love for this community also than anybody I've been able to match. He has written books to try and show their integrity and beauty of our community. I am a licensed real estate broker; I represent Jones and Lee family partnership for 20 years. We have met with many engineers, many developers trying to stomach what has happened to the Jones' parcels and to the parcels below that have several names. The master plan and the flooding greatly affected these people, but their desire was to still do this the right way. After many efforts of trying, Ryan Gregerson came to the table, who also loves the community. You say he is making a lot of money; he has spent a lot of money to try and resolve for the Jones family who he cares for. It is Randy and Sherry Jones, they are wonderful people, they are first cousins, they are my family. This canyon is beautiful. I have a listing and a buyer's agreement with Ryan Gregerson. Dallas has spent countless hours trying to work through this. With Section 16 being developed the drainage ran off and affected the Jones' who is in the master plan with steepness and elevation. The open space, do you know how many people use it, it is beautiful and many people use it.

Wilkey – what we allow in the R-3-M is a wide variety, as part of the process, if we want to say nothing 3-story, can we put that in? **Randall** – yes, but they could come in later and ask for a change. **Dallas** – this RDO is a much more restrictive than the zone change, before the RDO. **Wilkey** – with higher density. **Dallas** – yes but less than R-3. They are paper numbers that still need to be designed with engineering and zoning standards, and I would be shocked to get 400. **Cox** – I would prefer that you look at single family housing and lower cap of households and we minimize the setbacks. How much flat land if you built just single-family

homes? **Dallas** – the market plays into that. Of the 70 acres, probably 20 acres is unbuildable. Based on market conditions it is not feasible to take off hilltops. If we do on a paper base, 77 acres, 310, we propose 400, if we widdle it down to 310 does it make a difference to you? **Cox** – it does to me, it is less on the infrastructure. **Cox** – we need to give a little because of the drainage issues, maybe 350. If there is some compromise, I would be interested to hear it. I would rather have single family detached. **Schmidt** – this will increase the traffic quite a bit, are you also improving Cross Hollow past your second pod? **Dallas** – as the commercial develops. **Schmidt** – I am looking for Cross Hollow to be fixed because it puts a lot of traffic to the end of your other Pod. **Wilkey** – per our ordinance, if they were not to deed it to us, when they do Pod 3 where do they do the improvements? **Randall** – it might have to be done with Pod 1; we would really have to look at it.

The hearing closed.

Councilmember Phillips moved to put this item on the action agenda; seconded by Councilmember Wilkey; vote unanimous.

PUBLIC HEARING TO CONSIDER A DEVELOPMENT AGREEMENT FOR A PROPERTY LOCATED AT APPROXIMATELY 1157 SOUTH MAIN STREET (SMITH'S MARKETPLACE). AWA/RANDALL MCUNE:

Jeff Randall, AWA – we are here to work through the Development Agreement. See Exhibit “B”. This is similar to the Smith’s in St. George at Sun River. Main Access to Cedar Knolls, with two other accesses on Main and also one on Greens Lake Drive. Your ordinance requires 5 loading bays, Smith’s requests 3, this is what all their stores have. E-commerce pick up area, the stalls are a little smaller than what your ordinance requires, but the cross hatched areas make it larger, so the parking stall is smaller with larger loading area around it. A 35’ sign in the front is higher than code. **Don** – a monument sign is 30, they want 35. Staff didn’t have much concern due to the size of the project. The price sign on the trail I am not sure is necessary. **Jeff** – it is set back due to the drainage channel. This is for the Greens Lake traffic. The only digital is the price of gasoline. **Kent** – Randall asked about a site distance safety concern, that is a design issue for the location. **Galan** – what would be wrong with adding the extra 5’ to the other sign? **Kent** – aesthetics, the sign does set back further from the street than others. **Jeff** – safety, we do have site distance on those. **Phillips** – are the lights all pointed downward? **Jeff** – yes, they are all dark sky compliant. Utilities, we are asking for a public water system running through this property. We will provide public easements, they are in driveways, not in landscaping. Water meters and fire lanes adjacent to the buildings. We will have full city inspections and make sure the city has access. **Paul** – they are going to connect to existing infrastructure on the north side of the property, they will connect the main street line through Mr. Geiger’s property and connect to Greens Lake, that is a plus. The soil in the area are not good and with us owing the line we are liable if the building settles. **Galan** – if they take the liability are we ok. **Jeff** – I can speak to the allergic soils, this site does not have collapsible soils, it is rocky and we will have the crush rocks to put in the lines. I have worked in other soils in Cedar City; it has better soil than I have seen in Cedar City. **Paul** – there are settlement issues in Rocking Horse Subdivision across the channel. There are settlement issues to the east. **Schmidt** – I like public, the two vaults you no longer have circulation, and you don’t have looping. **Paul** – it loops our system back to Greens Lake. **Wilkey** – is there a way to make it public but you hold us harmless if there is a settlement issue? **Paul** – we can make a noble attempt; there is a risk that we miss something. **Cox** – are we just going to T

off there is no loop. **Jeff** – W7 has a note only to use with 13R fire which is for residential. **Mayor** – if there is a city waterline on a city street and the water goes to a building and the building sinks are we liable? **Randall** – we have paid. **Paul** – chances are we would settle Main Street first before we settle a street. Our lines are usually a distance from a building; this is next to a building. **Schmidt** – with this drawing you are increasing the chance of a leak, if you put them in the building, they are less. **Paul** – but if they are not our lines, we are not liable. **Jeff** – I don't see in code we are required to have a private line. **Randall** – 37-13, State law does not require us to receive anything so that is what I would hang my hat on. **Paul** – we also have practice where we have not done this on a large scale, they are all private lines. **Cox** – did we ask Wal Mart and Home Depot to loop their line to increase pressure? **Mayor** – why is it beneficial to you to have it public rather than private? **Jeff** – the pressure issue, we need to get it back up. The design you are asking for is very expensive. We do projects all over Utah and outside Utah, only one other city has made us do this. **Paul** – we called on the Sun River, they said the fire loop around the building is public and the private is going into the building. **Jeff** – once we tap the main and tap the meter it is all private. **Cox** – they are doing a lot for our system. **Schmidt** – I hate to see these vaults; they are hurting us all over town. **Jeff** – there are city asks and some Smith asks. We have to build a bridge over Greens Lake and curb, gutter and sidewalk and it has a 6-figure cost, we will save some on the water but still feel it is a win to the city. We want a win/win scenario.

Matt – We have the current Smith's, Home Depot, Wal-Mart, the schools, SUU, the hospital, manufacturing plants out west, PUD's all have their own private fire systems. They are maintained and tested by the owner. This practice has worked and we have had no issues with it. **Cox** – did we ask any of those to loop our system or did they just T off our line? **Matt** – Wal-Mart does connect off Cross Hollow, and it runs over to Providence Center. **Mayor** – I want to clarify, are we asking them to loop the system? **Paul** – we had Ridley, our consultant, run models on the two options to loop our system. One option to loop our system is completing that line along Main Street to the north. That loops our system all the way back to the Greens Lake system, it ties it all in because that line to the north actually dead ends from the Greens Lake system. Once you connect it to the pipes that go south on Main Street, you are looped, it's not a micro area that we're talking about. **Mayor** – so are we asking them to loop within their project as well, does it give us benefit? **Paul** – we also asked Ridley to run the numbers to tell us the benefit of looping on the north end versus looping through Greens Lake, I don't know the numbers. **Jonathan Stathis** – I did share the numbers with Smith's; they quoted the numbers I gave them. if they make the connection to Greens Lake, it helps the city considerably with the pressure on fire flow. The overall system, the connection at Gieger's helps quite a bit more than just looping to Greens Lake Drive. **Mayor** – are we asking for both? **Jonathan** – we need the one at Gieger's, not Greens Lake, but Greens Lake does help their fire flow. **Kent** – the loop at the north end of their project, they are doing a standard city requirement. **Matt** – the original was two on Main Street and Greens Lake; to do Gieger he didn't have to go through the ditch. **Kent** – the public line through development is very common in other areas. The last city I worked in, the older shopping centers had private lines, and the newer ones did not. We were acquiring easements over the private lines to put public lines over them. That doesn't mean that is what we need to do here. Can we find an engineering fix for the fire issues I think we can, Main Street does not get us there, but one connection to Main and one to Greens Lake would do it. There are solutions either way, I think public systems are a better way, but that is my opinion and I respect others. **Matt** – 2021 when we were doing compound meters, we have moved away from that

and we run 4,000 gpm. Exhibit "C" was read. **Jeff** – the storm water came up as a concern, it had a stormwater discharge, it goes under main street and down Cedar Knolls. We were asked to look at options to get water to the storm drain, which is up hill about 30-40 feet. We are putting in a detention system underground and a pump to pump it to the channel, the pump is about \$100,000. We are proposing a discharge of 5 cfs to the drainage channel to reduce the size of the detention to offset the cost of the pump. If we do detention and so we are asking to have the impact fee waived. **Paul** – if we waive storm water detention and discharge at a higher rate and they are discharging at a higher rate. **Kent** – if you detain the standard rate, you would get the storm water impact fees. **Paul** – the problem is the total waiver; it will have impact downstream which is what we make improvements with. You are getting a smaller detention and discharging at a quicker rate. **Kent** – you don't have the right to discharge all your water, to have a place to release it you have to get it to a place to handle the water, it could be to the high school or to Wal Mart, we gave you a solution. The concern I have with this design. Not all of your site gets to the underground site and gets to the channel, and you have two pads that you have not accounted for. The two pads on the north side. **Jeff** – they will retain their water on site. **Kent** – does your drainage report say that? **Jeff** – yes. **Wilkey** – what is the dollar amount? **Jonathan** – the full impact fee would be \$120,000. We did look to prorate the fee if they released and it would be \$50,000. **Phillips** – that was my concern, is there a percentage. Also, it will all go right to Cross Hollows. **Galan** – I think there is an equilibrium we can get to. I want to get this project going, but I also don't want to get hurt, and you are investing in a solution. If we don't discharge everything, you will still get a big percentage if we don't do something. **Mayor** – putting it into the freeway would not have been an option in the beginning and the State of Utah would not allow that, so we gave an option. **Paul** – the impact fee is for capital upgrades. I say don't waive the total impact fee; they are not doing a total solution but give them credit for a portion. **Wilkey** – what is the volume difference. **Jonathan** – they are allowed to release 3.3 cfs, the pump would discharge 5.5 cfs. **Kent** – the way our ordinance, the storm drain is based on the area of the structure, how does the outlying areas be charged at the time of development, there are other out parcels. **Jonathan** – the other parcels will be charged the pro-rated amount as well when they develop. The amounts were for the Smith's and the fuel center. **Phillips** – the way you are connecting to Greens Lake, I want to make sure there is a bike rack. **Jeff** – we will have bike racks; we have added them to other stores that connect to trails and they are used a lot. **Wilkey** – why do we care how many loading bays? **Randall** – we base it on the size of the building; we don't want them to take drive isles. **Kent** – our ordinance is written for a typical application; there are good reasons to allow this.

