

COUNCIL WORK MINUTES
MAY 18, 2022

The City Council held a meeting on Wednesday, May 18, 2022, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Garth O. Green; Councilmembers: Terri Hartley; W. Tyler Melling; Scott Phillips; Ronald Riddle.

EXCUSED: Councilmember Craig Isom.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Police Chief Darin Adams; Leisure Services Director Ken Nielson; Public Works Director Ryan Marshall; Airport Manager Nick Holt.

OTHERS PRESENT: Candace Howes, Ann Clark, Tom Jett, Sara Ridgel, Lori Bunker, Alexis Dobrinski, Chris Dobrinski, Mason Dobrinski, Corbin Dobrinski, Tyler Coons, Nastassya Coons, Wendy Green, Alysha Lundgren, Dallas Buckner, Joel Hansen, Bob Platt, Leola Prestwich, Verl Prestwich.

CALL TO ORDER: Nick Holt gave the invocation; the pledge was led by Don Boudreau.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■ Mayor - you may want to drive by the city park, the statutes has been cleaned. It looks great, we will try and clean them all. Notice the pictures in the Chambers, it is Rick Bishop photography, if there is an oil it is done by his father. We appreciate him and Steve Decker for arranging for these displays. ■ Phillips – we have permits in hand and the Value Inn will come down next week. There was a nice article published, the Mayor and Chamber President was quoted about how Cedar City is a great place to live, it was on the east coast. ■ Melling – I will be popping in and out of this meeting, I am going to go to my daughters dance recital. ■ Swear in Patrol Officer I Kayla Dobrinski – Chief Adams – we are here to swear in Kayla Dobrinski. She can introduce herself and family. Kayla – I have been with Cedar City for 1.5 years in the records department. In September I decided to make the move to officer, I have two boys 5, & 7 and my husband, my boys are Liam and Jackson. Renon administered the oath of office. Her husband pinned her badge. ■ Ken Nielson, Leisure Services Director – an update on some projects we are working on. The Parks spraying dates, South interchange was sprayed with preemergent on 2/17, weed killer 5/12 & 13, the North interchange sterilant 2/17 & 18, the weed killer the first week of June. Aviation Way sprayed 3/1 and 4/12. Cemetery dandelions were sprayed on the 4, 5, 10, 11 & 17 of May, West Canyon on May 17th. Center Change will have tree and brush removal in June. Tomorrow and Friday at Little League. Bicentennial on the 25 & 26, and the Fields at the Hills will be on the 31 & 1 and East Canyon on June 1st. Phillips – on the preemergent, is

that the proper time? Ken – yes, we try and get it early and mitigate, but it is not an end all. Ken – the flagpole for the Golf Course has been ordered from Ashworth Construction, they will also do the lighting. The Aquatic Center will start summer hours on Memorial Day, 5:00 – Noon for lap swimming and walking the lazy river and from noon – 8:00 p.m. for swim and 8:00 a.m. – 6:00 p.m. on Saturday. Phillips – why early on Saturday? Ken – it slows way down. Marci is doing a great job juggling lifeguards. The high school workers are still in school, and the college students have gone home. Marci guards from 8:00 – 11:00 a.m. herself. We are closed for yearly maintenance the week before that. We open the outdoor pool and get everything ready for summer. Phillips – what is the status of the climbing wall? Ken – they are ready to ship. It was covid world materials. They didn't want to take a chance of it getting stuck somewhere in the ocean during covid.

PUBLIC COMMENTS: ■ Tom Jett – what I saw tonight with the additional female officer is incredible, it is moving our town into the future seeing young ladies join, it opens the door for other young ladies that don't want a traditional career. I applaud our PD administration for working so hard. I applaud the Chief and administration for making this happen.

CONSIDER AWARDING THE BID & CONTRACT FOR AIP 045. NICK HOLT:

Nick Holt, Airport Manager – we are seeking approval to enter a contract with Straight Stripe. Six companies asked for bid packet, we got 3 bids and \$149,205 was the low bid with Straight Stripe. Phillips – I didn't know they did asphalt work, have they done asphalt before? Nick – yes at the Airport and within the city.

