

COUNCIL WORK MINUTES
MAY 27, 2026

The City Council held a meeting on Wednesday, May 27, 2026, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

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

MEMBERS ABSENT: Mayor Steve Nelson

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Randall McUne; City Recorder Amber Ray; City Engineer Kent Fugal; Senior Engineer Jonathan Stathis; Police Chief Darin Adams; Fire Chief Mike Phillips; Public Works Director Ryan Marshall

OTHERS PRESENT: Allison Jones, Scotty Harville, American Legion, Kenny Newville, Ann Clark, Matt Perasic, Tom Jett, Randy Jones, Bill Payne, Bruce Johnson, Christian Simmons, John Kilcoyne, Mike Adamson, Mary Watkins, Jelisa Robinson, Elena Roundy, Suzanne Roundy, Scooter Williamson, Dallas Buckner, Justin Wayment, AubriAnna Obering, Jeffrey Ray, Savannah Ray, Parley Ray

CALL TO ORDER: Police Chief Darrin Adams gave the invocation; the pledge was led by Paul Bittmenn.

AGENDA ORDER APPROVAL: Councilmember Schmidt moved to place consent agenda item #7 to the action agenda. Councilmember Wilkey seconds; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: **Phillips acting as Mayor pro-tem:** I am acting Mayor Pro Tem this evening while Mayor Nelson is doing ambassadorship work across the seas in South Korea at our sister city in Gapyeong. So it's a pleasure for me to be here tonight. **Schmidt:** I would like to bring up one item. #11 on the consent agenda. Eric Witzke called and he has secured all the funds he need to do that project, so we are not looking for any money. He has everything he needs. **Paul:** We will have to adjust the budget to accommodate those. **Ryan Marshall:** What we just found out is part of that 80 that Eric was looking at, 44 of it was a payment that was received on the 100 East project, and it has to go back to that. So the 80 that Eric had is now down to 44. But I think you said that there was some in the capital improvement fund that we might could borrow from. **Paul:** We will try and do a budget adjustment. Either way, the timing on this project is a little bit different. If you want to go ahead and approve the project, just realize we will have to amend the budget with our next budget revision coming up next month to free up some funds to pay for it. **Galan:** So when you say timing, you're talking just about the budgetary? **Paul:** Yes. Normally we budget it, then we do the project. That's how we normally like to do stuff. **Phillips:** I understand correctly, we're able to approve and move ahead on it, we will just have to do a budget adjustment as we go into the next month. **Paul:** Yes

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED MAY 6,11,12, AND 13, 2026 (2) APPROVE BILLS MAY 22, 2026 (3) APPROVE A FRANCHISE AGREEMENT WITH FORGED FIBER 37 LLC. GARRETT MARSHALL/RANDALL MCUNE (4) APPROVE DONATION ADVERTISEMENT

ON CITY EQUIPMENT. CEDAR CITY FIREMAN RELIEF ASSOCIATION. ERICK COX/LANOR WARBY (5) APPROVE DECLARING THE OLD CEDAR CANYON WATER TANK AS SURPLUS PROPERTY. MATT BAKER (6) APPROVE BID FROM PRT BUILDERS, LLC IN THE AMOUNT OF \$1,349,689.62 FOR THE FIDDLERS PARK PROJECT. BILL MAXWELL (7) APPROVE BID FROM CACHE VALLEY ELECTRIC CO IN THE AMOUNT OF \$264,614.78 FOR THE 600 S/1100 W TRAFFIC SIGNAL PROJECT. SHANE JOHNSON (8) APPROVE PROPOSALS FROM HANSEN ALLEN AND LUCE, INC IN THE AMOUNT OF \$548,352.00 FOR THE ENGINEERING DESIGN OF THE CEDAR CANYON SPRINGS FILTRATION TREATMENT PLANT PROJECT. JONATHAN STATHIS (9) APPROVE ENGINEERING CONTRACT WITH WOOLPERT IN THE AMOUNT OF \$784,411.00 FOR AIP 055. TYLER GALETKA (10) APPROVE THE APPOINTMENT OF DAVID WESTWOOD TO THE BOARD OF ADJUSTMENTS AND DONNA CHRISTENSEN TO THE CROSS HOLLOW ARENA COMMITTEE. MAYOR NELSON (11) APPROVE THE IMPROVEMENTS OF CHIP SEAL AND STRIPING TO CITY OWNED VACANT LOT AT 270 N 100 E. PHIL SCHMIDT: Councilmember Wilkey moved to approve the consent agenda items 1-6 and 8-11 as written above, seconded by Councilmember Cox; vote unanimous.

