COUNCIL WORK MINUTES
JANUARY 19, 2022

The City Council held a meeting on Wednesday, January 19, 2022, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Councilmembers: Terri Hartley; Craig Isom; W. Tyler Melling; Scott Phillips; Ronald Riddle.

EXCUSED: Mayor Garth O. Green.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Fire Marshal Mike Shurtz; Leisure Services Director Ken Nielson.


Councilmember Phillips moved to appoint Councilmember Isom as Mayor Pro Tem; second by Councilmember Hartley; vote unanimous.

CALL TO ORDER: Councilmember Melling gave the invocation; the pledge was led by Councilmember Phillips.

AGENDA ORDER APPROVAL: Councilmember Phillips moved to approve the agenda order removing item #9 from the agenda; second by Councilmember Melling; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS: STAFF COMMENTS: ■ Phillips – I noticed today on Main Street in the south portion of the Historic District a light that has been hit at the entrance of Ace Hardware, it needs to be fixed. ■ Paul – we are putting together a Council Retreat, looking at a date between February 17-22, please check your calendar and let me know the times and days you are available.

PUBLIC COMMENTS: ■ Cindy Bulloch – I am here to introduce myself as newest staff for Chris Stewart as Southern Utah Director to replace Adam Snow, there are now 2 people. Lareen Cox, the widow of Commissioner Dee Cox will do Washington County and I will do everything south of Richfield, Iron, Kane Beaver, Garfield Counties. The Congressman loves this area and wants a presence here. They have ordered me a phone and I will get that information to you at a later date, my email will be cindy.bulloch@mail.house.gov, but I don’t have this yet. ■ Carter Wilkey, Iron County Board of Realtors, I served on the Board
of Directors, I have been appointed over Government Affairs. I will be the liaison between the city and the Board of Realtors. If you want the Boards input let me know.

**CONSIDER VICINITY PLAN FOR THE GREENS LAKE PUD LOCATED AT APPROXIMATELY 615 WEST GREENS LAKE DRIVE. PLATT & PLATT/DON BOUDREAU:** Mike Platt, Platt & Platt – this is a 10-unit PUD on the east of Greens Lake Drive. The zone is R-2, two single family unit homes. Phillips – it meets the new PUD standards? Mike – yes, and the entire east side will be open space with extra parking. We could have got 2 more units, but we wanted to give the people that live there more space. Phillips – on the perimeter wall, the height of the earth is almost to the top. Mike – the owner will have to put a retaining wall on his side of the property.

Jonathan – typically we have required individual lots for each side of the twin home, this one has one with a 45 square foot minimum, it does meet the ordinance. Consent

**CONSIDER APPROVING THE FINAL PLAT FOR OLD SORREL RANCH SUBDIVISION PHASE 4. WATSON ENG./TYLER ROMERIL:** Tim Watson, Watson Engineering – items 2 and 3 are phase 4 and 5 of Old Sorrel Ranch, this was pulled off the agenda two weeks ago. We are still working on the estimate. Tyler – we are waiting on the letter of credit; we have everything else. The Developer is aware we need everything before we record. Tim – he may start before the subdivision is recorded. Phillips – on Phase 4, the Westview Drive dedication, what is happening there and how do we approve it without the road improvements being decided. Tim – it is a future dedication, not current improvements. You want to know how the improvements will be improved. Jonathan – part of the project they will have to improve their frontage along Westview Drive, that will come with construction improvements. We are in the process of acquiring right-of-way. We do have the alignment and they will follow that, there should not be any issues. Phillips – if our improvements come after the fact, does it cause any heartburn to make the improvements when the phase is in? Tim – we are following the future alignment; the intersection is already in place. We will continue that through on the lots, the rest of the frontage will be open space and development will not happen before the rest of the alignment is dedicated. Consent.

**CONSIDER APPROVING THE FINAL PLAT FOR OLD SORREL RANCH SUBDIVISION PHASE 5. WATSON ENG./TYLER ROMERIL:** Tim Watson, Watson Engineering – phase 5 of the same development. We have enough for maybe one more future phase to connect phase 4 and 5, but we are nearing the end of the development on the Westview side. Phillips - This is east of phase 4? Yes. Tyler – same with this phase, everything but the bond and bond agreement. Consent.