Mayor Nelson opened the public hearing. **Dr. Justin De Blau** – as a cyclist, I am concerned about the signage, we almost get hit all the time, I don't know why you build a trail and then break a trail for an intersection, I ask that it be moved as far away as possible. This will just transfer jobs from the current Smith's to this. I wish we could keep the trail preserved; the trails are not maintained. I have learned that we build things and then we don't maintain them. **Ben Cozzens**, Active Transportation – it will cut the number of people that ride on the trail. 2/3 will ride when no car interaction down to 10% when cars are around. If you choose to do it, move the sign back. Also queuing, cars don't care about pedestrians, so you have to go around them.

The hearing closed.

Councilmember Wilkey moved to put this item on the action agenda; seconded by Councilmember Phillips; vote unanimous.

CONSIDER CWS COOPERATIVE AGREEMENT WITH UTAH DIVISION OF FORESTRY, FIRE & STATE LANDS. DANNON HULET/MIKE PHILLIPS:

Mike – Dannon Hulet with Forestry, Fire and State Lands is here also. In 2017 the city signed a cooperative agreement, and it is time to renew our agreement. It is an agreement that if we have a large fire in Cedar City, we can order aircraft and other stuff to fight the fire at no cost today. They put it into a 10-year average, take out the high and the low, and they base our participation commitment which is around \$22,000. That \$22,000 is paid through our wildland program. **Paul** – the \$22,000 match is Mike's guys going around doing mitigation. **Galan** – it is cash flow neutral. **Paul** – we pay our guys. **Phillips** – it also provides us additional safety because of how the program is set up.

Councilmember Phillips moved to put this item on the consent agenda; seconded by Councilmember Schmidt; vote unanimous.

CONSIDER DISPOSAL OF CITY PROPERTY. MIKE PHILLIPS:

Mike Phillips – we just purchased a new fire tender, we had our old one since 1995, it is a freightliner and has a 4,000-gallon water tank with it and it has just under 100,000 miles. It was a gift from Three Wishes to us and has made us a lot of money. We would like to donate to Kanarraville Fire. The benefit is when we have a fire they come and help us. We had a fire on the freeway two nights ago, Kanarraville was shuttling water to us on a semi fire. We had the freeway closed just north of exit 51

Councilmember Schmidt moved to put this item on the consent agenda; seconded by Councilmember Wilkey; vote unanimous.

CONSIDER THE SELECTION OF AN AUDITOR. LINDEY MATHESON:

Lindsey Matheson, Staff Accountant – I am here to ask you to authorize the Finance Director to enter into a contract agreement with HBME, LLC as our new independent certified public accounting firm to audit our financial statements for this most current fiscal year to end June 30, 2026. We received three proposals, we chose and interviewed them and we felt they would be the best to audit the city financials. **Cox** – Waldo and I were on that committee.

Councilmember Cox moved to put this item on the consent agenda; seconded by Councilmember Galan; vote unanimous.

CONSIDER THE BLM TANKER BASE LEASE EXTENSION. TYLER GALETKA:

Tyler Galetka, Airport Manager – the lease expired in 2024, the extension agreement came a few months ago. Total square footage is 16.014 acres, 697,569 square feet of land. The way the agreement was established in 1997 was \$1 per year, we are authorized to do that because it is a public safety for firefighting. We are proposing a new rate, I reached out to 9 airports, I heard back from 4 that have air tanker bases on them. Pocatello charges 3.3 cents per sq ft with 451,000 square feet. Twin Falls is about 7 cents per sq ft, Prescott is 6 cents per sq ft and Casper is 5.7 cents per sq ft. I do feel we should give them a discounted rate, others are between 3 cents to 7.7 cents, the landing fees are substantial as are the fuel flowage fees on good years. There is still maintenance we do around the Airport for the Tanker Base. Right

now a typical hangar owner is paying 40 cents a square foot, if we look at 10% of that it is 4 cents it would generate about \$27,902. If we go to the low which is what Pocatello is at it is \$20,900. Each cent we increase is another \$7,000 we see in our budget. If we go toward the high at 7 cents it is \$48,829 per year, the average of the four airports is 5.5 cents per square foot. **Mayor** – do we have any competition we would lose the tanker base to? **Tyler** – not directly. They have put a large investment in our airport, so relocating it would be very expensive. **Phillips** – any discussions with them to get a feel for that. I think we need a 4 to 5 cent range and who do you negotiate with? **Tyler** – there is a local representative, Courtney Christensen, he is the Air Base Manager and Tori Meyer, she manages the financials of the region out of Denver, they said it takes out of the total operating budget for staffing. We are a critical tanker base in this region. Hill Airforce Base is the only other one in this area. **Phillips** – will it be retroactive to 2024. **Cox** – can we give him a range to negotiate? **Randall** – I would not recommend that. **Galan** – what is the length of the agreement? **Tyler** – it is a 25-year agreement, we can look at a cpi or negotiate every so many years.

Councilmember Wilkey moved to put this item in a closed meeting; seconded by Councilmember Cox; vote unanimous.

CONSIDER THE SCHMIDT EXCHANGE OF SERVICES AGREEMENT

EXTENSION. TYLER GALETKA: Schmidt – recused himself for this item.

Tyler Galetka, Airport Manager – original was in 2015, only had one bidder, we are looking to do the second extension, we extended in 2020, this is the 2nd extension. The only change is we have added inflation in the expected amount of work that we expect to receive and the labor rates have also increased. This has been extremely beneficial to the airport, we have got a lot of little projects done that we don't have in the budget. **Wilkey** – second extension, if we wanted to put it out for RFP would be best to do it at the end of the 3rd extension? Yes. **Wilkey** – is this the pit on the west side? **Tyler** – this is inside the Airport fence between the Bulloch pit that the city uses and the airport runway. We have a low point we are filling in. **Phillips** – how do we quantify cost of services, how do we make sure it all equates out, who does that? **Tyler** – they are allowed to dump 210,000 cubic yards, it was established in 2015. There is a chart that is supplied by Schmidt Construction and the hours it will take and I deduct that off what we are doing for the total contract value. **Wilkey** – is it ever audited? **Terri** – the independent auditor looks at all the contracts. **Wilkey** – does it say how much of a credit we allow? **Tyler** – I don't know if there is a cap, we have used up all the value of the contract.

Councilmember Phillips moved to put this item on the action agenda; seconded by Councilmember Cox; vote unanimous.

CONSIDER RELEASING LINDA BENSON, RANDY ALLEN AND NEAL SMITH FROM THE RAP TAX ARTS COMMITTEE AND APPOINTING KELSI LEAVITT, ELAINE VICKERS AND KYLE BISHOP TO THE RAP TAX ARTS COMMITTEE.

MAYOR NELSON: Mayor Nelson – the names are there. **Phillips** – do we thank these people? **Mayor** – yes.

Councilmember Phillips moved to put this item on the consent agenda; seconded by Councilmember Cox; vote unanimous.

CONSIDER A RESOLUTION TO AMEND THE CONSOLIDATED FEE SCHEDULE. RANDALL MCUNE:

Randall – do you have any questions, other than the declaration of candidacy, mostly if they are serious enough to run. The fee is small. **Mayor** – there are time we spent time to run primary elections we want to make sure people are serious. **Phillips** – banner program, I think \$10 is a lot, it is total to put up them up and down, I would suggest \$8.00. Have we not charged for swim meets in the past? **Paul** – I think it is for private swim clubs. Heritage why \$75 to \$80, why not \$100. **Cox** – do we charge baseball, basketball, etc., all across the board. I know we charge at Cross Hollows. **Paul** – we don't charge basketball because we don't have facilities. We charge all the others.

Terri – finance department will include a user fee study, so you can hold off if you want.

Councilmember Phillips moved to table; seconded by Councilmember Wilkey; vote unanimous.

Paul – we can have the departments discuss it in the budget meetings next week and then you can vote if you choose.

CONSIDER SETTLEMENT AGREEMENT WITH ARMBRUST. PAUL

BITTMENN: Paul – 2013 we were sued by the Armbrust Family we entered a settlement agreement, and part was to put in a recreational amenity in the detention pond. Negotiating back and forth they will release that rec amenity for \$500,000 and we will settle that and we won't spend any more on that facility. **Phillips** – will it help us with other projects. **Mayor** – he will still contribute to the trail system, and he wants to separate this from the other property. Payment has to be made by the end of July.

Councilmember Schmidt moved to put this item on the consent agenda; seconded by Councilmember Galan; vote unanimous.