CONSIDER MATERIAL QUOTES FOR THE STORM DRAIN IMPROVEMENTS PROJECT 2022 – CROSS HOLLOW BOX CULVERT MATERIALS. JONATHAN

STATHIS: Jonathan – we talked about this a few weeks ago for the west side of Cross Hollow Rd to the detention basin. We have had discussions with Steve Armbrust. Melling – is this part of the emergency projects? Yes. There is a lot of factors, it would be appropriate to award the late bid unless the lead time is unacceptable. It puts us into late August. Paul – the biggest thing we can do for monsoon season is to have the grate off. Mayor – we can raise and lower if we don't have permission. If we have permission we can dig the ditch to move the water. Paul – we don't want to leave an open trench there. Mayor – we tried to get this on as soon as possible and get the culvert going. I am not sure today if we agree where the culvert should be. Paul – Mr. Armbrust has a contract to allow us to install the culvert with a legal description, and a provision to use it as storm drain and trail and some wording for an exit for the trail and provisions to protect the Armbrust family. We emailed that to him yesterday. He has easements for water lines going to and coming from the new water tank. Melling – is a 9-month lead time acceptable, is this how we normally do it if we ignore a late bid? Mayor – it doesn't matter either way. My children have the shorter lead time and lower bid, but they were 5 hours late. Mr. Armbrust was reluctant to sign, he was ok waiting until the first of June. May is the worst time to buy pipe the best is February and then in the fall. We all get excited in the spring to put pipe in the ground. I don't want to delay if he agrees to it. We could approve the bid and hold it off and not order it until we formalize the agreement and then we can order it. Phillips – that is where I am, I want the legal ability to put this pipe in. Melling – how long do the bids hold? Jonathan – it is a short time frame;

Geneva Pipe will hold their bid until the action meeting. Mayor – they are two different suppliers; they have different manufacturers.

Hartley – do we agree with the tunnel, I have heard 300, 400 and 800 feet. Paul – Jonathan measured it; it is 600 feet. Hartley – I am not in favor of the tunnel for the trail at 600 feet. What is the 280 feet? Paul – that is the box culvert. Hartley – how long is the tunnel? Paul – 600 feet. Phillips – they are adding on to the existing tunnel. Melling – is that the size we would do without the trail? Paul – that is the size of the tunnel in the ground now. Mayor – if we do this, we can totally remove the grate, it now goes into a smaller pipe and to the pond. If a mattress or cardboard box gets caught on a grate is a problem. Moving a grate out of site out of mind is the problem. If this tunnel is installed, we can take the grate off. If this isn't the trail, you have to go over the top of the road, and it is a busy road. Paul – we added grates for natural air and light in the culvert. We can also cut a door in the culvert when it gets through the curb, gutter and sidewalk for pedestrians to get out. If you are not comfortable you can get out halfway through. We also will have lighting. Mayor – he would like restaurants there and would like the exit by the restaurants and it is an excellent idea. Phillips – I share the concerns with Hartley, but there are options. We need to keep it safe for those biking, walking, etc. Jonathan – we are working on the design for the trail. Phillips – we cannot connect without the box culvert. Jonathan – correct.

Riddle – when there is a bid deadline, there is a deadline and undoubtedly someone will come in lower. We need to make a decision, and I would like to know how the engineering department and Mr. Bittmenn feels. Paul – I don't remember ever accepting a late bid. If we had problems, we can scrap all the bids and rebid. Riddle – that takes away credibility. I would like someone in Cedar City to get it, but if there is a deadline it needs to be met. Phillips – we need the box culvert regardless and we have the late bid. Melling – 9-month lead time can we scrap it and ask a better lead time? Paul – the moment we reject to get a lower lead time, you will also get complaints from Geneva Pipe saying we scrapped from a late bid and the idea that it is the mayors old company will help them with a complaint. Melling – what do we do for 9 months? Paul – make sure the grate is open. Melling – consent for Geneva.

CONSIDER BIDS FOR THE EMERGENCY STORM DRAIN PROJECTS – CODY DRIVE IMPROVEMENTS. JOHNATHAN STATHIS: Jonathan – this is part of the emergency projects. The bids will be presented at the action meeting. Two trench drains and routing the water to Cross Hollow Road. We have been working with the power company to put the berm back in on the south side of the road, that isn't part of the bid. The power company has been running power lines through there. Phillips – we won't have problems with bids for next week. Jonathan – we had one bidder that was about done with the bid last week. We hope to have bidders. Action.

CONSIDER AMENDING AN AGREEMENT WITH KIMBALL HOLT TO ALLOW THE PURCHASE OF AN ADDITIONAL 80-ACRE FEET OF WATER. PAUL BITTMENN: Paul – in January or February Mr. Holt asked for a right of first refusal for water from Mr. Sevy. We transferred the right of first refusal to Mr. Holt. The parties are in discussion for additional 80-acre feet of water and he is asking for another agreement.