**CONSIDER APPROVING THE FINAL PLAT FOR FIDDLERS COVE PUD. PLATT & PLATT/TYLER ROMERIL:** Mike Platt, Platt & Platt – we have met all construction matters. This is the final process. Tyler – I will request this go on action. I received a title report, that is it. We are helping the developer because some of the holdup has fallen on city staff. They will get me a check in the next few days. Hartley – is this under the old or new ordinance? Mike – the new ordinance. There is a sidewalk all the way around, and the
driveways are the new requirement. This has gone through multiple revisions to make sure it met the new requirements. Phillips – the improvements will be made on Fiddlers Canyon Dr? Mike – yes. Action.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE GENERAL LAND USE PLAN FROM BUSINESS AND LIGHT MANUFACTURING TO HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT 2100 NORTH CLARK PARKWAY. GO CIVIL ENG./TYLER ROMERIL: Dallas Buckner, Go Civil – the next 3 items are tied together. It is the general plan amendment; zone change and development agreement. Originally, we asked for a R-3-M and were denied. We met with council members on a development agreement. Our general plan is from medium density to high density. The zone change is from R-2-1 to R-3-M and a development agreement restricting the density to 11 units per acre from 24. Restricting the buildings to two stories high. Original we talked about the concepts; with the geography it is a challenge. The last part of the development agreement is to not have residential structures including detached garages in the approach zone. Phillips – it is the chicken before the egg. Is it ok to tie them all together? Yes. Will you talk us through where the man cave, street and houses will go. Dallas - The Man Cave is the long triangle; we have the runway approach zone about 60 feet off the property line. We are proposing to treat the approach zone as a front building setback and then a side or rear setback with a town home or ¾-plex and a single loaded road, only for the private PUD. The width of the parcel and restrictions of the Airport approach zone this is the only thing we can do. We would have a private PUD road that enters off Clark Parkway, runs 30-feet wide with a sidewalk and 22’ deep driveway and a townhome with the area left to fit the units in. Phillips – where is the green space? Dallas – from fire turn around we can’t do a cul-de-sac, so we have hammer heads that tie together every 500 feet. We will have a park space left over that we cannot put units or a road in. We also have detention basin in the property. Phillips – what is the total feet in the hatched area? Dallas – 135-140 feet wide. If we go after this like a city subdivision R-2-1 we would need a 45’ road and 9,000 square foot lots and with the depth you have a wide lot without much of a footprint. Phillips – has the Fire Department signed off with the turn around every 500 feet? I have talked with Mike Shurtz about it, the PUD is a city ordinance with a gate and knox box. I have done a lot of projects in the past with the turn-around every 500 feet. We don’t do this on the city streets but can on a private road. Phillips – this is an awkward piece, and I see the dilemma and I like the client is willing to do a development agreement. We want to improve this area as much as we can. Let’s error on more green space. Melling – 11 units an acre, medium density in an RDO allows up to 12 units per acre, so we are still under the medium density. Hartley – the homes will face the rear of the Man Cave? Dallas – yes, but we will have to have a site obscuring fence and a 10-foot landscape strip.

Mayor Pro Tem Isom opened the public hearing.

Eric Kjellgren – I am a current owner and resident of a home in the Gemini Meadows neighborhood. I retired from 20-years active duty with the Navy and am now here as a student at SUU’s Aviation Program. I am here tonight to recommend to the City Council that you deny the request for a zone change of property from from R-2 to R-3. First a history for our new members. This zone change was initially requested back in 2021. On June 15th
the Zoning Commission recommended a denial of this zone change. Then, on July 14, 2021 the city council agreed with this recommendation and officially denied the request. Now, here we are again. On December 7th, the Zoning Commission again recommended denial of this zone change. I believe that every owner has a right to develop their property, but only when done smartly. This property is a strangely shaped parcel that abuts the approach corridor of the Cedar City Airport. It does not make sense to “shoehorn” a piece of high-density residential property in between the already established R-2 neighborhood of Gemini Meadows and the newly approved I&M zone. Given the high volume of air traffic at Cedar City Airport, most of it student pilots, it is risky to place even more highly populated housing area that close to the approach corridor. Yes, there is a housing shortage in Cedar City, but there is plenty of better suited property that can be developed for this purpose. Everything we are doing to make this work is an unnatural act. To summarize, I thank you for your service to the community and strongly recommend denial of this zone change request.