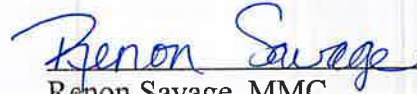
CONSIDER ENTERING A CONTRACT WITH TORUS FOR ENERGY

MANAGEMENT SERVICES. PAUL BITTMENN: Paul – they have a process where they take power from the grid, spin it through a machine and charge batteries, they take it at a low charge time and store it, and it provides us limited battery backup for our facilities such as the Treatment Plant and our wells. They will install the equipment at a location we help determine. Rocky Mountain Power (RMP) pays the capital costs, over \$3 million and then we pay Torus to operate and manage the technology on our site and we would see a modest power savings. It evens out the power flow and makes the power more reliable and there is a benefit to the power grid, taking power during the nighttime. It saves us about \$1,200 over 5 years. We save \$600 a month on the power bill. **Phillips** – it would help with our power surges at the wells. Have we done any studies if it is environmentally safe, are they noisy or creating heat? **Paul** – the noise will not be a problem, the Treatment Plant and wells are on large parcels of property and are not a problem, I don't know about extra heat. **Galan** – I have a system in my home, I push more electricity to the grid, there are software reliability issues, they have software and computer to track, I don't know how proven the system is. Are we going to have someone on site to maintain it immediately? **Paul** – I don't know. **Galan** – the inverters make noise, but not much. **Schmidt** – it doesn't replace backup generators? **Paul** -no. We have a project to retrofit all the wells out west. These systems would still work with a variable speed pump. **Wilkey** – something happens to a battery; we

don't have an expense? **Paul** – if we want out of the contract, we pay back RMP and remove the equipment and send it back.

Councilmember Wilkey moved to put this item on the consent agenda; seconded by Councilmember Galan; vote unanimous.

ADJOURN: Councilmember Phillips moved to adjourn at 9:38 p.m.; second by Councilmember Schmidt; vote unanimous.


Renon Savage, MMC
City Recorder

Smith's Marketplace

Development Agreement

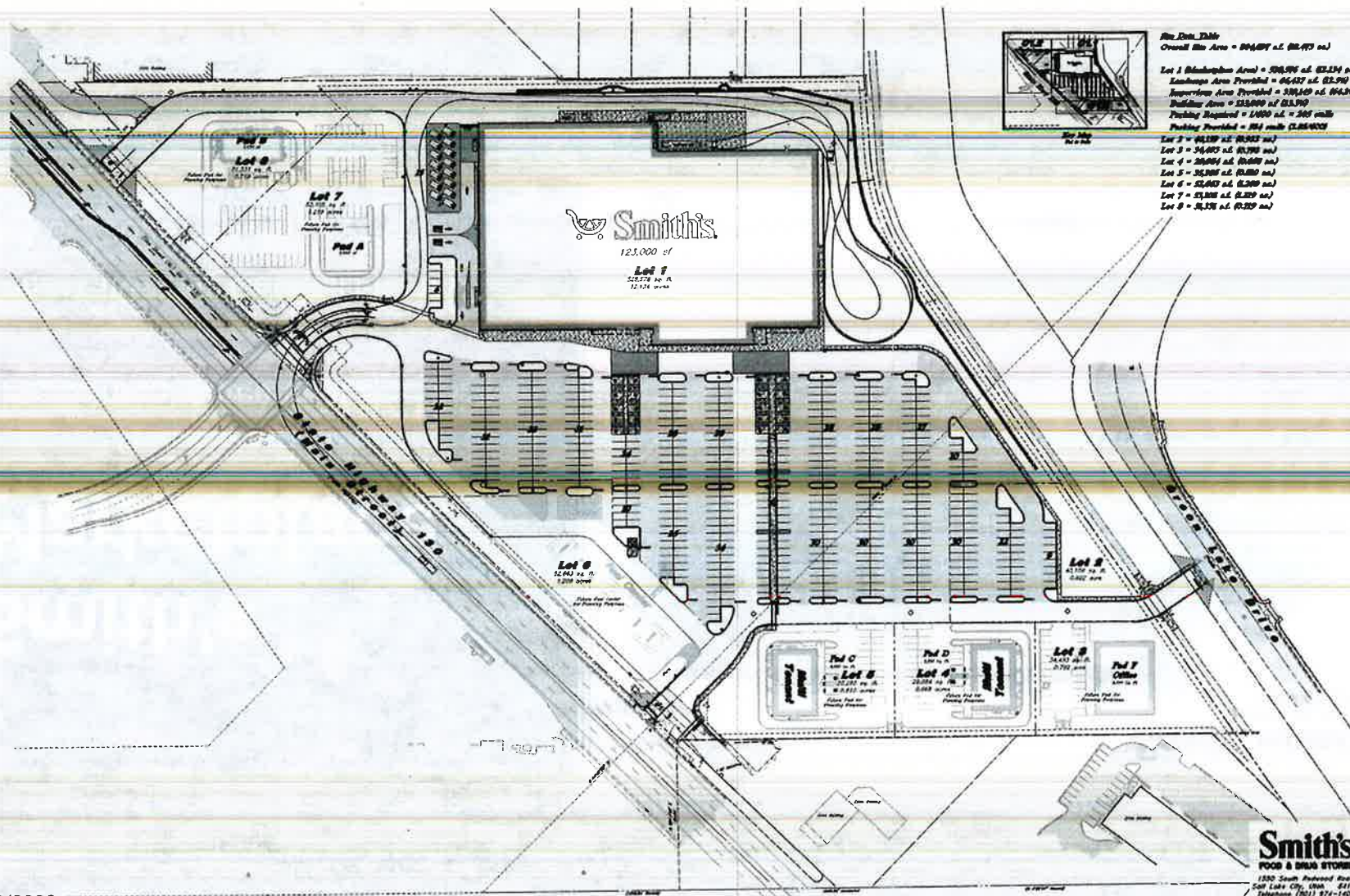
Cedar City / City Council Meeting

May 6th, 2026



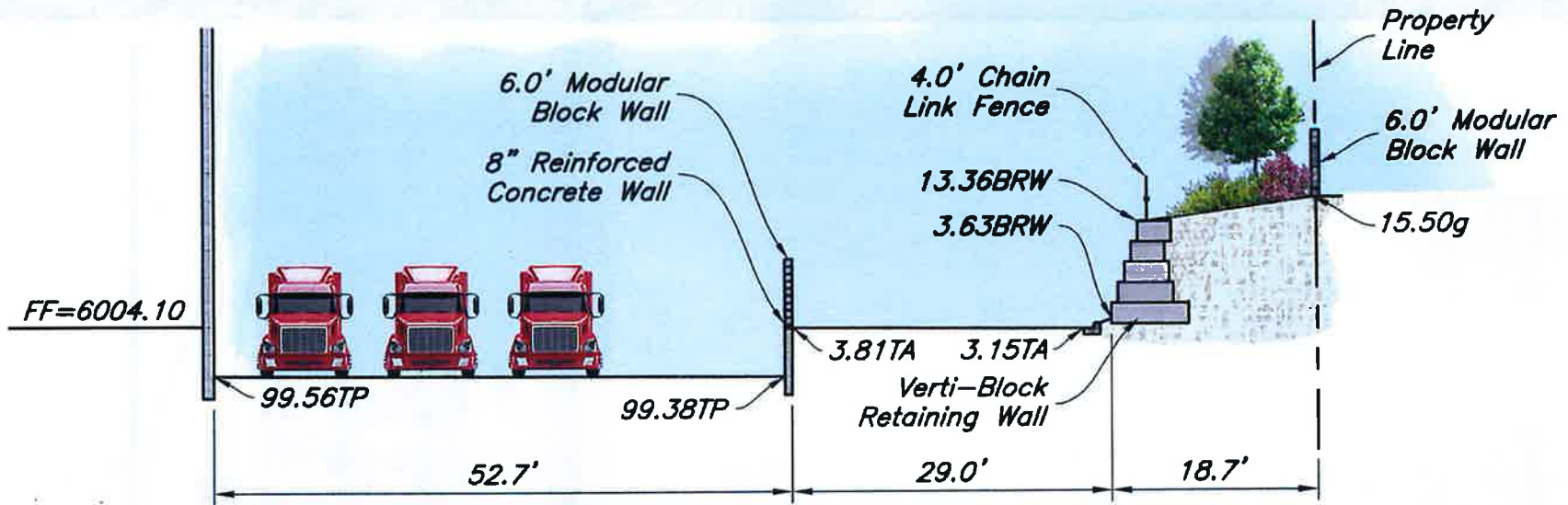
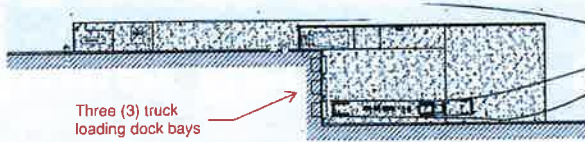
5/6/2026