Phillips – does Mr. Sevy not have an obligation to notify the city? Paul – Mr. Holt is aware, and they are coming before the transaction takes place. Phillips – the city is the loser on this. We can discuss this in closed session. I am not comfortable with this. Melling – my concern is we have property in the City that if the water is for sale will likely be developed and will pay an acquisition fee instead of rights. Paul – when the property annexed, they deeded sufficient water at the time, it is considered wet. When Sevy deeded the water, he only deeded a portion of what he owned. We have water for that property. What we did say is you own more water than needed to develop, we want a right-of-first refusal on the remainder of the water. If we buy that property, we can shift the water around. Phillips – is this good water? Jonathan – yes, the date is good. Melling – I believe we had a number of those agreements to provide less water for development with the option to buy the excess water. Paul – yes, lower rate is to give it to us up front and allow us to purchase it at the other end.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 26
ARTICLE 3 REGARDING THE LOCATION OF CONVENIENCE STORES AND
TRAVEL CENTERS. DON BOUDREAU:**

Don Boudreau, City Planner – we get inquiries on various uses, we have some on the north end of town for a convenience store and fuel islands, it limits them to 2400 square feet in commercial and industrial zones. Less than 5,000 to CC and I&M zones. There is no room for greater than 5,000 square feet and we don't have a definition for a travel center. This is an attempt to clean up the language for convenience store and travel center, the travel center attracts tractor trailers and have showers and we want to limit to CC and I&M zones. We don't want them in MU or DT commercial. Convenience for less than 5,000 in commercial and greater limited to HS and I&M zones. This will be easier for staff and applicants.

Melling – do we have a differentiation for those without fuel pumps? Don – no, just convenience stores. Melling – I think those are different, what you have outlined there is a completely different need for large travel centers than the small ones. Don – that is the goal. Phillips – on square footage, is that the building or building and islands? Don – that is interior space of the building. Phillips – Loves Truck Stop, what zone is it in? Don – HS or CC. Jonathan – it is CC. Melling – it makes sense, even if I don't love the table.

Mayor opened the public hearing. There were no comments, the hearing closed.

**CONSIDER AMENDING CITY ORDINANCE 32-7 STEP 15 WHICH REGULATES
THE RECORDING OF APPROVED FINAL PLATS. TYLER ROMERIL:**

Tyler – in the past how the recording of final plats worked, the developer had the fees paid, bond, CC&R's and then we would bring it to council for approval. State law changed to allow final plat without a bond. The ordinance says we have to record within 30 days of approval, this is changing it to meet state law that we record once we have everything needed and then it must be recorded 30 days from the date, we have everything. Paul – they can't sell a lot without something on the County Recorder's books. That is still a check on the developer side. We are just holding a lot of these until we get bonding and then Tyler will record. It takes a few days. Tyler – I brought this before Planning Commission and they gave it a positive recommendation. Phillips – it cleans it up and protects us.

CONSIDER A RESOLUTION ADOPTING THE FY 2022-2023 TENTATIVE

BUDGET. JASON NORRIS: Jason – we met last week a few meetings and went through the tentative budget in detail. The Mayor, Paul and I met and made a few adjustments to the tentative budget, most were requests from council.

1. Economic Development program for downtown improvements with local businesses, RDA will match the grants with \$50,000.
2. Sewer collection will fund the project for Hunter Glen lines and decommission the lift station, \$800,000.
3. Study at Kitty Hawk and Airport Road and it will be \$350,000 for a traffic signal
4. Add the laser leveling and GPS equipment for the new grader, we need an additional \$40,000
5. Engineering department requested new software Jonathan – it was for document management for applications on land use. Jason – they reviewed with My City Inspector, so we are not funding that project.
6. Youth City Council add \$3,000 for a total of \$5,000.
7. Add funding in Parks for heavy duty utility vehicle \$36,000.
8. Reallocating \$200,000 from Burgess Park to Fiddlers Project, \$500,000 to each, there are three park projects, the change is budget neutral.
9. Add \$15,000 in Cross Hollows arena for two additional bucking chutes to the facility.
10. Fund a line item \$350,000 in Fire Department to acquire land for a future station on the south end of town.

Phillips – I appreciate the adjustments. I still have concerns over the Fiddlers Canyon Park, the estimates were \$748,000, I don't want to get in a situation to move on a park and not have funds to move forward. Jason – all of these are just starter funding to get them in whatever phase completion we can. With Fiddlers we are looking at two locations, depending on the location it will have different groundwork, facilities, etc. This will come back to council and then you will authorize staff to do whatever it may be. It will not take that away from the Council, it is basic funding to move on the item. Phillips – we have 800 – 1,000 roof tops and in the west, we only have a handful of roof tops, I think we should move and design, but I don't want to leapfrog that park over the long awaited and promised park. Paul – I am not sure the appropriate area to calculate roof tops. Cedar Meadows has been there a long time, a lot on Westview Dr., Equestrian, Hunter Glen all city residents. I am not trying to dismiss the park on the north end, I wish we would have had one 15 years ago when I had a 4-year-old. Phillips – I am not against the park on the west, if we come to the conclusion, we may want to come to a budget revision. Paul – it won't finish any park. Hartley – that is what I am worried about, starting 3 parks and not finish any of them. Mayor – my best hope is to plant grass on any or all of those parks. There will need to be design work. I just put money out to see where we go. I had a proposition to me from people in the north end that they are raising funds, they want it badly. We haven't tied down property for any of them. Joe Burgess hasn't done his. Fiddlers Canyon there could be a trade and Cross Hollows is still in discussion. I want 1.5 million in parks and wherever we can get it going this fall.