There were no other comments. The hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE CHANGING THE ZONE FROM RESIDENTIAL TWO UNIT (R-2-2) TO RESIDENTIAL MULTIPLE UNIT (R-3-M) FOR PROPERTY LOCATED AT 2100 NORTH CLARK PARKWAY. GO CIVIL ENG./TYLER ROMERIL: Mayor Pro Tem Isom opened the public hearing. There were no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER A RESOLUTION ENTERING A DEVELOPMENT AGREEMENT WITH DEANNE TIPPETTS FOR THE DEVELOPMENT OF 6.25 ACRES OF PROPERTY LOCATED AT 2100 NORTH CLARK PARKWAY. GO CIVIL ENG./TYLER ROMERIL: Dallas Buckner, Go Civil – we worked with the client and Tyler on this. The stipulations are to develop within R-3-M, capping the density to 11 units per acre, restricting the height to two story on residential areas and restrict residential structures outside the approach zone. No detached garages in the approach zone.

Melling – if we could have this on the action agenda before the general plan and zoning amendment and make sure the zone and general plan revert to what they should be if it is not developed. Tyler – how long? Melling – 10 years.

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

PUBLIC HEARING TO CONSIDER AN ORDINANCE CHANGING THE ZONE FROM RESIDENTIAL MULTIPLE UNIT (R-3-M) TO STUDENT HOUSING DISTRICT (SHD) FOR PROPERTY LOCATED AT 127 NORTH & 129 NORTH 400 WEST, PLATT & PLATT/TYLER ROMERIL: Mike Platt, Platt & Platt – we are requesting a zone change from R-3-M to SHD, not a general plan change.

Phillips – was public notice sent out on this issue? Tyler – I didn’t research this; Don may be able to tell you. Don Boudreau – I don’t remember every specific, but with protocol we
check the 300-foot radius. Phillips – I am surprised they didn’t come to one of the meetings. Melling – most are investment properties in looking at the County website. Phillips – I know people on 500 that I am surprised are not here. Don – I will check. Laura Henderson – I was notified, it was listed at 356. Mike – that is a different zone change. Phillips – this is on the north side of the University. Tyler – staff will ensure that the notices went out before Planning Commission. The notices before this meeting went out, but that is on the State website, city website and social media. Phillips – can people speak next week? Tyler – if the mayor allows that. Melling – I don’t think it will be a big project there.

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

CONSIDER A REQUEST TO GRANT A VARIANCE REGARDING CITY ENGINEERING STANDARD 3.2.4 WHICH REQUIRES A SECOND IMPROVED ACCESS WHEN A DEVELOPMENT EXCEEDS 80 DWELLING UNITS FOR 78 ACRES OF PROPERTY LOCATED EAST OF THE CANYON GATE SUBDIVISION. MICHAEL CARTER/DAVE SMITH/MEB ANDERSON/TYLER ROMERIL: This item was pulled from the agenda.

