

Cedar City

10 North Main Street • Cedar City, UT 84720
435-586-2950 • FAX 435-586-4362
www.cedarcity.org

Mayor
Maile L. Wilson

Council Members
Ronald R. Adams
John Black
Paul Cozzens
Don Marchant
Fred C Rowley

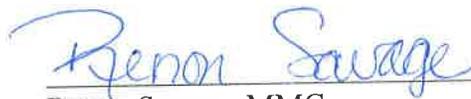
City Manager
Rick Holman

CITY COUNCIL WORK MEETING
OCTOBER 21, 2015
5:30 P.M.

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah. The agenda will consist of the following items:

- I. Call to Order
- II. Agenda Order Approval
- III. Administration Agenda
 - Mayor and Council Business
 - Staff Comment
 - Oath of Office for Police Department Promotions
- IV. Public Agenda
 - Public Comments
- V. Business Agenda
 - Public
 1. Consider acceptance of a road dedication from the Southwest Applied Technology College in the vicinity of 880 South 555 West – Bob Platt/Paul Bittmenn
 - Staff
 2. Consider bids for central control irrigation system at the Golf Course – Steve Carter
 3. Consider appointment to the Airport Board – Mayor Wilson

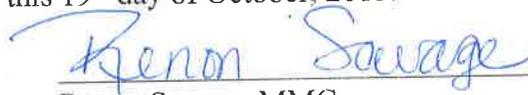
Dated this 19th day of October, 2015.



Renon Savage, MMC
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 19th day of October, 2015.



Renon Savage, MMC
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.

CEDAR CITY COUNCIL
AGENDA ITEMS - |
DECISION PAPER

TO: Mayor and City Council

FROM: City Attorney

DATE: October 19, 2015

SUBJECT: Road Dedication in the vicinity of 800 South and 555 West from SWATC

DISCUSSION: On May 19, 2015, Platt and Platt Engineering presented the above referenced road dedication to the City's Planning Commission. The proposed dedication consists of a small area, approximately 200 square feet, where SWATC wants to locate a monument sign and round off the corner. The item received a positive recommendation. A copy of the Planning Commission minutes are attached.

Part of the road dedication process requires the party dedicating the land to submit a title report. I will review the title report to see if the property proposed to be dedicated is current on its taxes, check the ownership of the property, and see what types of issues encumber the title to the property. The following line is found in the title report for the property proposed to be dedicated to Cedar City, "Any defect in the Title to said Land in the event the Southwest Applied Technology College herein is not an Entity capable of acquiring title".

When I talked to the title company about the above quoted language from the title report the title company representative indicated they were not able to find a corporate entity named Southwest Applied Technology College. The State of Utah Department of Commerce maintains an online searchable database with all of the corporate entities in the State of Utah. I checked this database and I am unable to locate a corporate entity under the name of Southwest Applied Technology College.

I also looked in state statute to see if there was a specific grant of authority related to buying, selling, and holding various interests in property for SWATC. The idea was to look for a legislative grant of authority similar to what the legislature does for municipalities.¹ The State

¹ UCA §10-8-2(1)(a)(iii) contains the following related to a holding property when it comes to a City, " subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries, if the action is in the public interest and complies with other law". UCA §17-50-302(2)(a) contains similar provisions related to Counties holding property. UCA §17B-1-103 contains similar provisions related to local districts (i.e. water conservancy districts). UCA §17C-1-202 contains similar provisions for Redevelopment Agencies. UCA §53A-3-402 contains provisions allowing School Districts to purchase and sell buildings and school sites. UCA §53B-2-101 has similar provisions for institutions of higher education.

of Utah has various institutions of higher education and these institutions include the Utah College of Applied Technology, see UCA §53B-2-101. The Utah College of Applied Technology has many campuses throughout the state, including SWATC, see UCA §53B-2a-105. Under UCA §53B-2-101 institutions of higher education in Utah have the ability to purchase and sell interests in real property. So, the Utah College of Applied Technology has the ability to receive and transfer interests in property. No statutory grant of authority is given to individual campuses such as SWATC.