Melling – we had the discussion, and maybe premature, I am worried about officer call volume. We are still very high, too many calls per resident and I want to make sure we

continue to have our eye on that. We need to study if it is online reporting or something else, or if it is a personnel aspect. That is not in the budget revision, because there is nothing specific to fund.

Phillips – if we adopt the tentative next week, when do we do the final? Jason – the tentative is to show public what you are intending. The public hearing will be the first week in June and the adoption the following week. We can make adjustments until then. Phillips – I want us to be fully aware of the potential consequences that could happen, I still want a resident manager at Heritage. I know Chief Adams will be here next year for 4-6 officers, same with the fire department, and garbage truck. I am concerned it will be kicked down the road, if we don't have personnel to run it adequately then we have to close it. I don't want this position to get lost. This is a warning that it can't be kicked too far down the road.

CONSIDER REQUEST TO CLOSE 100 WEST FROM CENTER STREET TO SHAKESPEARE LANE ON SATURDAYS FROM 8:00 A.M. TO 2:00 P.M. FOR THE FARMERS MARKET. HEATHER CARTER:

Heather Carter – Festival City Farmers Market. An update what is happening with the Farmers Market. I have been there 12 years; I have not seen every one of you there. Someone told me this is the first time I have been to the farmers market. We did start the first year-round farmers market 12 years ago, rain, wind, snow, we are open for 50 weeks of the year. There is another one in northern Utah trying to do this. Because we go year-round it opens opportunities for people to have a full-time job. When COVID hit we opened more spaces for artisans, hand-crafted, home-grown market, we don't allow resale, only limitations if things can't be grown here. We have 35-40 vendors each week. Through the winter, we had average 25-30 vendors which made us stay outdoors, with exception to one Saturday, everyone was comfortable. Paul – how does it work during a snowstorm? Heather – this is the 5th year in this location, before we were at IFA and moved indoors. We use canopies. We closed early 2 times. If customers don't come, there is no reason for vendors to be there. Paul – if we closed 100 West for you, would you be responsible to remove the snow on snow days, we can't guarantee we get our trucks there. Heather – we would have to think about that. Typically, we haven't had a huge issue with that. We would have to make it work. On average during the slow season, we are averaging about 1600 people walking through, it about doubles in the summer. We have had a lot of growth, we have maxed out our space, we would love to expand. We are requesting the road closed because of the construction that will take place there. We may outgrow the space when time to move back. We are not turning people away, but in the summer we could have up to 50 vendors. We want to close from Center to Shakespeare Lane from 8:00 a.m. to 2:00 p.m., the market is 9:00 a.m. to 1:00 p.m., we would start setting up at 8:00 a.m. Melling – I can't think of a better reason to close a road. Heather – the ideal location for us would be where we closed for Cinco de mayo, that would allow a larger and better event, we have live music every week. I want to put that out there. That would be a more ideal location for a farmers market. Phillips – that is a State Road. The primary reason is because of the construction, and you have been asked to find a new location. So, if the construction is complete and it is viable, would you move back to the space? Heather – absolutely. Phillips – what about the businesses and residents? Heather – it is a wide road; we will leave one lane open. It is just the apartment and Bristlecone. Phillips – what are you doing with

liability insurance? Heather – we are a corporation and we have purchased liability insurance. Paul – we would need a copy of the insurance with the city as an additional insured. Phillips – when will this happen? Heather – I am not sure when the construction will begin, the area is going to be an event location. I would like to start sooner than later. Phillips – do we anticipate any issues with Century Link? Heather – I don't know where they get in the building? We will put a sign up. Paul – have we notified businesses? Steve Nelson is talking with the businesses. the Shakespeare Apartments and Century Link, those are the only two. We will make sure there is a way for them to get in.

Chief Adams – Heather and I have talked, we are not in opposition, we would require them to do like Shakespeare when they close the road, they take care of that. We would ask that they do the same. Phillips – what about emergencies? Chief – we can get around that. Phillips – you may work with Shakespeare; they leave their barricades out during their season. Chief – closing Center may be a discussion in the future, not temporarily, but permanently, there are a lot of activities in that area. Melling – that would be great with small shops and a market. Heather – I will check with the businesses. Paul – they will vote next week. It would be helpful if you talk with the neighbors. Phillips – also a date when it will take place.