(7) APPROVE BID FROM CACHE VALLEY ELECTRIC CO IN THE AMOUNT OF \$264,614.78 FOR THE 600 S/1100 W TRAFFIC SIGNAL PROJECT. SHANE JOHNSON Wilkey: Per your request, we wanted to make sure we reached out to the neighbors. A notice was sent out last Thursday. I am not sure how many. They reached out to their legal council, who then reached out to myself, and asked if we would be willing to table this item. Not that they were opposed, but they wanted some time to get caught up to speed on what our plans were. They realize we don't legally have to notice, but I do think it was the correct answer. I know there are others that want to talk about this because there are timing issues. We were already pushing it. We talked about in last week's meeting, we were going to be right up against the deadline for school being back in session. We wanted to get the lights and poles ordered so that UDOT could hopefully have them to us and we get them installed before school started. I understand it's a very timely issue. **Kent:** We do have the issue that is directly before you which is awarding the contract. It's our opinion, in engineering, that there should be no reason not to award the contract. Let's go over just a little bit what the actual issue that has been brought up is. On our design we have left turn bays on 1100 West that we're adding in there. When we add those left turn bays in, there is no longer enough space on either side of the road, back for a ways, until that left turn bay transitions out. There's not room to park on the sides of the road and have the left turn bay. As a separate item, we have been planning to bring to you, an ordinance to restrict parking in those areas where we don't have room for parked vehicles and the left turn bay. I realize that's an issue that probably deserves some more discussion. I did want to point out why we think it's important that we have the left turn bay. If we do not have the left turn bay, then what we would have on 1100 West on each of these two approaches is a single-lane approach that the left turning traffic, the through traffic, the right turning traffic all use the same lane. The challenge with that is that if we try to just let the northbound and southbound traffic on 1100 West move with both of those approaches having the green light, those vehicles that need to wait for a gap in traffic to make a left turn, they are holding up everybody behind them. That's not a good solution. What that ends up leading to is people trying to go around those left turning vehicles, and they may not see a conflicting vehicle turning left coming from the other direction. It's a

safety issue. It hurts the operational efficiency of the intersection, so we don't think that's a good idea. The best workaround, if you don't have the left turn bay, to maintain at least a safe functioning intersection, is to run what's known as split phasing. With split phasing, the northbound traffic would have all green, and you'd be able to make left turns, go straight through, go right. It's a green for the northbound traffic. The southbound traffic, along with eastbound and westbound, would have a red light. You let the northbound demand be serviced, and then that goes red, and you open up the green for the southbound. What that leads to is that the northbound and the southbound have to consume a higher percentage of the green time than they otherwise would, which means that there's less green time available for those major traffic movements on 600 South, which is where all of our backups are during those peak periods, especially the periods associated with the beginning and ending of the school day at the high school. There's a cost to it. If we eliminate the left turn bay, there's a cost to it in terms of operational efficiency and safety at that intersection. That's why we're proposing the left turn bays. That's why we're proposing that there be restrictions to the on-street parking. That is a policy decision, and that's why the parking restriction would need to come to you in an ordinance. It is the judgment of the Council, if the benefits of allowing people to park in front of those affected homes is worth the less efficient operation of the intersection. It doesn't change where the signal poles are going to go. It doesn't change all of our conduit runs. It doesn't change all this work that needs to get done. That's a decision that can be made even well into the construction process. So that's why we would like to see a contract awarded. **Cox:** This contract has nothing to do with the striping, right? **Kent:** It is a fairly minor change to the striping that we can work with that through construction. That's not a big deal. We don't have to have an answer tonight on whether we're going to restrict the parking and implement the left turn bays or whether we're not. It's something we'll need a good firm answer on as we get a ways into the construction, but that doesn't have to happen tonight. It would be very beneficial to us, however, if we could have the contract awarded so that we can get the process moving. **Galan:** The study that was performed on this particular street recommended that we go ahead and go from the current situation to a street light situation, right? **Kent:** That is correct. **Galan:** Can you give me the two top reasons for that? **Kent:** It's a matter of being able to service the traffic demand during those peak hours. That's where we're seeing a lot of traffic backups. I knew we had high volumes during those couple of peak hours, I was actually surprised at when we got the results of the warrant analysis back was that we have high volumes throughout the day in a number of hours of the day that would benefit from having the signalization there. The four-way stop that's out there does not function well with the amount of traffic that we have. The next step beyond the four-way stop is to go ahead and signalize it or to build a roundabout. We looked at what the impacts of the roundabout would be. That would be much more impactful on these homeowners than what we're proposing here, and more expensive. **Wilkey:** Have you heard their main concern? Was it losing the parking? They just wanted an idea of overall what was going on. **Kent:** That's the concern that we have heard, yes, is losing the on-street parking. **Wilkey:** They didn't specify to me what the concerns was. What would be the negative or the harm in waiting one more week to give the neighbors time to catch up on what our plan is? **Kent:** As was mentioned earlier, we don't have a lot of time before school starts in the fall. We don't want to lose any more time than we have to. There is no advantage in delaying the award of the contract. The issue at hand can be addressed after the contract is awarded. We're still going to build the same infrastructure. We would just be doing striping differently, perhaps, depending on the decision. And if we do that striping differently, that would change the arrangement of some of the signal heads on the mast arm. But that's a change that we