The property where SWATC is expanding was deeded from the Prestwitch family to SWATC. Where SWATC is not an individual, corporation, or Government Entity that can purchase, dispose of, or hold an interest in property there is a risk that the deed from the Prestwitch Family will simply be ignored. Over the summer Mr. Platt and representatives from the state have been very willing to work on this issue. One solution was that the State transfer its interest in the property to the City with a Warranty Deed. The purpose of the Warranty Deed is the State would give the City a warranty that the title to the property is good title. The State was not willing to issue a Warranty Deed for this property. The State did not want to get into the business of transferring interests in land with Warranty Deeds. The State also tried to transfer the title from SWATC to another State entity and then give the City a deed from the second state entity. This method does not protect the City or transfer any better title than having SWATC directly transfer title to Cedar City. An entity can only transfer such property interests as the entity has so if SWATC can't hold property and has no interest in property then washing that non-existing interest through another state entity does nothing.

In summary, I do not believe SWATC can provide Cedar City clean title to the property it proposes to dedicate. I think the proponents of the road dedication will argue that the property is very small and consists of road, curb, gutter, and perhaps some sidewalk. The small size of the proposed dedication does not cure the above mentioned title defects. If the City would like to accept the proposed dedication there is always a prescriptive right to the property. A prescriptive property right may be ordered by a court when the party claiming the prescriptive right can prove open, continuous, and adverse under claim of right for 20 years. So in 20 years the City could do a quiet title action and ask the Court for a prescriptive right in the proposed road dedication.

CEDAR CITY PLANNING COMMISSION MINUTES May 19, 2015

2- Sliver of Road Deeded to City 800 S 555 W SWATC/Platt & Platt (Recommendation) Dave Clarke presented;

he said they want to widen the radius on this particular corner as their property description now comes to a point. This will be the corner where the SWATC new campus places their monument sign. Rich wondered if this was just to make it look nicer. Kit said the standard radius on any intersection was 15' and this one will be 20'. As 800 South is a major collector road, it would now comply with the City ordinance. This was not under the original plan as the SWATC is under the jurisdiction of the State and therefore exempt from meeting many standards. Dave said in order to make the radius on this corner what they want they need to deed the little space to the City as part of the City street. Kit said they were given two options; they could do their corner without deeding any property and just use the short radius, and they could do it this way and comply with the City Standards. What is there now would work, but if they want to do a larger radius that would work better for their sign, they can do it this way. Kristie said so all they are doing is deeding the small sliver of land on the corner to the City to make the radius for the corner. This would need to also be approved by the City Council. Kit said they need to have a record of survey for this parcel and also a title report. Rich wondered if they were doing this just for their sign or just for the street corner. He was told this was just to make the curve around this particular corner of this intersection. Kit said one reason they wanted this plan was the larger curve gets rid of any liability of a city sidewalk going across their private property. Fred asked if this would be the same radius of the corner closer to Main Street. It would be close, and if you looked down the street you would not see any difference. This corner of 555 West has the landscape strip between the curb and the sidewalk. Rich moved to send a positive recommendation to City Council to deed this strip of land to the City for the street. Seconded by Mike and the vote was unanimous.

**CEDAR CITY
COUNCIL AGENDA ITEM 2
STAFF INFORMATION SHEET**

TO: Mayor and Council
FROM: Steve Carter/Cedar Ridge G.C.
DATE: October 21, 2015
SUBJECT: Review bids for the Central Control Irrigation System

DISCUSSION:

Bids for the Central Control System were received on October 6, 2015. The bids came in as follows:

Low Bid: Hunter Golf (Sprinkler Supply) at \$138,650.89
Middle Bid: Toro Golf (Turf Equipment) at \$148,775.58
High Bid: Rain Bird Golf (Rocky Mountain Turf) at \$152,769.82

We would recommend to the Mayor and Council that the bid for the Central Control System be awarded to Turf Equipment for the amount of \$148,775.58

The reasons why we recommend the Toro bid are these:

- We have Hunter heads on holes 13 –15. They were installed in 2003 when those holes were constructed. Since that time we have had multiple issues with those heads. They are easily clogged and require constant cleaning. The heads themselves also split apart at the top. When the head runs it will blow water out the side, which creates a mess with the turf. We fix 8 – 10 of these per year.
- There is not a golf course in the state that uses the Hunter Central Control System.
- Rain Bird came in at the high bid.
- Toro is a tried and tested product. It is widely used throughout the state at a number of courses with excellent results. Turf Equipment is great at service and helping with trouble shooting problems. I used their Central Control System at Logan Golf and C.C. before I moved here to Cedar City. It was an excellent system.
- The heads we use to replace broken sprinklers on the course are Toro. They are easy to work on and fix in the field. They are sturdy and reliable. We have Toro heads on the course that are up to 20 years old and still running.

It is for these reasons that we recommend the Toro Central Control System.