EXHIBIT "B"
CITY COUNCIL – MAY 6, 2026



5/6/2026

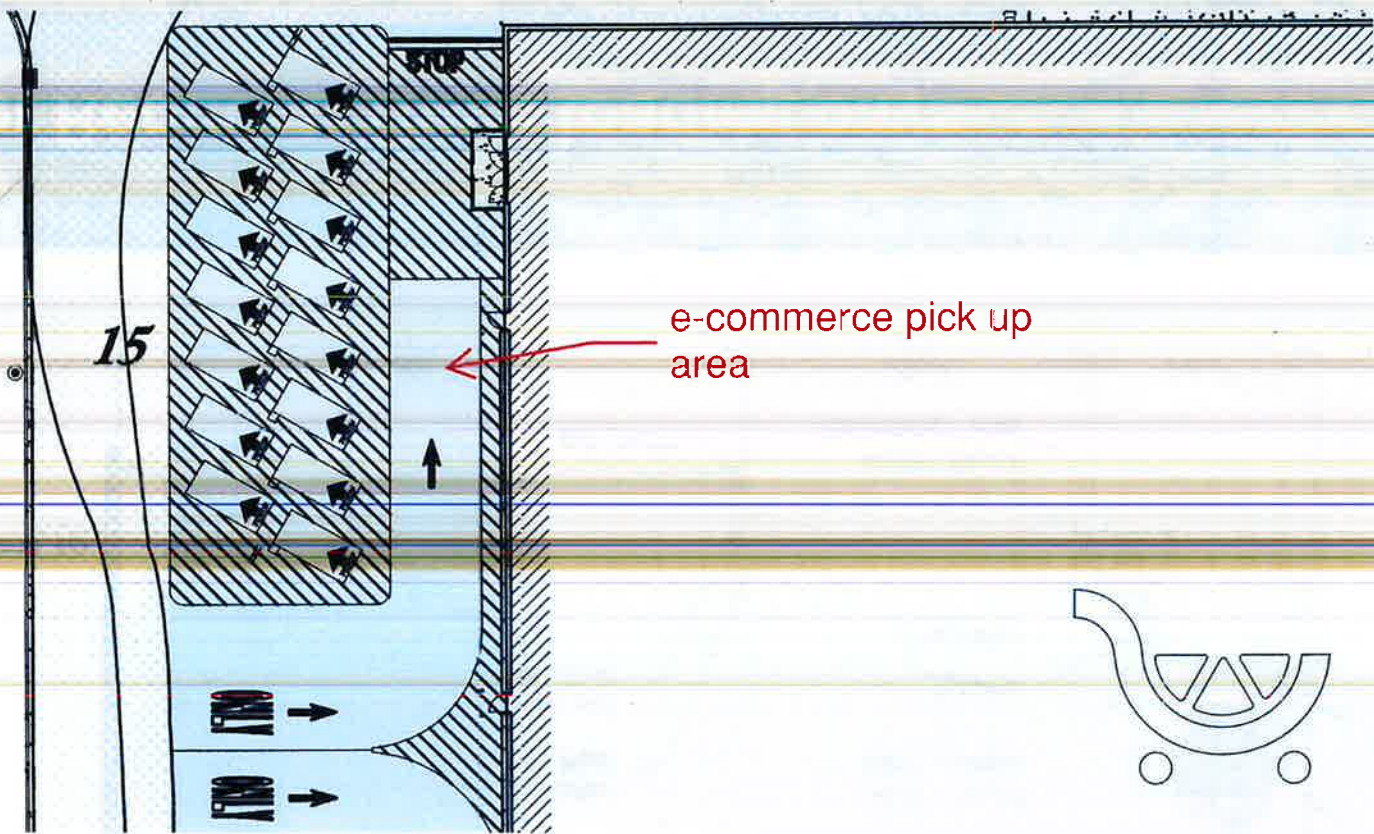
Smith's
 FOOD & DRUG STORE
 1550 South Redwood Road
 Salt Lake City, Utah 84119
 Telephone (801) 574-1400
#242
 Cedar City, Utah



Owner Request: Three loading bays

5/6/2026





Owner Request: e-commerce pick up

5/6/2026



ELEVATIONS

5/6/2026



FRONT ELEVATION (NORTHWEST)



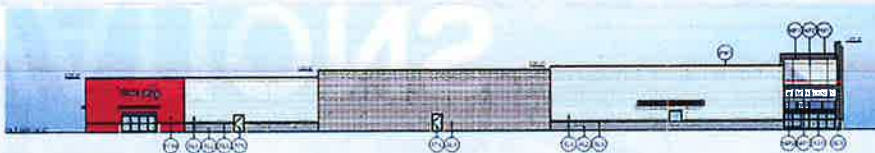
REAR ELEVATION (SOUTHEAST)

EXTERIOR MATERIAL LEGEND

- (M1) Extruded, integrally colored CMU - Smooth Face
Color: Natural Stone
- (M2) Extruded, integrally colored CMU - Split Face
Color: Natural - Charcoal
- (M3) Extruded, integrally colored CMU - Smooth Face
Color: Natural - Charcoal
- (M4) Extruded, integrally colored CMU - Smooth Face
Color: Natural - White
- (M5) Extruded, integrally colored CMU - Smooth Face
Color: Natural - Terra Cotta
- (M6) Extruded, integrally colored CMU - Split Face
Color: Natural - Terra Cotta
- (M7) Metal Panel - Smooth
Color: Dark Bronze
- (M8) Metal Panel - Smooth
Color: Silver
- (M9) Metal Panel - Smooth
Color: Longwood 0-2' Reveal Satin Light Grey
- (M10) Brushed Metal
Color: Dark Bronze
- (M11) Polished Metal
Color: Dark Bronze
- (M12) Polished Metal
Color: Clear Anodized
- (M13) Polished Metal
Color: Clear Anodized
- (M14) Polished Metal
Color: Clear Anodized



RIGHT SIDE ELEVATION (SOUTHWEST)

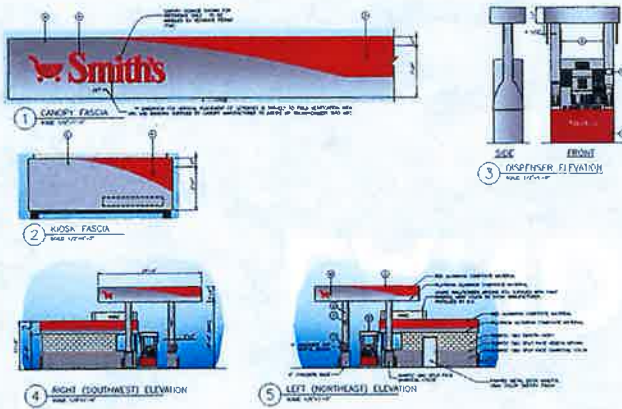
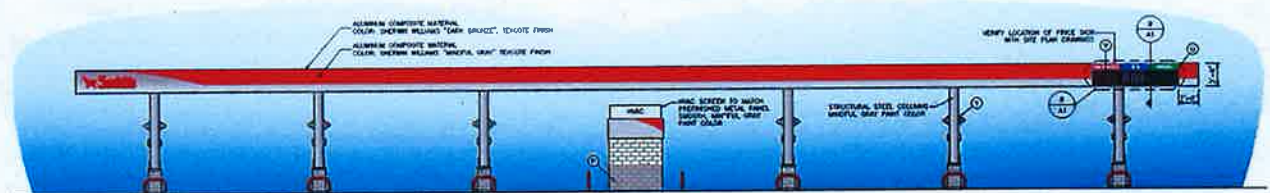


LEFT SIDE ELEVATION (NORTHEAST)

**Owner Request: architectural design
(marketplace store)**

5/6/2026



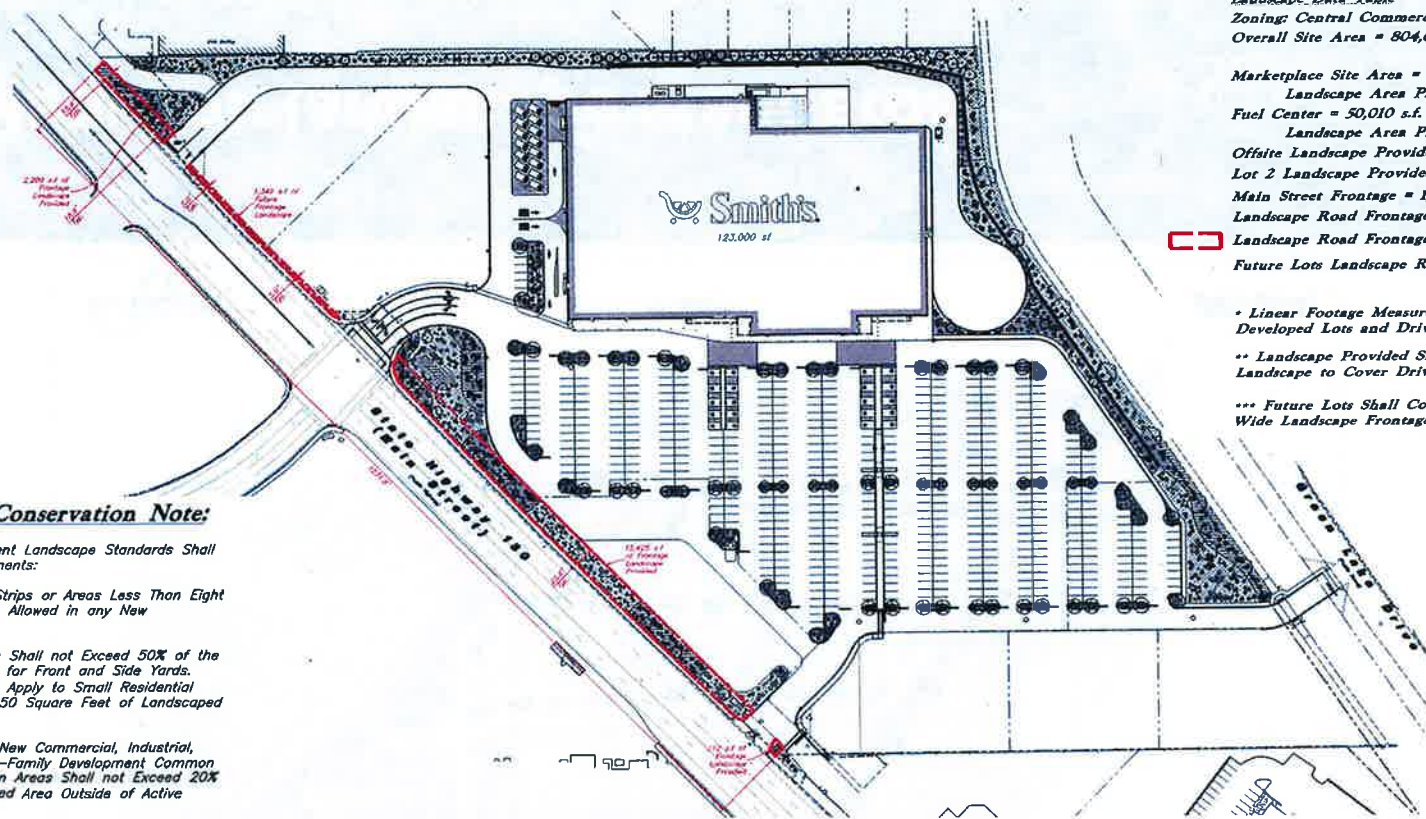


Owner Request: architectural design
(fuel canopy)



LANDSCAPING

5/6/2026



Landscape Data Table

Zoning: Central Commercial (CC)

Overall Site Area = 804,697 s.f. (18.473 ac.)