don't need to know the answer to that for in the next few weeks. **Cox:** I was going to reiterate that I did talk to one of the neighbors, and they were concerned about the parking. I do agree that we can move ahead with the contract because we can work the details out and get the stuff coming. **Schmidt:** I appreciate your comments, Kent, and I think it's important for the neighbors and for all of us to know that these negotiations can actually start tomorrow with staff, and they don't have to be resolved tomorrow. We have time. You have plenty of time to work these situations out with staff. This is not a hurry-up thing, so I would prefer to go ahead and award the contract to get that going. I want you, as citizens, to realize you have a lot of time to visit with staff and get these things worked out. **Phillips:** I understand there is a citizen who would like to speak, and normally we don't at action meetings.

Roger Kunz: I live in the bottom left-hand corner. I have a special needs son that's eight years old. My partner has multiple sclerosis. People come around that corner, and kick up the rocks and things. I moved the junipers that used to be in the driveway over nine years ago because I didn't have a line of sight because I almost got hit by a car. When it was a two-way stop, I witnessed at least 20 accidents. Since it's a four-way stop, I haven't witnessed any accidents. That doesn't mean they haven't happened. Additionally, I believe that if there's a light system, that, especially these kids that get out of school, a lot of them are 16 years old with driver's license, and they come speeding up the street. Instead of having to come to a complete stop, they're going at least 25 miles an hour. Many times, they're speeding at 35 to 40 miles an hour, once in a while, even faster, and they see that green light, and they get used to it, and they know that they're going to have to wait. They're going to press to and speed across that. There's going to be a tendency now and then for various people to try to run the light or even if it's green, to speed across it just to make it, especially if it turns yellow. I think it's a very dangerous intersection. I understand there's been a death in that intersection. I don't know where else in Cedar City we have a traffic light system at a neighborhood where there's small children. The stop sign, I think, makes it intrinsically significantly safer than a four-way light system. If there's going to be a left turn lane and light system, it's going to be very difficult for me to even make a left turn out of there. And the devaluing of my house.

Galan: This question is actually for Kent and Chief Adams. Maybe you can talk to us a little bit about your experience on the study as well as managing the safety of our community between the four-way stop and the streetlights as we're proposing to configure here. Either one of you or both of you, if you could talk about that if you wouldn't mind. **Darin Adams:** Since the four-way stop has gone in, I don't know that we've had any accidents at that intersection. Certainly, no major accidents. There's some good points that have been brought up when you talk about the streetlights and the way those are configured. I know we had talked about green east-west for the majority for that high traffic, and then that would trigger when north-south comes. That obviously could be an issue for traffic backing up north and south. I can see both sides of that. The four-way stop has greatly reduced problems and issues there that we've had. It was a little rocky at first for people to get used to that, especially the students backup. And we still get complaints about that. What that's done is it's caused those students to take alternate routes to other places to get to their destination. But it has greatly improved the issues we've seen there with the four-way stop in contrast to the two-way stop.

Kent: The only thing I would add to what Chief had to say is that the four-way stop does function safely. I will agree with that, but it is very inefficient. It's the most inefficient form of traffic control you can possibly install with all-way stop because every vehicle has to stop every time at any time of day, whether anyone else is around or not. It ends up being the most inefficient, and that's part of the reason why we have the long backups that we have today. We have those long backups of vehicles backed all the way across the freeway and