CONSIDER A LOCAL CONSENT TO EXPAND THE PATIO AREA FOR IG WINERY. JADEN REARDON/CHIEF ADAMS:

Jaden Reardon, IG Winery – we are hoping to expand our patio area, for temporary use, not all the time, for special events, the width of the area, 30 feet, mostly during the wine festival. Phillips – any improvements, a temporary barricade? Jaden – correct, they will have to enter it, they have to have a line of site. Phillips – the map, is the red area for the State? Jaden – that is what we are going to submit. Phillips – just for larger events and special occasions. Consent.

CONSIDER LOCAL CONSENT FOR TWO SINGLE EVENT ALCOHOL PERMITS FOR POLICY KINGS BREWERY, (1) JUNETEENTH CELEBRATION: LOVE & EQUALITY ON JUNE 19TH; AND (2) BEERFEST ON JULY 16TH, 223 NORTH 100 WEST. POLICY KINGS BREWERY/DARIN ADAMS:

Sara Ridgel, Policy Kings Brewery – we are excited that Juneteenth has been made a holiday, we are celebrating being the only black owned business in Cedar. All ages will be welcome, we are looking for black businesses to participate. We hope to build this and grow it and hope to see everyone there. We can only accept equality and inclusion if everyone attends. The second event is the annual Beerfest. We are excited for both. The Beerfest has doubled in size, the winery is attending this year, we are very excited. There is some kombucha, two places in Salt Lake have just opened, we will have local music and local vendors. Phillips – is Juneteenth on the actual date? Sara – yes, on Father's Day. Phillips – the beer will be in the roped off area. Yes.

Chief – the background is good.

Sara – I am trying to advertise on the lot purchased by the pawn shop, can we advertise for the beer festival? Tyler – City Ordinance doesn't allow off site advertising. Sara – if it is a plaza of businesses, us and the pawn shop, I have spoken to the owner and the owner gives

approval. With a plaza can't we advertise like Mountain Lighting. Tyler – let me look at it. Sara – we are expanding our business, getting all new brewing tanks, tripling the size, new fermenters and will be distributing our beer throughout the State of Utah and outside the city and also put it in some places in Cedar finally and hopefully keep up with the demand. Any beer events you have in the City should come through Policy Kings.

CONSIDER A LOCAL CONSENT ALCOHOL PERMIT FOR CEDAR CITY ELKS FOR A HORSESHOE TOURNAMENT ON JUNE 11TH. CANDACE HOWES/CHIEF

ADAMS: Candace Howes, Cedar Elks – we do two fund raisers a year to raise money for Shop with a Cop. We will try and start at noon and go until 5:00 p.m. and then do a taco bar after. Phillips – you have done well in the past. Candace – it has done well in the past.

Chief Adams – we have never been called there. We give a positive recommendation.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 32 CONCERNING FENCING REQUIREMENTS FOR DOUBLE FRONTED LOTS. GO

CIVIL/DON BOUDREAU: Dallas Buckner, Go Civil – we brought this through for a few projects, the language says a six-foot-high site obscuring fences on lot lines of back yards of double fronted lots where the back yard is bordered by a city street *classified as a major collector, minor arterial or major arterial on the Transportation Master Plan. A six-foot-height sight obscuring fence is not required on double fronted lots located along local or minor collector roads, but the subdivider shall specify on the final plat and address said lots to one road for primary access. Said address shall determine the front property line with the opposite lot line being so designated as the rear property line. In no case shall a rear street property line be so designated on a plat that abuts the front property line of a non-through lot.* It still requires 6' high on roads like Lund, Cross Hollow, large streets. There are some roads in the County that are not major arterials. We will determine what road is the front setback and address accordingly. We are trying to eliminate, you can have through lots, but the end of a block or some other applications with a front setback and rear setback with smaller lots abutting it, the lot cannot block off 1' behind sidewalk, it is the buffer between the through, so you don't have a front yard against a block wall.

Jonathan - showed a through lot with the back yard against two front yards so the back wall as 20" not a 6' wall. A through lot has frontage on two streets. Dallas – through lot and double fronted is the same. Phillips – if we approve this it is city wide. What is South Mountain Drive considered? Jonathan – a minor collector and changes to a major collector. Dallas – when we get past the Valley Subdivision it is 55' and through the estates and the Canyon. The Estates has a topography issue. The intent is to still require a block wall on the major arterials. Phillips – if using the drawing for illustration, would street 2 be the front? Yes. Phillips – you don't run the risk of a back fence on street 2? Dallas – correct, it will be noted and addressed on the final plat. Melling – the result will look better.