Marketplace Site Area = 528,576 s.f. (12.134 ac.)

Landscape Area Provided = 66,427 s.f. (12.5%)

Fuel Center = 50,010 s.f. (1.148 ac.)

Landscape Area Provided = 10,239 s.f. (20.5%)

Offsite Landscape Provided = 13,760 s.f.

Lot 2 Landscape Provided = 10,819 s.f.

Main Street Frontage = 1,232 l.f. *

Landscape Road Frontage Required = 12,320 s.f.

 Landscape Road Frontage Provided = 19,195 s.f. **

Future Lots Landscape Road Frontage = 1,349 s.f. ***

* Linear Footage Measurement Includes Future Developed Lots and Driveway Frontages.

** Landscape Provided Shall Provide Extra Frontage Landscape to Cover Driveway Areas and Any Extras Needed

*** Future Lots Shall Comply with the Minimum 5' Wide Landscape Frontage Requirement when Developed.

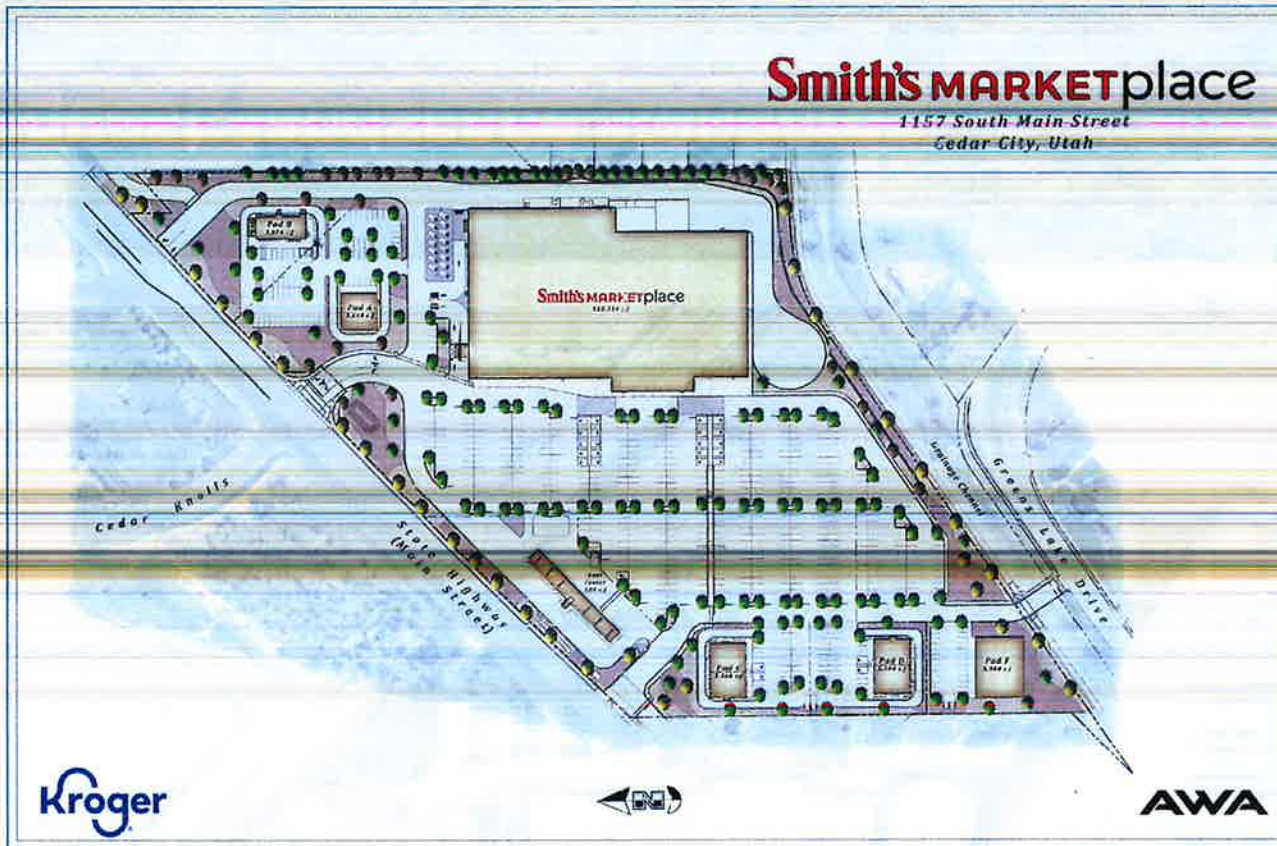
Cedar City Water Conservation Note:

1. The Following Water-Efficient Landscape Standards Shall Apply to all New Developments:
 - a. No Lawn on Parking Strips or Areas Less Than Eight Feet in Width Shall be Allowed in any New Development.
 - b. Residential Lawn Areas Shall not Exceed 50% of the Total Landscaped Area for Front and Side Yards. Lawn Limitations don't Apply to Small Residential Lots with Less than 250 Square Feet of Landscaped Areas.
2. Other Developments: In New Commercial, Industrial, Institutional, and Multi-Family Development Common Area Landscapes, Lawn Areas Shall not Exceed 20% of the Total Landscaped Area Outside of Active Recreation Areas.

Owner Request: landscape standards

5/6/2026





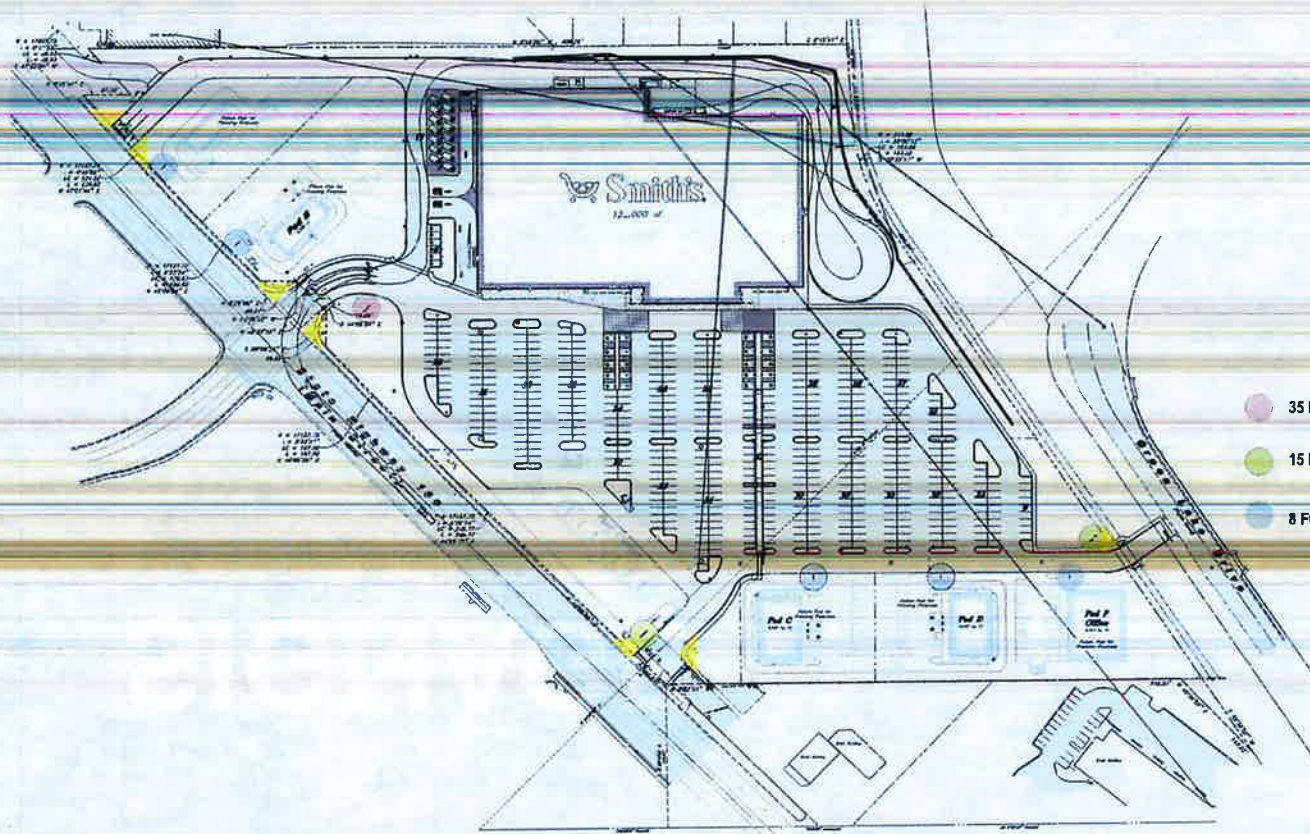
Owner Request: landscape standards

5/6/2026



SIGNAGE

5/6/2026



Site Area Table
 Overall Site Area = 896,897 sq. ft. (85,473 ac.)
 Merchandise Area = 528,132 sq. ft. (52,813 ac.)
 Landscape Area Provided = 228,280 sq. ft. (2.6 ac.)
 Impervious Area Provided = 228,943 sq. ft. (2.6 ac.)
 Building Area = 121,000 sq. ft. (1.2 ac.)
 Parking Required = 1,000 sq. ft. = 205 stalls
 Parking Provided = 500 stalls (3.45 ac.)