partway up the hill on a lot of days. It's because that is so inefficient. In response to the concerns that have been expressed by many people over the years since the four-way stop went in, that is why we're looking at a traffic signal. That's why we did the traffic study. That's why we looked at those signal warrants to see if a signal is justified here. We found that it was more strongly justified than we even anticipated. We think that signalization is the right option here. It will handle the traffic in a way that meets people's needs, allows them to get across town. **Phillips:** I'm just wondering timing-wise, how long have we had the traffic study? We've budgeted for this traffic signal, so we kind of anticipated this happening within this year. But we're up against this tight window. I know part of that is because of the equipment we have to get from UDOT. I'm just wondering how we got ourselves in such a tight schedule predicament on this issue. **Kent:** The traffic study was budgeted in this year. We went through our procurement process last summer. One of the challenges we had in completing it, the study was looking at various intersections and other issues around town. But we had the roundabout under construction over by the football stadium. That completely changed traffic patterns. We did look at the traffic signal warranting process at that time. But we knew that we were dealing with atypical traffic because people had to detour to avoid the closed intersection with the roundabout construction. We had to wait till that project was opened back up again, and traffic patterns stabilized, and look at traffic again to see whether the initial indications that a signal was warranted were real or not. That then put us to where we didn't really have the answers until late last year as to whether a signal was even justified. Then we had to go through the procurement process of getting a consultant on board to do the design, work through the design, get it advertised. I feel like we've moved efficiently through the process once we were able to get the answers to do so. But it just took a while to get there. **Wilkey:** If this were delayed a week or two, maybe three weeks, obviously, we're at the middle of September rather than the middle of August. School's been in session for two or three weeks. But is that the end of the world? I just want to make sure that we're not rushing this for the sake of meeting an arbitrary date on a calendar. **Kent:** It would not be the end of the world, but we would be creating a situation that would be worse than what it would be if we just weren't doing the project. It would be a rough opening to school if we don't have this done. **Galan:** I think what we're trying to do is give time to resolve some of the issues that are concerns with the community but at the same time, safeguard receiving all of the equipment that is necessary so that we can do this on a timely basis. I don't think we need to discuss this all the way out to September. I don't think it'll take that long. I think it'll take just a few days and a week or so. But if we don't approve the purchasing of all the equipment and so forth, then we're going to be creating a bigger problem. **Wilkey:** I apologize if I missed it along the process somewhere, I guess the way I'm feeling is we've never had a discussion of the study saying, "Yeah, we should do it," as a council, we've never had this or maybe we have, and I just don't remember. So somebody correct me if I'm wrong. Have we had the discussion to say, "Yeah, let's go ahead and put an intersection here," or was this just a, "We thought we would." **Schmidt:** Yes, before it went to bid.

Councilmember Schmidt moved to approve the contract with Cache Valley Electric. Also motioned to continue the negotiation with the neighbors to get other items worked out. Councilmember Cox seconds; Councilmember Wilkey nay, Councilmember Galan aye.

CONSIDER WAVING A WATER BILL LATE FEE. DEBBIE FORSYTH/RHEAN

CARLSON Paul: We spoke about this last week. She indicated she dropped the payment in the box, we keep meticulous records on what we get and posted. We don't have record of her

dropping a payment in the payment box. That is why she is requesting the fee waiver. **Cox:** Was there a significant difference in time from the date on the check and the date it was deposited? **Paul:** I don't think we received a check covering this particular property. **Wilkey:** This is not a unique situation.

Councilmember Wilkey moved to deny the late fee waiver; Councilmember Schmidt seconds; vote unanimous.

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

Councilmember Schmidt moved to approve the resolution amending the consolidated fee schedule; seconded by Councilmember Wilkey; vote as follows:

AYE: 4
NAY: 0
ABSTAINED: 0

CONSIDER BLANKET CONTRACTS FOR FY 2027. ERIC WITZKE

Ryan Marshall: We did contact the company, and they are willing to match it.

Councilmember Wilkey moved to approve the blanket contracts for FY 2027, seconded by Councilmember Cox; vote unanimous.

CONSIDER AN ORDINANCE MODIFYING CITY ORDINANCE 26-V-18 REGARDING DRIVEWAY REQUIREMENTS. PERASIC/RADIANT BLUE CONSTRUCTION/KENT FUGAL **Mike Adamson:**

I know we talked about several things at the last meeting, the Planning Commission recommended a few things. They were talking about a percentage. The one we are talking about is 33%. I don't see what the issue is if we change that to match 50%, like St George. Is there a particular reason we haven't gone there? **Wilkey:** Reminder this is for the RE zone, we have instructed staff to bring it back for all other zones. I personally would be in favor of the 50% max. I think the 33% limits us a little bit. **Cox:** I am in favor of whatever your garage width is plus another car length. I think restricting it and makes it more hazardous.

Councilmember Wilkey moved to approve modifying City Ordinance 26-V-18 regarding driveway requirements with a max of 60' up to 50% width of frontage; seconded by Councilmember Cox; roll call vote as follows:

Robert Cox - aye
Waldo Galan - aye
Phil Schmidt - aye
Carter Wilkey - aye

CONSIDER AN ORDINANCE MODIFYING ENGINEERING STANDARDS SECTION 5 REGARDING DRIVEWAY REQUIREMENTS. KENT FUGAL

Kent: This is just the drive approach standard **Cox:** We did discuss if we approve this that we need to adjust the setbacks because if you're on a steep lot, you got to go six feet back to get your approach. I guess that's one way to look at it is that you should adjust the setback. I