Don – it is convoluted, there is a conflict in engineering standards where it requires the 6' fence. The zoning ordinance is designed to create two front yards for consistency up and down the street, it is not just line of site, but the setbacks change, traditional lot a detached garage/accessory building the ordinance pushes it to the rear and side lot lines depending on

the zone. The ordinance is designed to say not just for the fencing, but a traditional subdivision you can't wall it off and have a shed or garage one foot from the front yard. Phillips – if I have lot 2, if I want a fence in my yard, where can I put it. Don – you can't avoid all the conflicts, if you plat the through lots and they are necessary in some places, everything left of lot 1 makes sense. In one case there is a situation lot 2 and 3 where it abuts the traditional lot. Lot 2 will be noted on the plat without a rear yard. Melling – they can with a low fence or a high fence 30 feet back.

Joel Hansen – a few things brought up, frontage is determined by the plat. CC&R's and building properly you can't change that. When we address a final plat, it is specific to the side that is the actual frontage. A few reasons we did this, the plans for the Estates at South Mountain because of the topography, we don't have the ability not to have double fronted lots, some are at the bottom of a 20' drainage or slope, so we have to put a fence on that lot with a 20' ridge. As the ordinance is written there is not any flexibility. South Mountain Drive in the Valley Subdivision, currently being built, it backs a 55' road, in backing up to that road, by ordinance I have the ability to back cars on that road. The road was changed from 66' to 55' and we put another 55' road on the sewer. My commitment was if we changed the road width I would not back any of the lots onto a 55' road even though ordinance allowed me to do that. I ended up paying for 55' of asphalt on one side and 45' of asphalt on the other side. There is another piece that will have a lot of double fronted lots. What we are going to build is a 4' block wall with site obscuring iron on top of it which is more attractive than a 6' block wall. Leaving the ordinance as is you are talking about 5,000 feet of straight cinder block wall. Where it changes to a 66' I am not arguing changing the ordinance for the major collector. I would like to look deeper than something other than 6' block. We are looking at flexibility. I feel we have gone and above beyond by paying for 100' of asphalt. Phillips – but another developer could back onto the road. Joel – if we go to the proposed ordinance a minor collector would not require a fence. Hartley – if we change the ordinance, they typically could back onto the road? Yes. Melling – we discussed that on the transportation master plan in Iron Horse. I am for simplifying not making them more complicated, but I think the product is better. What the ordinance requires is not a good work product. Phillips – I am concerned with other developments, if the requirement is not there and street 1 is the front lot, what prohibits the owners from building all types of fences and shapes? Dallas – from a layout, generally if you are 45' row and 55' on double fronted lots, I don't see developers choosing the busier road to be the front. Melling – we need to find a way to make a carve out or repeal it. Phillips – I don't have a concern with what Joel is doing, I am concerned with a 6' and then a 5' fence and a vinyl and block wall. Joel – the lots are limited; most developers won't try and produce double fronted lots. Phillips – how does staff feel? Jonathan – it eliminates the patchwork of fences in the current ordinance. A developer has to show the fence on construction drawings and bond for it, so it is continuous. It is an esthetic issue. There is a safety issue, it is nice to have a back yard fence, and not worry about kids running in the street. I don't see much of an issue from engineering.

Joel – I don't have a problem with a 66' road, I would like flexibility of not just a 6' block wall. Jonathan – we are trying to eliminate people from backing onto a city street. Joel – the plat addresses that. Hartley – they can have a back gate. Joel – we can fix that with

CC&R's. We now have the ability to back on a 55' road. Phillips – what is 300 West? Jonathan – at least 75', but the issue is the master plan. Dallas – with the proposal, the traffic is off the front yard. If you had backing onto a 55' it would be bringing an RV through. Phillips – the biggest concern is safety and aesthetics. We want a way to guide people's decisions. Jonathan – the CC&R's could require a certain type of fence. Tyler – CC&R's can be amended. Phillips – with the addresses on the final plat, that falls on staff, it doesn't come to council. Jonathan – when it comes to final plat the addresses are on the plat. Don – the addresses are on the final plat. On a 55' road, regardless of the address there is nothing that precludes access from the back, we would be required to grant them access per ordinance. Phillips – do we run like a place by the golf course, it is a double fronted lot, and I don't want a fence. Tyler – those are not double fronted lots. Jonathan – it is a PUD, and it requires a fence.

Mayor opened the public hearing. There were no comments, the hearing closed.