- 35 Ft Pylon Sign with Tenants
- 15 Ft Pylon Sign with Tenants
- 8 Ft Pad Signs

Owner Request: signage standards

5/6/2026





FAB. METAL CABINET WITH LIGHT TEXTURE FINISH OF WHITE EDGE SATIN FINISH PAN CHANNEL LETTERS WITH 3" BRONZE ALUM. RETURNS 278-0 ACRYLIC FACE WITH 1" RED TRIM CAP INTERNAL RED LED LIGHTING

FAB. METAL CABINET ALUM PAN SHAPES PAINTED BRONZE 313E SATIN FINISH ROUTED FOR PUSH THRU TENANT COPY COPY UNKNOV. INTERNAL WHITE LED LIGHTING

FUEL SIGN PANEL AND PRICE UNIT LOGO (ART STAND 3" ALUM SILVER RE TURN WITH MOLDED RED ACRYLIC 278-0 PAINTED METALLIC SILVER OPACQUE WITH RAISED CART ELEMENTS RED (ILLUMINATED) 7" LED PRICE SIGN WITH BACK LIGHTED FUEL PANELS TRANSLUCENT RED, BLUE, AND GREEN VINYL WITH SHIRT COPY NOTE: SEPARATE CIRCUIT FOR LED PRICE UNIT REQUIRED 3.0 AMPS AT 120 VAC

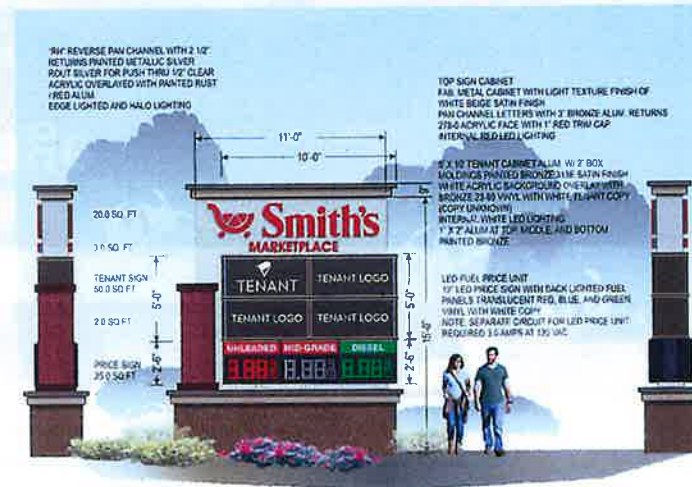
MOUNTAIN GRAPHIC ROUTED ALUM WITH DIGITAL PRINTED OVERLAY CONFIRM DEPTHS FOR D/F UNIT

RED HILL REVERSE PAN CHANNEL WITH 3" RETURNS PAINTED METALLIC SILVER RED HILL ROUT SILVER FOR PUSH THRU 1/2" CLEAR ACRYLIC OVERLAP WITH PAINTED RUST / RED ALUM MILK WHITE ACRYLIC BACKERS EDGE LIGHTED AND WHITE HALO LIGHTING

'SHOPPING CENTER' REVERES PAN CHANNEL LETTERS WITH 2" RETURNS PAINTED METALLIC SILVER MILK WHITE ACRYLIC BACKERS W/ WHITE LED HALO LIGHTING STAND OFF WALL 1 1/2"

35 FT PYLON SIGN
SCALE: 1/4"=1'-0"

TOTAL 200.0 SQ. FT



9/4" REVERSE PAN CHANNEL WITH 2 1/2" RETURNS PAINTED METALLIC SILVER ROUT SILVER FOR PUSH THRU 1/2" CLEAR ACRYLIC OVERLAP WITH PAINTED RUST / RED ALUM. EDGE LIGHTED AND HALO LIGHTING

TOP SIGN CABINET FAB. METAL CABINET WITH LIGHT TEXTURE FINISH OF WHITE EDGE SATIN FINISH PAN CHANNEL LETTERS WITH 3" BRONZE ALUM. RETURNS 278-0 ACRYLIC FACE WITH 1" RED TRIM CAP INTERNAL RED LED LIGHTING

4 X 10 TENANT CABINET ALUM W/ 2" BOX MOLDS PAINTED BRONZE 313E SATIN FINISH WHITE ACRYLIC BACKGROUND OVERLAP WITH BRONZE 2346 VINYL WITH WHITE TENANT COPY (COPY UNKNOV.) INTERNAL WHITE LED LIGHTING 1" X 2" ALUM AT TOP AND BOTTOM PAINTED BRONZE

LED FUEL PRICE UNIT 17" LED PRICE SIGN WITH BACK LIGHTED FUEL PANELS TRANSLUCENT RED, BLUE, AND GREEN VINYL WITH SHIRT COPY NOTE: SEPARATE CIRCUIT FOR LED PRICE UNIT REQUIRED 3.0 AMPS AT 120 VAC

TOTAL 100.0 SQ. FT



4 X 8 TENANT CABINET ALUM W/ 2" BOX MOLDS PAINTED BRONZE 313E SATIN FINISH WHITE ACRYLIC BACKGROUND OVERLAP WITH BRONZE 2346 VINYL WITH WHITE TENANT COPY (COPY UNKNOV.) INTERNAL WHITE LED LIGHTING 1" X 2" ALUM AT TOP AND BOTTOM PAINTED BRONZE

TOTAL 50.0 SQ. FT

Owner Request: signage standards

5/6/2026





FRONT ELEVATION (NORTHWEST)

BUILDING ELEVATION AREA:
 35'-8" HEIGHT X 456'-8" LENGTH
 OR 35.67 X 456.67 = 16,289.4 SQ. FT.
 X 15% = 3,257.9 SQ. FT. FOR SIGNS

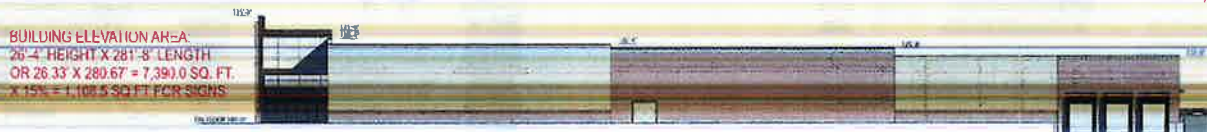
ADDRESS ROUTED 1/2" THICKNESS ACRYLIC
 PAINTED BRONZE
 DRILL AND TAP FOR CONCEALED 3/16"
 MIN (3" PER LETTER
 STUD FASTENERS MOUNTED 1/2"± OFF
 WALL

1157



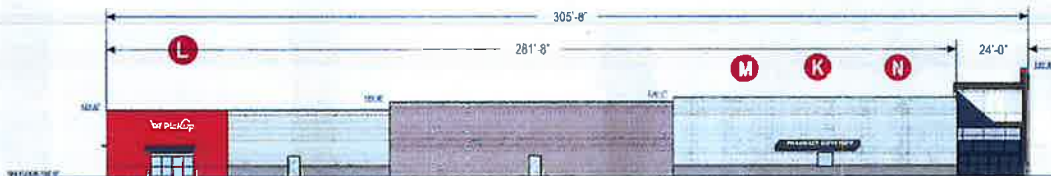
REAR ELEVATION (SOUTHEAST)

BUILDING ELEVATION AREA:
 35'-8" HEIGHT X 456'-8" LENGTH
 OR 35.67 X 456.67 = 16,289.4 SQ. FT.
 X 15% = 2,443.4 SQ. FT. FOR SIGNS



RIGHT SIDE ELEVATION (SOUTHWEST)

BUILDING ELEVATION AREA:
 26'-4" HEIGHT X 281'-8" LENGTH
 OR 26.33 X 280.67 = 7,390.0 SQ. FT.
 X 15% = 1,108.5 SQ. FT. FOR SIGNS



LEFT SIDE ELEVATION (NORTHEAST)

BUILDING ELEVATION AREA:
 26'-4" HEIGHT X 281'-8" LENGTH
 OR 26.33 X 280.67 = 7,390.0 SQ. FT.
 X 15% = 1,108.5 SQ. FT. FOR SIGNS

Owner Request: building signage standards

5/6/2026





G BUILDING FASCIA LETTERS & ICON
SCALE: 1/4"=1'-0"



SIGN AREA: 1.33' x 21'.75' = 29.0 SQ. FT.



PICKUP AND DRIVE THRU PHARMACY SIGN DETAILS (EAST ELEVATION)



ENTER ELEVATION DRIVE THRU CANOPY
SCALE: 1/8"=1'-0"

EXIT ELEVATION DRIVE THRU CANOPY
SCALE: 1/8"=1'-0"