would say the better way to look at it is when you're designing the layout of the house on the lot, you need to make sure you set your garage floor elevation at a level that works. That doesn't necessarily require a greater setback. But a greater setback, if that is something that you think should be considered, that certainly could be implemented. In most cases, people can set their garage floor elevation to make it work. There's no reason to require them to set their house back further, that I can see. By changing the setback, you're actually requiring people to set everything back further when they may not need to. **Cox:** No, just to have an allowable closer one if they have a have to add six feet to the angle. It's taken six feet of the lot. And if you have a small lot, you might not be able to fit a house on it. That's more of my point. **Kent:** What the planning commission recommended was that the option of routing the sidewalk around behind the drive approach not be one of the standard-approved options. Where we talked about what would replace our driveway detail is this note about using the APWA standard plans. 221 has two. It has a 221.1 and a 221.2. 221.2 is the option that routes the sidewalk around behind the drive approach, that would encroach into the lot and would therefore reduce the available setback to the garage door. As proposed by the Planning Commission, this would read plans 215, 221.1, and 222 would be approved. 221.2 would be added to the list in note two that would require special approval. That's something that we would then need to work with property owner on and allow them to use that if it's in a situation that doesn't cause that usable driveway length problem. **Schmidt:** Does this have anything to do with the driveway widths? **Kent:** The existing standard drawing does include that maximum 34-foot residential driveway width. If you choose not to adopt the standard plans, and instead want to stick with our old plan, you would want to have a motion to amend to modify this plan to change the 34-foot max that's here to match what you had in your motion a few moments ago. You're either approving what we are proposing, which is getting rid of this detail altogether, and replacing it with the reference to which Utah APWA standard plans are approved then that issue of modifying that old standard drawing goes away because that would no longer exist. If you choose not to do this, then to be consistent with the motion you had a few moments ago, you would want to modify here. **Phillips:** We are talking about this in the RE zone only? **Kent:** This here applies everywhere. This is not RE specific. The standard plans do not specify the driveway width. So that wouldn't have to be carried over into the discussion of the modification to the plans. Driveway widths really don't need to be on the standard plans. They're already in the text of the ordinance. If you choose to expand that to other zones, it will be in the text of the ordinance. That's where the driveway width requirement resides. The standard plans are really instructions on how to build what is approved to be built. They don't specify a width. If a driveway is approved at 27 feet, it gets built at 27 feet. It's approved at 55 feet, it gets built at 55 feet. The standard plans don't address that. There's no reason we have to come back and amend anything with the standard plans to address driveway width. We can just handle that in the ordinance. **Schmidt:** If by chance on a steeper lot, if they wanted to reduce the setback of the backyard, can they do that? I just would like that to be possible. **Kent:** Reducing that setback would be a board of adjustments issue. **Randall:** Either board of adjustments or a development agreement. State law is the two ways that we have to essentially waive, if you would, an ordinance requirement. Board of adjustments, if they meet all the requirements, hardship, all that good stuff, or a development agreement with you. It's not a development in the sense of a subdivision, but it's the development, that you're taking flat dirt and putting a building on it. **Schmidt:** So it wouldn't help to put that wording on this? **Paul:** Those tools are already there. Whether you put them in the engineering standards or not, it doesn't really matter, they

already exist. **Randall:** It's adding options we don't have right now. You'll probably avoid the need for most of those variances, but on that rare occasion, we do.

Councilmember Cox moved to approve modifying Engineering Standards Section 5 regarding driveway requirements in note one, adding 221.1 and in note two adding 221.2; seconded by Councilmember Galan; roll call vote as follows:

Robert Cox - aye
Waldo Galan - aye
Phil Schmidt - aye
Carter Wilkey - absent

Kent: Thank you very much for approving that. It has been very uncomfortable having a standard drawing in our in our specs that violates ADA, and you fixed that for us just now. Thank you very much.

CONSIDER A RESOLUTION APPROVING THE FIRE DEPARTMENT POLICY MANUAL CHANGES REGARDING COMP TIME. MIKE PHILLIPS

Paul: Mike brought this up last week. During the discussion, the question was raised, does the council want to look at something citywide? The council's indication was yes, they would want to look at something citywide to start addressing our comp time balances. We have a draft proposal. We have some draft costs that would apply citywide. We have a whole bunch of draft ideas. What we don't have is the knowledge that they'll work with our existing software vendor that runs our payroll system now. So we're trying to figure that out. Talking to Mike before this, if you want to table this, we can bring back a citywide proposal. If the citywide proposal, for whatever reason, fails, Mike would just bring his proposal back. But we would want to ask you if you wouldn't mind tabling this. We'll just bring back a citywide proposal once we figure out our software vendor. **Phillips:** Are there any distinctions between public safety and fire? **Paul:** There's still a distinction between public safety and nonpublic safety employees as far as how many comp time hours you can accrue in a year. That distinction would still exist. They would just be different numbers.

Councilmember Galan moved to table the Resolution approving the fire department policy manual changes regarding the comp time; seconded by Councilmember Schmidt; vote as follows:

AYE: 4
NAY: 0
ABSTAINED: 0

CONSIDER AN AMENDMENT TO CITY ORDINANCE 35-10(B) TO ESTABLISH NO PARKING ZONES IN THE VICINITY OF 200 NORTH AND 100 EAST. KENT FUGAL/RANDALL MCUNE

Randall: No change from last week. **Phillips:** We lose 2 parking spaces on 200 North, but I think this is a lot safer.