CONSIDER VICINITY PLAN FOR THE POINTE WEST SUBDIVISION PHASES 4 & 5 LOCATED AT 1100 NORTH 3900 WEST. GO CIVIL/DON BOUDREAU: Dallas Buckner, Go Civil – we came through with a vicinity plan for 1-3, this is for phase 4, this is the secondary access off 3900. The developer wanted to get the vicinity plan in, we are platting 80 lots and need a second access. It is zoned R-2-1, all single-family lots. Phillips – is this by 1100 North. Dallas – Equestrian and then Watson has Magnolia Fields, then a raw ground, and Platt's have 2 subdivisions they are working on. Phillips – how many lots in phases 1-3? Dallas – phase one is 80 lots. We are also bringing sewer on 3900. We will need the second access. Phillips – do we need a lift station? Dallas – no, it flows to 3900 West.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 26 ARTICLE 3 REGARDING RIPRAP CHANNELS IN THE RESIDENTIAL ESTATES ZONE. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – there is a requirement in the RE zones. We added: *Roadside borrow ditches may be permitted in areas exceeding a 5% slope by the City Engineer if calculations showing riprap channel stabilization can be achieved and adequate drainage capacity are provided within the Right of Way, to the satisfaction of the City Engineer within the RE Zone. Road slopes exceeding 5% for borrow ditches will require an erosion control plan with construction drawings to the satisfaction of the City Engineer.* This will apply broadly to other RE zones. We are saying if we show the channel is stabilized, and with those slopes there is good capacity. We had an issue with roads where the borrow ditches got silted in, that is because of raw exposed ground, that is why the language was added. Once built out there should be less erosion. Phillips – what is an erosion control plan? Dallas – it is something the city doesn't currently have in ordinance, but it is broadly accepted in other counties and states. It is where you show ground disturbance, you have erosion control measures, silt fences, straw swaddles, etc. we would take the normal grading plan for a subdivision, create a control plan and show silt fences or straw swaddles to trap sediment before it runs into roads. It can include hydro seeding. It is common to put these in to collect the sediment without it getting in the storm drain. We would propose silt fences on the slopes of the borrow ditches, they will collect the sediment, they are black tarp with stakes. We added the alleviate concerns.

Jonathan – it can be engineered to work with rip rap and sizing. The main concern is the maintenance, it is difficult to clean with sediment. This is one attempt to mitigate that to have erosion controls and eliminate silt. It would be good for any project with a rip rap channel to require erosion control. Jeff Hunter, Joel and I went and looked at an area where sediment collected. Dallas – one of the things we discussed is there is not an ordinance, but Joel has CC&Rs, provide it with the construction drawings. The initial construction of the subdivision and the building pads for houses. With the CC&R's you have the ability to enforce on construction and houses. Phillips – the maintenance is a valid concern. The black cloth and stakes are not pleasing. Dallas – it is temporary. Joel – with the storms we had last year and the Estates being the first RE we built, we learned a lot. It is an aesthetic thing. I have found watching it rain it is as hard to get water onto a curb and gutter as it is to drain it through a rip rap channel not appropriately sized. There was twofold that happened, upstream on phase 1 north side we have a temporary cul-de-sac, and it has a big wash, with the massive rain the water ran down the wash across the temporary cul-de-sac. When water gets to a certain speed it picks up the silt. The other problem, the contractor put 4,000 yards of dirt at the top of south Mountain at the crest, it ran to the north and down the wash and across the cul-de-sac. We have removed the dirt and have not seen an issue since. With a new ordinance I am willing to work on it. We like it, it is nice and can be a great thing. The next phase of the Estates will take away that raw dirt. In the future it is something I would look at in the ordinance, look at how it is phased so you don't have raw dirt running into the drainage. The next phase will have larger drainage than is required, I don't want to have the issues. I don't want to create work for Jeff and his team. There was a lot of damage in a lot of subdivisions that have been fixed and cleaned out and the Estates hasn't.

PUBLIC HEARING TO CONSIDER AN ORDINANCE CHANGING THE ZONE AT 464 NORTH 400 WEST FROM MIXED USE (MU) TO DWELLING MULTIPLE UNIT (R-3-M). PLATT & PLATT/TYLER ROMERIL: Bob Platt, Platt & Platt – this is a zone change in accordance with the master plan and had a positive request from Planning Commission. Phillips – the location and all the stuff surrounding it now, I am not sure what mixed use could be successful. Hartley – when we did the general plan, we changed the area backed to R-3.

Mayor opened the public hearing. There were no comments, the hearing closed.

CONSIDER A VICINITY PLAN FOR THE COVE PUD LOCATED AT 901 S. JOE THURSTON WAY. PLATT & PLATT/DON BOUDREAU: Bob Platt, Platt & Platt – this is a vicinity presented at Planning Commission and received a positive recommendation. With the storm water retention, we will design it to come to the street and will not drain north to the Prestwich property. Phillips – there was discussion about the public utility easement being 20' versus 30 feet, what is that? Jonathan – when the street behind the shopping center was originally platted and then it was vacated. When vacated there was a 30' public utility easement reserved, the city has water and sewer lines behind the shopping center. The comment was to make sure the easement on the final plat is what is in the vacating ordinance. Phillips – with the development going in the back is against the street. Jonathan – the city will need access to that easement. With both water and sewer, we need 30 feet. The way the

lay out is there would not be a restriction to access the utilities. We will work with Public Works to make sure access is preserved. Consent.

