

REDEVELOPMENT AGENCY MINUTES

August 5, 2026

The Redevelopment Agency held a meeting on Wednesday August 5, 2026, 7:46 p.m. in the Council Chambers at the City Office at 10 North Main Street, Cedar City, UT.

PRESENT: Chair R. Scott Phillips; Members: Robert Cox; Waldo Galan; Steve Nelson; Phil Schmidt; Carter Wilkey.

OTHERS PRESENT: City Manager Paul Bittmenn; City Attorney Randall McUne; City Recorder Amber Ray; City Engineer Kent Fugal;

CONSIDER BIDS FOR THE SOUTH MAIN STREET LIGHTING

IMPROVEMENTS PHASE 3. SHANE JOHNSON/ KENT FUGAL **Kent:** We had three bidders. Our low bidder is Silver Sage Construction. They are using a sub to do the electrical work, the same outfit that's done our other two phases. We're comfortable with them as the low bidder. I would therefore recommend that that be awarded. I do want to mention one note. Silver Sage Construction was not on our official plan holders list. When people get the plans from us, they get put on a plan holders list. The purpose for that is that if we end up needing to issue an addendum, we know who has the plans. We know who that addendum needs to go to. It's common practice to have that requirement. We had an addendum on this. They got it. Their bid is legitimate. We have a note on our city website that says, "Builders not on the official plan holders list will not be allowed to bid the project." That's a note on the website. That is not in the contract documents. We're comfortable that they bid it based on having received the addendum. We don't see a reason why we would be disqualifying them. We do need to rectify the issue that we have a note on the city website that says you have to be on the plan holders list, but we don't have it as a contract requirement. In my view, we should be requiring it. We would make that change in our contract documents where it is clear in the documents that you have to be on the plan holders list to be able to bid it. That would be something that would be easily enforceable. But since we don't have that in what was put out to bid, I'm of the opinion that we proceed. If they get the plans from us, they're on the plan holders list. If they pick up the plans from somebody else, they see it on a plan house's website and they just print it off of that website and now they're going to be a bidder. We don't know about them, then they're not on the plan holders list. **Wilkey:** On the city's website where we have this, is that a generic statement for every time we put something out, or was that a statement actually about this project? **Kent:** It's a generic statement. Because there are other ways that someone could potentially get a hold of the plans and the contract documents, they may not even see the website. How would they even know that note was on our website? That's why we need it to be in the contract documents and then have that enforced. **Phillips:** Mr. McUne, do you anticipate any issues with the other two bidders because of this? **Randall:** I know at least one of them is frustrated with it. Legally, I think we are fine. We always reserve the right to waive some of these formalities. If it's one of those that benefits the public, doesn't risk harm to the city, it's properties and the like, you are welcome to do so without any real serious risk of losing a lawsuit. Whether someone decides to file one, that's always on them. As long as they have an addendum,

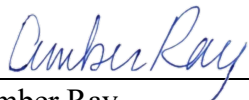
that's your biggest risk is if they don't get an addendum, or if we have a question that's asked, we're supposed to send out our answer to everybody so that if we're clarifying something, we don't get non-responsive answers because they don't know how we clarified it. It's to help avoid some of those problems. But if we are comfortable and that lowest bidder is comfortable, that the risk hasn't happened here, then there's no risk to the city. But if there's that question of we've sent something out that maybe clarified something. For example, the Heritage Center, there was an issue with the flashing for a portion of it between the different bidders. That can sometimes be an issue if they're just not receiving our communications. I'm assuming from our conversations that has not happened here. **Kent:** It is good practice to require them to be on the plan holders list. That is what we want to do moving forward, but we need that to be in the contract documents to make that happen. **Phillips:** I want to make sure that in the timing of this phase three and the location where it's being proposed, are we going to get this done and have to rip stuff out through this interchange project and what they're doing with medians and things on Main Street all the way down to Cedar Knolls? I don't want to move ahead and get these all in and then we have to rip those four lights out because they're in their way. **Kent:** I don't believe we have any of those issues. But that's a good point. We can go back and just do a double check to make sure that none of these are in a location that would be harmed.