Councilmember Schmidt moved to approve the amendment to Cedar City Ordinance 35-10(B) to establish no parking zones in the vicinity of 200 North and 100 East; seconded by Councilmember Wilkey; roll call vote as follows:

Robert Cox - aye

Waldo Galan - aye
Phil Schmidt - aye
Carter Wilkey - aye

**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: Last week we had a discussion on this.

We had been going back and forth with Randall on language, but we provided the revisions a couple hours before the council meeting. And we got a little bit more direction last week.

We've made some more revisions. I think those were circulated yesterday. We've gone back and forth on a lot of these things, what questions does council have? I think the main thing on our end was the amenity discussion. Now that council's had time to review the document in full, I figured we'd work through that.

Phillips: Do I understand that on Randall's side, there was an agreement you had agreed to? At least in terms of the agreement, you're on the same page, correct? **Randall:** As long as you have seen 19a, I think in the end, we're all on the same page. I have no preference on when the amenities have to come in. That's political not a legal one. The only real legal side, I would say, don't wait until they're three units shy because they'll never build those last three units. 50% is what was in there. It was 125 to go into the full 250, 50%. If that satisfies you, that's an easy legal one for us.

Dallas: In discussions with the developer, we had a list of those. The developer felt comfortable just putting those in. That's where we drew the line of pod one is 250, and we put it at 125 for all of the amenities that were listed, which was pickleball, gym, hammock park, grass area with gazebo.

Phillips: My understanding is if pod three does become a PUD, you would also be required to have the same kind of green space allotment that that ordinance carries.

Dallas: Correct. Another way to say that is that for pod one, we're doing a commitment above and beyond what's required by ordinance, which is, I think, the pod that we've had the most feedback on. Pod three is kind of isolated off Cross Hollow. With less feedback, it seems that proposing it at what the ordinance requires is adequate.

Galan: I think every single one of us in the council has taken a lot of time to go through not only the verbiage, but the intent, the ramifications of everything that has been proposed and what it means not just for the developer, but also for the city, and for the community at large. Fundamentally, I wouldn't be opposed to additional development anywhere, but we are kind of on a crossroads in that particular area of the city.

What is being proposed, I think, can be detrimental to us as a city and definitely to the community. My thoughts after having gone through a lot of meetings with a lot of people on this, and looking at the potential liability to the city is that, I do not see the benefits for us as a community, as a city. After the cleanup has taken place on the land that is going to be deeded to the city, that will be always be a liability. There are accessibility issues to the reservoir. There are drainage issues already mounting up on the west side of that main road. Then there is the real impact on the surrounding communities.

We have seen what that can do, not just with the traffic, but the safety and the valuation of those communities. I am very uncomfortable in going forward with this project.

Cox: This is not just a simple decision. We have people up on the hill that have called and said their insurance rates are increased because the fire hazard's not mitigated. So, there's benefit to them by having the trees mitigated. There's flood channels that will be created that will mitigate the flooding in that area. There's that to consider. We've gone back and forth and reduced the density in this area. The potential developer is giving something and giving a lot in return. I think there's a lot of moving parts in this that need to be considered. Those are