Owner Request: store building signage

5/6/2026



LIGHTING

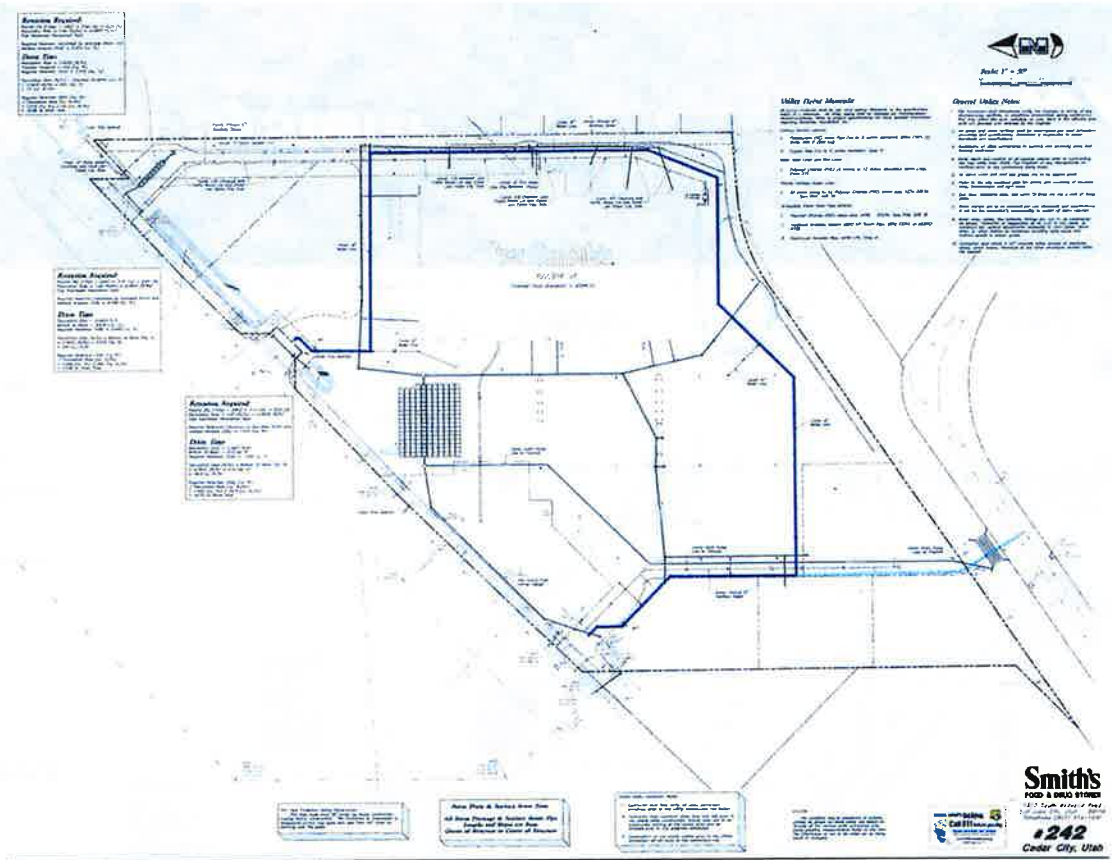
3/6/2026

UTILITIES

5/6/2026

The main lines of water system serving the property shall be owned, operated, and maintained by City

- Cedar City code establishes Public Ownership + Control of the system
 - The waterworks....shall be the property of said City...water mains...and fire hydrants
 - And the system is under the “sole and exclusive control” of the City
- Cedar City code anticipates infrastructure in easements (not just streets)
 - City Standards to work in “public streets, rights-of-way, and easements.”
 - A parking lot with a dedicated utility easement squarely fits inside their framework.
- The City controls design, location, and construction of water system – even for development
 - The Engineering Department “determines position, size and construction of all city....waterworks.
 - We (developer) don’t “own” system design – the City does.
- The Code does not say:
 - All water mains outside ROW must be private.
 - All commercial site water mains are private.

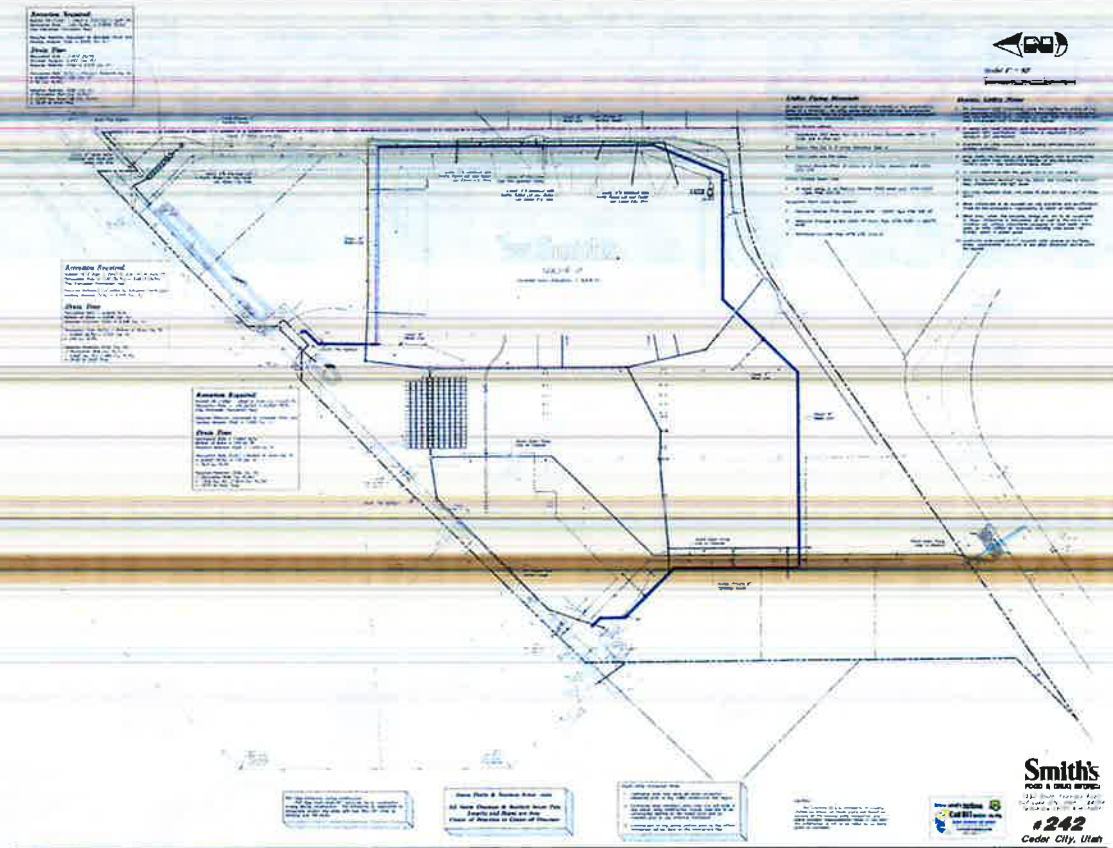


Owner Request: public water system

5/6/2026



- Maintenance in parking lot is safer, more cost effective
 - Traffic control risk is dramatically higher in streets
 - A parking lot is a controlled environment. A roadway is not.
 - Cost of maintenance is higher in streets
 - Maintaining a main in a road is not cheaper – it is consistently more expensive
 - Operational disruption is worse in streets
 - Disrupt the public at large
 - Access is often better in parking lots
 - Crews often have more room to work in a parking lot than in a street
 - Safety exposure and liability favors parking lots
 - From a risk management standpoint, maintaining infrastructure in a controlled parking lot environment reduces exposure compared to working in active traffic
 - Maintaining a water main in a public street exposes City crews and the public to active traffic, requires costly traffic control, and creates widespread disruption. In contrast, a main located within a dedicated easement in a parking lot provides a controlled work environment, safer access, reduced liability, and lower maintenance costs. With proper easement protections ensuring full access and no obstructions, this configuration is not a burden—it is operationally safer and more efficient than maintaining infrastructure in a roadway.

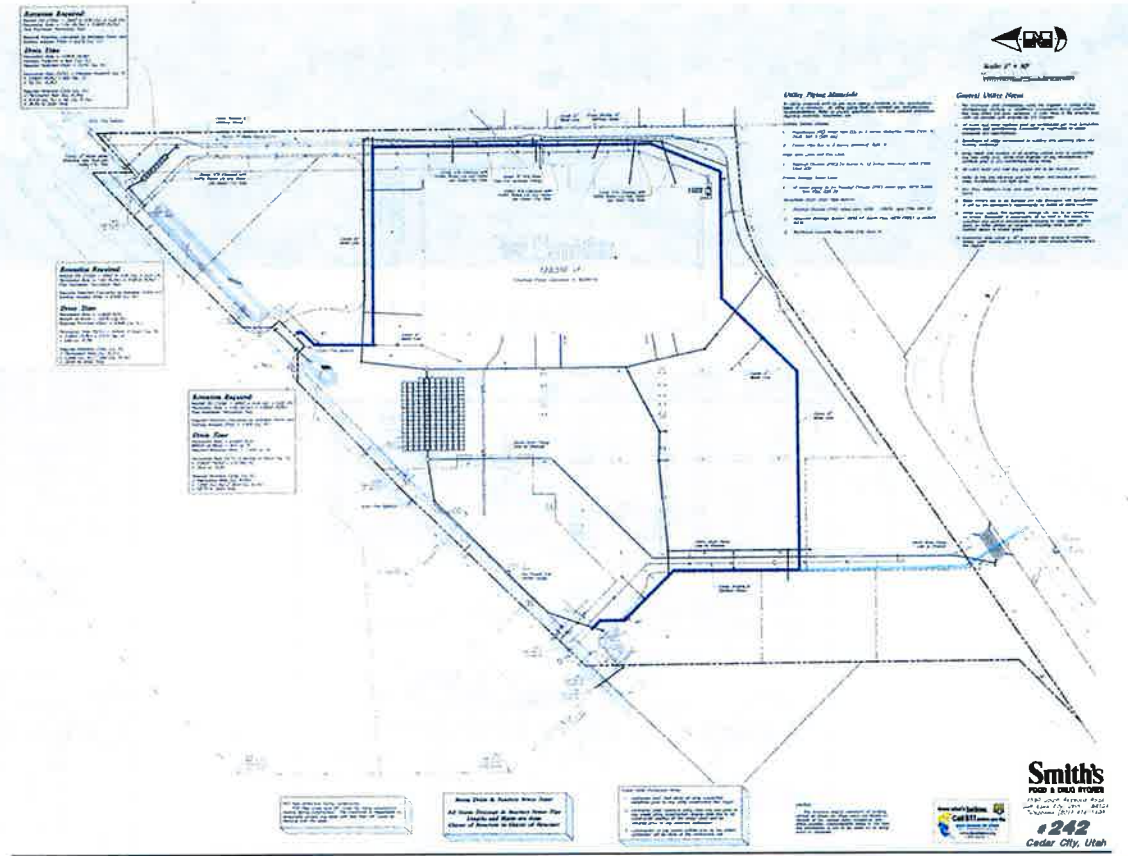


Owner Request: public water system

3/6/2026



- Proposed private water system with W-7 Master Meters
 - Proposes two connections to Main Street
 - (2) W-7 Master Meters for residential use only
 - Pressures are at the bare minimum to meet fire code (21 PSI)
- SOLUTION –
 - Public water system
 - Eliminates pressure drop at W-7 Master Meters
 - Connect to Green Lakes Drive brings better pressure to this system and overall City system
 - Provides adequate fire flow and pressure
 - Becomes an extension and improvement to the City System