CONSIDER VICINITY PLAN FOR THE STEPHENS CANYON SUBDIVISION

LOCATED AT 550 EAST 900 NORTH. PLATT & PLATT/DON BOUDREAU: Bob Platt, Platt & Platt – this was presented at Planning Commission with a positive recommendation. It is 7 large lots. There was discussion at Planning Commission about a potential trade, but that is off the table. Paul – the t-box is where they wanted to trade property and the Golf Pro would rather move the cart path and t-box than trade property. The cart path is to the left of the t-box, it would be an improvement to move the cart path. Bob – these folks are good to work with, they thought if it doesn't work it would be fine. The trade is not a big deal. Paul – people hit over the top of the hill all the time. If we traded the top of the hill, there would be people hitting the balls over the private property. Phillips – what happens to the cart path at the top of the hill? Paul – nothing. Melling – how does this play with the other piece that came through last week? Paul – that is the PUD. Melling – is the turn-around the flat area? Jonathan – it is a parking area, it exceeds the city's length for a turn around. Paul – normally we only allow 500 feet between a turn around and a dead-end road. The Hovi Hills portion is the last piece to the turn around so these two exceed that. Phillips – what will we do? Tyler – they are going to ask for a variance at final plat. Phillips – what is the distance from the top of the development to the bottom? Bob – 600 to 800 feet, I am not sure. Jonathan – 1,456 feet all the way to Hovi Hills. Jonathan – we will have to work with the Fire Department on that.

PUBLIC HEARING TO CONSIDER AN ORDINANCE CHANGING THE ZONE IN PODS 3 AND 4 OF THE IRON HORSE RDO IN THE VICINITY OF THE TOP OF IRON HORSE ROAD FROM RESIDENTIAL AGRICULTURAL (RA) TO MIXED USE (MU). 3 PEAK ENG./ TYLER ROMERIL:

Brent Drew, Leavitt Land – this is the top of the hill above Wal-Mart, the flattest property, it will be smaller and larger lots with the possibility of commercial. We are allowed to do 900 units; we are only going to do 450. Phillips – in MU you have to have 30% commercial. This is consistent with what was discussed when it first started. Brent – it will not be townhomes and apartments. Melling – anything that moves traffic away from the south interchange is great.

Mayor opened the public hearing. There were no comments, the hearing closed.

CONSIDER VICINITY PLAN FOR THE HARVEST COVE SUBDIVISION LOCATED IN THE IRON HORSE RDO, NORTHEAST OF THE EAGLE RIDGE SUBDIVISION. LEAVITT LAND/DON BOUDREAU:

Brent Drew, Leavitt Land – Rock Ridge Road in Phase 5 of Saddleback ridge, it will connect and go through the canyon. It will go through the Middleton property for the sewer line. This road will go through the frontage road below through the Middleton property. Phillips – is Harvest Cove Subdivision part of Saddleback? Brent – it is part of the Iron Horse project. Some view lots and the rest are hidden.

CONSIDER VICINITY PLAN FOR THE SADDLEBACK RIDGE SUBDIVISION, PHASES 7-9 LOCATED AT APPROXIMATELY 3000 WEST 1800 SOUTH.

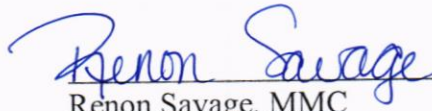
LEAVITT LAND/DON BOUDREAU: Brent Drew, Leavitt Land – Rock Ridge goes into Eagle Ridge loop. This will also connect to the main road on the top. These lots were left off phase 6 because of engineering, the rest of the lots will come off phase 1. Phillips – are you ready to move on this? Brent – we have sold over half of the lots that are developed.

Councilmember Phillips moved to go into RDA work meeting at 7:58 p.m.; second Hartley; vote unanimous.

CLOSED SESSION – PROPERTY NEGOTIATIONS: Councilmember Phillips moved to go into closed session at 8:05 p.m.; second by Councilmember Hartley; roll call vote as follows:

Terri Hartley -	AYE
Craig Isom -	AYE
Tyler Melling -	AYE
Scott Phillips -	AYE
Ronald Riddle -	AYE

ADJOURN: Councilmember Phillips moved to adjourn at 8:30 p.m.; second by Councilmember Melling; vote unanimous.


Renon Savage, MMC
City Recorder