two of them. Your neighbors are going to be impacted by what does or doesn't happen here, just like you're going to be impacted what does or doesn't happen here. It's not an easy decision to say, "Well, who wins out on this deal?" Then there's the property rights. I am a huge property rights advocate. You don't want people telling you what you can do with your property within reason and nor do I. I think we've negotiated back and forth, and I've gone to a point where I'm comfortable with what they're giving up and what we're getting, for the most part. There's a lot of factors that go into this. I've seen so many neighborhoods since 1992, that have come in, my neighborhood included. People say it's going to destroy the neighborhood. And now, it is the best neighborhood, we love the neighborhood. That happens time, and time, and time again. My house was built. It took a view. My house was built, and it created more traffic. And so, where does it stop, and where does it end? **Dallas:** I had a meeting earlier at the city on an unrelated project and visited with Councilmember Schmidt. It sounded like there were some concerns from him as far as drainage. And this area is known for drainage issues. The regional ponds that are master planned to be put on there, although don't provide more capacity for, or bigger storm drain lines in Cross Hollow, from the hydrology stuff that I've looked at just from a very high level, there's about 80% surplus in those to help mitigate. I think this is the third RDO I've been involved with. It's fairly common for them to go through multiple meetings and the back and forth. I wouldn't say that this is atypical, but the concessions that have been made in negotiation, I would say, are above and beyond what was done on the Fiddler's Canyon and South Mountain RDO. We've reduced the lot count from the original, we're slightly higher than what would be allowed by just R-1 on a paper basis. We've talked about giving the land for the basins. The basins would have a large surplus to help with the regional needs in two locations. There's the feedback that we got from council and by the public for the single-family residential along Cody Drive. We've committed to that, and then not explicitly, but kind of implicitly reduced pod one. We've made the concession on the WUI fire mitigation aspect. And by committing to the single-family off of Cody, preserved the aesthetic that the neighbors wanted to see. I think the neighbors want to see everything R-1. The goal in putting forward development projects like this one where you go and propose higher density is to try to address the affordable housing. R-1 in today's day and age with what R-1 lots cost and building costs, it not affordable. That's where we looked at concentrating density, trying to preserve the hillside. I see the benefit in the open space. There's a liability aspect of it, but we've heard from two of the council members. I don't know how the rest feel. We've put a lot of time and effort and stood here and done this. The developer's been out of town for the month of April. Based on the language that is put forward, it sounds like some are uneasy, some are to a point of being able to make a decision. We don't necessarily want to table it, but if there was a way to work through this, if there's more concerns, then I think the developer's been able to get an extension. And if you would be in favor if the pitch comes from his mouth, if he was here, I don't know if that would make a difference. It's one thing for me to say, "This is what we're going to do," but to hear from him. Some of the public comment from last week was talking about how developers can come into the town and do whatever. This developer was born and raised Cedar. We've done a lot of outreach. Not so much with the Sunset Canyon, but we met with the Carmel Estates. We met with Nature View. I think that the majority of the voices at the public hearing were from Nature View and Carmel Canyon. We didn't realize until there was the petition put forth how much feedback Sunset would have. **Schmidt:** I know quite a few people involved on both sides. It's been well stated that these are not easy seats to sit in sometimes. I'm very concerned with the development that is taking place and is going on there, starting clear down with Hensley, work your way up, Dr. Horton, go to the Leavitt

Group, then come down the street, the other developments that are there, and then this one. We really have a storm drain issue, especially when the Leavitts start letting water down. I'm very concerned that our storm drain existing piping system that runs along Cross Hollow is not going to be capable of handling that water, let alone the water that comes down from Walmart. We already have a situation with UDOT that we're trying to get worked out as far as the retention basin or piping to bring water down from the interchange. We have that going on. At some point in time, with all these homes, we're going to have to finish Cross Hollow Road. Nobody is coughing up to do anything there. I'm very concerned of the capacity of the storm drain. The box culvert that right now goes underneath Silver Silo is not adequate, and that's what caused a lot of flooding to come down through. I'd hate to say, "Go ahead and do this" then a big flood comes, and everybody gets wiped out right down through that area. I'm very concerned on the storm issue. What you'd be doing would help some of that. But you know as well as I do that the piping that goes from Cody Drive across Cross Hollow Road is not really very much. It's pretty small pipes. And the pipe that is in Cross Hollow is just not big enough. The planning that was done on that, nobody foresaw this was going to take place. There's a master planned storm drain that's going to have to be done. As a city, I don't want to have to pay for all of this. We already can't afford half the things we want to do. We've got storm drain issues. We have road issues. We've got box culvert issues. I'm not a real big fan of taking over all the green space. And then all of a sudden, we become liable for all of that. For where we're at right now, I think as a city, maybe as the developers, all we need to figure out what's really going to be adequate that can take all this, especially the water. What can take this water before we really go much further into developing more of this property. I'm very concerned. I don't want to agree to something, and then all of a sudden, we get a big rain, it plugs up, and then it wipes out everybody and everything you just built. Do I support property rights? Yes. Do I hope we could make something work? Yes. But I'm very concerned on these other areas. And until I see a way that we can move through those, I would probably not be in favor of this project at this time. **Wilkey:** As has been said, this is obviously one of the tough ones, and these are the times that we don't necessarily enjoy sitting up here. I do want to commend the residents that have gotten involved in this process. I don't think I've ever had one single issue that's ever landed more emails in my inbox than this one issue has. It's always interesting to see which ones do and which ones don't. Which ones citizens choose to get involved in and which ones they choose not to get involved in. So my concerns, Dallas, you know, and I've expressed these before, and unfortunately, this isn't anything that your developer did wrong, but there's a lot of high density in that area, and I think we've got enough there. That's one of my issues. And then the other couple issues I have, for me personally, this is maybe a little bit of a stretch for what and RDO, at least my mind, is created for. RDO for me is essentially its own mini master plan of a great area. As I look at the other RDOs we have in the city, most of them are much larger pieces of property. They're not all, but most of them are hundreds of acres. And most of them have multiple different zoning components. This pod has high density, and this has medium, and this part has low. I feel like in this one, we've pretty much just gone all high density. It doesn't quite fit in my brain to where an RDO should be. I do think that we as a city need to work on a way, the future is we've got to get lots even smaller. We've got to find a way to do high-density single-family housing, however that is. We've tried to do it. We have the RN zone. There's something in it the developers don't like because it never pencils out. I hope that's the future for this piece. **Phillips:** I do want to thank Mr. Buckner, Mr. Wayment, and Mr. Gregerson for the work they did. I think this is exactly what community is about. This is how you go about trying to get things done. **Cox:** You said that you'd be