Owner Request: public water system

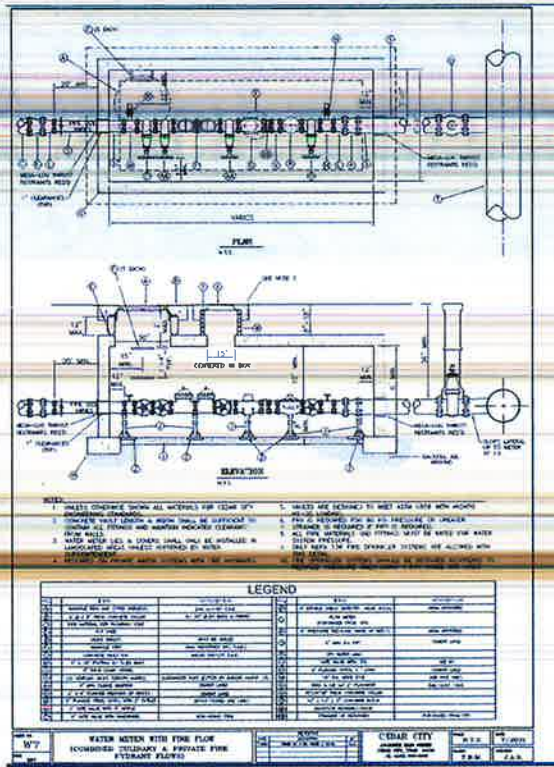
5/6/2026



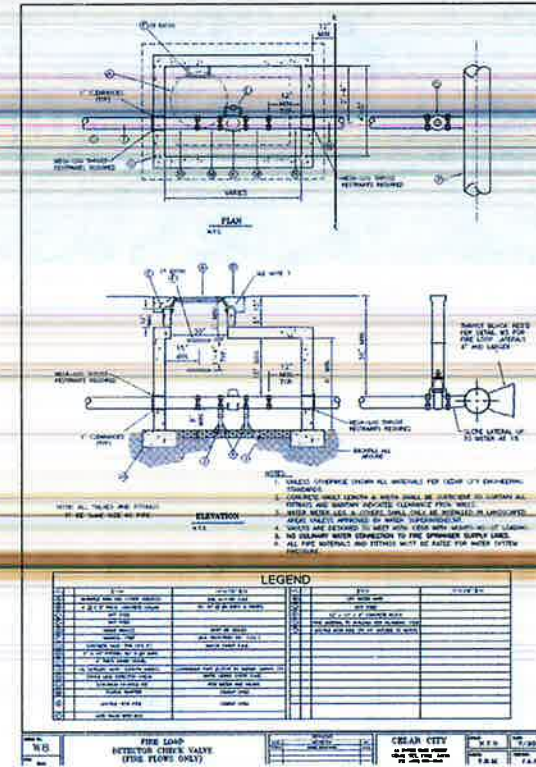
The water main lines serving the property shall be public with easements granted in favor of Cedar City

W7 Note 9: Only NEPA 13R fire sprinkler systems are allowed with this detail. (residential)

W8 Note 5: No Culinary water connection to fire sprinkler supply lines.



W7 Water Meter with Fire Flow



W8 Fire Loop Detector Check Valve

Owner Request: public water system

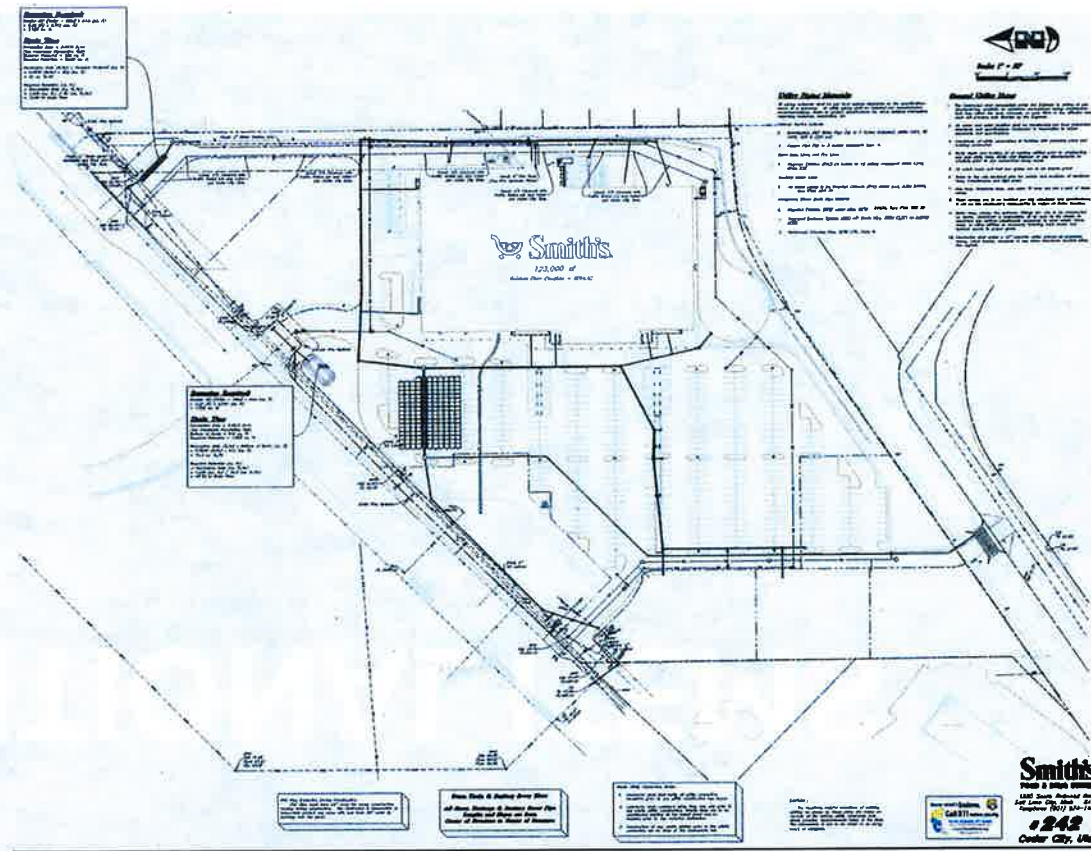
5/6/2026



Storm water system be designed to facilitate waiver of storm water impact fees

Allow higher rate of discharge into drainage channel.

Not allowed to discharge into Main St.



Owner Request: public water system

5/6/2026



ADDITIONAL ITEMS

5/6/2026

- Owner will construct public improvements along the Main Street frontage.
- Owner shall construct a drainage channel crossing to provide access to Greens Lake Drive and shall contain sufficient width for two(2) way vehicle traffic with improvements of curb, gutter and sidewalk.
- Properly abandon drainage pipe south of Knoll Street intersection acceptable to UDOT.
- Maintain cross access with frontage road to the northeast of the property, and the frontage road to the south of the property.
- Traffic mitigation measures include measures required by the UDOT.

City requested owner deliverables

5/6/2026



EXHIBIT "C"
CITY COUNCIL – MAY 6, 2026

1. Ratepayer Cost Allocation

Acceptance of privately located infrastructure would result in operation, maintenance, and lifecycle costs being borne by the City's rate base for facilities that primarily serve a single private development.

2. Lack of System-Wide Infrastructure Benefit; Insurance-Driven Need

The City finds that the subject water infrastructure is required solely to satisfy private insurance underwriting requirements and does not increase system capacity, redundancy, resiliency, fire flow, or service coverage, nor does it otherwise constitute an improvement to the City's public water system.

3. Municipal Liability and Claim Exposure

Ownership and operation of water facilities on private property increases the City's exposure to claims for property damage, service interruptions, personal injury, and lost revenues, including claims arising from service disruption, access limitations, or private operational constraints. (The area contains susceptible soils, meaning water leaks or line breaks can lead to ground instability and structural settlement. For example, A building on south main st experienced settlement due to a leaking fire line that went undetected for several years. Because the fire line was privately owned, the city held no liability for the damages. Similarly, a manufacturing facility located west of town experienced a fire line break that created a large sinkhole beneath the building. As with the previous case, the infrastructure was privately owned, and the city was not responsible for the resulting damage.)

4. Operations and Maintenance Cost Impacts

Water lines located on private property require non-standard maintenance practices, increased coordination, and restoration of private improvements, resulting in elevated O&M costs relative to facilities in public rights-of-way.

5. Unfunded Capital and Lifecycle Obligations

City acceptance would obligate the city to fund long-term rehabilitation, replacement, and upgrade of infrastructure without a corresponding system-wide benefit or identified funding source.

6. Operational Reliability and Emergency Response Constraints

Physical, security, and operational conditions on private property may restrict access and delay routine maintenance or emergency response, adversely affecting system reliability.

7. Policy and Precedent Considerations

Acceptance of privately located water infrastructure would establish precedent inconsistent with adopted city policies and complicate future infrastructure ownership determinations.

8. Access and Control Limitations

Long-term access, clearance, and protection of infrastructure on private property cannot be assured due to potential site modifications, redevelopment, or changes in ownership.

9. Conflicts with Private Site Operations

Commercial site operations, including traffic control, loading activities, and security measures, may interfere with utility access, construction activities, or emergency repairs.

- 10. Does not constitute a public improvement or component of the City's water system;
- 11. Does not extend, upgrade, replace, enhance, or otherwise improve City water infrastructure, capacity, or level of service;
- 12. Exists solely to satisfy private insurance requirements for fire protection associated with the Property; and
- 13. Is required to supplement private fire protection only, as the City has existing public fire hydrants located within the public right-of-way surrounding the Property.

All have their own private fire lines that are maintained and tested by owner. This practice has worked and have had no issues.

- Current Smiths
- Home Depot
- Walmart
- Schools
- Suu
- Hospital
- Manufacturing plants
- PUDs
- Others