Doug Hunt: I'm the second bidder. I've done one of your lighting projects already. The other guy has not done all of your lighting projects. I did your first one. I've done a lot of jobs for the city. I've done cemetery projects for you, and I've enjoyed working with you. I know that I have lost bids for so many little technicalities. You're 10 minutes late for a pre-bid meeting that's required, or something's not right. We've sent bids in by email and gotten proof we sent them, but they didn't receive them, and there's just no exceptions. You can't go to your page to get the plans. You could get them if they're out to a bidder's place, but this is on your home page. That's right on your page. That's what you get anytime you look up bids. If you want to look up the results of these bids, you have to go past this notice. It's set up for RFP, bids. If you google the internet right now and ask if you could bid a job in Cedar City without being on the plan holders list, it's going to answer black and white, no. **Schmidt:** That's not true. You can bid it. You might not be the general, but you can bid. **Doug:** I obviously want to bid. I've done projects for you. I think I'm more qualified. I shouldn't go against Silver State. I don't know who they are, but they're not even the one that's doing the job. The other contractor couldn't get a bond in time or couldn't get a bond. That's the reason, and I don't even like that to start with. You can't bond for \$281,000. You got them to bond for it. They're not doing the job. I've just lost so many bids on technicalities. I've seen this every time I go to get a bid. Every time I go to search anything from the city, it's right there. If you're not on the plan holders list, you're not allowed to bid. I could come here and say I'm going to get an attorney, and I thought about doing that. I honestly thought really hard about getting an attorney, but how does that win for all of us for what we're talking about here? It doesn't. I want to do business with Cedar, and that's not the road I want to go. But I want it to be fair. It's enough of a discrepancy to have this notice. Bidders not on the official plan holders list for each project will not be allowed to bid. **Cox:** Have you ever lost a job for Cedar City for being 10 minutes late to a meeting? **Doug:** No. I haven't lost one in Cedar City. **Cox:** Have you lost a job in Cedar City for any other technicality that you mentioned? **Doug:** I

haven't lost a job in Cedar City. No. **Mayor:** We're a little more open-minded, I think, in the way we approach this process. I feel like the reality is, we are stewards of taxpayer dollars. Silver Sage could also make the same argument that it's not in the actual contract, which is the legal binding piece, not a statement on a website. We could have a greater liability risk by not. **Doug:** I understand you're bidding both sides. **Mayor:** We certainly do not want you to feel like we're not fair. **Doug:** We need to roll the bid out and re-bid it again, is that fair to everybody? **Mayor:** Not now that the bids are on the table. **Doug:** We're doing bids, and we want to do the job. I've heard Silver Stage isn't doing the job to start with. They're not the contractor. It's another individual that's a contractor. I've heard that the job they did is not as good as the job we've done. They did the last project. Bases weren't right. Things weren't right. I'm doing as good a job as I can for the city. I've always tried to do as good a job for Cedar City as I can. I'd like to be treated fairly in Cedar City. **Wilkey:** As the five elected officials here that have to ultimately make the decision, we're not the ones with the boots on the ground every day. You have to understand from us that this is where we turn to our professional engineering and building department. If they say Silver Sage is qualified, who am I to say they're not? If these guys say they are, and they're the professionals, I take the report on that one. **Doug:** I'm not saying they're not qualified to do the job. I know that your city, if you're not on the plan holders list, you shouldn't be able to bid the job. **Kent:** If it were in the contract documents, we would be enforcing that. But it's not. That's our problem, and that's what we're going to rectify.

Member Schmidt moved to place the bid for Silver Sage Construction on the action agenda; second by Member Wilkey; vote unanimous.

ADJOURN: Member Wilkey moved to adjourn at 8:03 p.m.; second by Member Cox; vote unanimous.



Amber Ray
City Recorder