willing to go back to the drawing board. Are you guys willing to table it and see if they can come up with something that will work? Or if you're not, then we can just move forward. We talk about the drainage. It's the development that pays for the drainage. **Dallas:** My perspective on the drainage is that you have the Jones property and the Ong property that have already been subjected to all of the drainage upstream and then have been slapped with the master plan improvements on not one location but two locations. I certainly understand what Phil's saying more than most as far as the capacity and the ability to convey water down Cross Hollow. But as far as saying development shouldn't occur on this piece until we fix the regional, when there's already improvements required that are going to provide surplus capacity is a tough one for me too. **Cox:** Sometimes the devil we know is better than the devil we don't know? Where we get is, it just sits there for 20, 30 more years and grow weeds, and we don't mitigate flood, and we don't mitigate the fire problem. **Dallas:** We have the acreage to meet the RDO requirements to apply for one. Certainly, what Carter said is true. Some of the other RDOs are much larger, but from a compliance with what we're allowed to do. But the thing that's important to remember, which I know the council knows, but when you put forth an RDO, this land has obviously sat vacant for a long time. There's a gamble of do you approve this RDO? Can you live with what's proposed here or some tweaking of? Or does it sit for another 1 year, 5 years, 10 years? Is affordable housing getting better or worse? Staff changes, council members change, mayors change, state mandates change. If this is not satisfactory and this developer walks, then what do you get? Who knows what happens here? If the sentiment of it's important to have housing and how that changes over time, you could end up with something potentially denser. **Galon:** Dallas, I want to thank you personally. You have done a tremendous amount of work on this thing. You have catered to every single one of our objections, pet peeves, and whatever, other things we came up with in order to bridge the gap that we had initially on this thing. I have a lot of respect for you. I have a lot of respect for Justin. I know that you guys are trying to do the best, to make this thing work. Property rights are something that we all care deeply about. But property rights don't apply exclusively to developers or to builders or to a specific property ownership. It applies to the community at large. There are people who have properties that are close to this particular piece of land that also have rights, who had aspirations, and they invested money, in order to protect their investment in an area where they thought it was going to be what it was presented to be. And things change. I'm fully aware of that. But I want us all to agree that property rights go beyond the obvious- that piece of land. It's not exclusive to those rights. Every single one of us in this council, including the mayor, who is absent today but who's very concerned about the outcome of this whole situation, is committed to make our city better. We are not acting for the most part on making short-term decisions just because it's what's presented on the agenda on any particular Wednesday. We are concerned on making sure that this community grows in a responsible basis, that we ensure the welfare of the community at large, those who have been here, those who came, and then the future generations that we hope will stay and live here and grow together with their families and the people that will move in. The decisions that we're making are not necessarily so that we can overcome the hurdle that's before us today, but what we need to do to ensure that in the future, better decisions are made. I'm not criticizing any of the decisions that were done in the past. I'm just saying that we are trying to be better. I've looked at this thing from every possible way that I can look at it, and I come to the same conclusion, this RDO doesn't really balance for the entire community and for the things that we need to do. Are we going to have to improve the infrastructure so that we don't get into some deep trouble very soon? Yes. We're going to have to do that. We're going to

have to fund that. We're going to have to figure out a way to do it. But I do not want to be forced into a situation so that we can overcome this particular request at this time. We need to be a little bit more proactive in resolving those issues. Just putting this in there doesn't resolve it. It pushes us to possibly do something that we shouldn't be doing. I want you to know that I respect you, I respect the developer. I've communicated with him a couple of times. He's been willing to be very flexible. This has been an eye-opening process. But at the end of the day, in good conscience, I cannot get there. I just can't.

Wilkey moved to deny RDO and Development Agreement for the Cross Hollow RDO located in the vicinity of Cody Drive and Cross Hollow Road. Councilmember Galan seconds. Councilmember Schmidt, aye, Councilmember Cox, Nay.

Cox: I want to explain my vote. I think there's some wiggle room here if we were to go back to the drawing board. If we worked with our setbacks, we could get 350 homes in there as single-family homes. You're going to have the same amount of homes, the same amount of doors, the same amount of everything. And we're just throwing it out. I think leaving it there for 20 years, nothing potentially, or whatever, is worse than working with them and coming to an agreement of something that will work.

ADJOURN: Councilmember Wilkey moved to adjourn at 6:53 p.m.; second by Councilmember Schmidt; vote unanimous.



Amber Ray
City Recorder