LIFE SAFETY INSPECTION VAULT (LIV) IMPLEMENTATION. MIKE SHURTZ: Mike Shurtz, Fire Marshal – this is one of the activities we engage in, conduct annual inspections on commercial properties, and verify compliance or noncompliance of life safety equipment, fire extinguishers, etc. As the community has grown, we find it hard to keep up with the existing, we are keeping up with the new. We have been looking at a tool to help with this. The last few years we have seen the inversion of 3rd party contractors that do the leg work, collect the data, organize, and help to compliance notices. We want to enter into an agreement with Life Safety Vault to do this for us and help us be more compliant. Phillips – do they do the inspections or just look at the past due clients. Phillips – we will still be responsible for inspection of any new places? Correct. Also, this is, fire systems, alarms, the code requires after installed we go back annually or semiannually that a certified contractor has done the testing. We don’t conduct testing on fire sprinkler systems. This tool helps us with that verification. Riddle – you are talking existing buildings that need to comply with life safety. Shurtz – it will include both. Riddle – tell me about existing, you have the power to walk into an existing building and say you are not fire safety compliant? Mike – we do, we can conduct inspections on life safety systems. Riddle – I need to research what an existing building may have to have if someone comes to me and says the Fire Department tells me this. Shurtz – it is commercial buildings with fire systems or alarms. Paul – can you get the council a list of what life safety systems. Shurtz – occupancy is a factor if the building is sprinkled or alarmed, but not reoccurring inspections. Riddle – if you have a building that has been existing for 40 years and add on to it that is when the changes are made? Mike – it depends on the changes made and the use of occupancy. We are specifically talking tonight it is constructed in our jurisdiction and contains fire sprinkler and alarms, those systems are required by code to be inspected annually or every 6 months and that is to occur every year and the fire department is to verify that is being done and with the growth, we are behind on that verification. The result of that is many systems in the community go uninspected and then they don’t comply. We want to close that loop. Riddle –
commercial is two different ways, commercial and industrial. Mike – I can provide you more information. It depends if it was under the international building code or international residential code. The IRC, residential code is excluded from those IBC and IFC requirements. Melling – looking at the contract and information, on the city’s standpoint the service comes at no cost to the city, but there is a fee that inspectors pay, is it a requirement that the inspectors use this system, and if we have the manpower to do this, what additional burden are we placing on the businesses? Mike – LIV charges a nominal fee and part of the agreement is that we come to an exclusive agreement, anyone that conducts the 3rd party systems must upload through LIV. Currently we have never charged for any inspections, certificate of occupancy or annual inspections, we could tack an administrative fee, but we struck that. There is a fee passed along to the end user, it is very small, as far as direct comparison I have not done that. Melling – I understand if there are 5 services that do this, do we know of any other services at a similar end user fee and if so, should there be an RFP to make sure we are covered, or are we confident since we are mandating businesses pay. Mike – I would have to refer to Mr. Romeril on the RFP, there are two players in the State, we talked to both and preferred the system LIV provides. Melling – what was the fee of the other provider? Mike – similar, but they charged different fees for different inspections. We liked the flat fee.

Cole Harding with LVI – Philips – do you do inspections or collect data? No, we are a web-based service. With the adopted Fire Code with the State of Utah, the companies are required to send to the fire departments, and they are sent paper, email, and departments are not aware of major deficiencies. This allows them to get information real time. Phillips – how will you know the reporting and tracking is correct? Cole – we build it for you, and it will grow over time we can tell you compliance on different systems and the Fire Department can be more efficient in being proactive. Phillips – do we need to buy a program? Cole – no, it is all web based. Melling – things change over time; do we have backups if something happens to your system? Cole – it is secured and backed up on 4 servers through the nation. We build the data base; it collects contact information also. A lot of value in the data provided. Phillips – is the data changing all the time? Cole – yes, the companies doing the inspection update this all the time. We are more cost friendly; we only charge for one system even if they have different systems. We are local to Utah and Idaho. Phillips – who within your department will be responsible for tracking the information? Mike – me and the newly promoted Fire Marshal. You asked how the data base is initially built, we use business license data and information we have already created. We have a good start, but we are not catching everything. Phillips – any estimate on how many buildings? Mike – during ISO we identified about 1,000 buildings we are tracking. We utilize our crews to do the inspections, but our crews have been too busy to keep up.

Mike – within our scope of work we identified the following systems or components that we would track with this, they include fire alarm systems, fire sprinklers, the National Fire Codes require a 5-year inspection on sprinklers, stand pipe system, fire pumps, commercial hood suppression in commercial kitchens and restaurants, commercial hood cleaning, fire extinguishers, dry chemicals suppression, and clean agent systems which are all alternatives to water based fire suppression systems. We excluded elevators and emergency generators
and private fire hydrants other things that we think we can still handle. The nice thing about this agreement is we can add or subtract items if it doesn’t work for us.

Tyler – it is a 1-year agreement with 3 five-year renewals, and we can terminate with a 90-day notice without cause. It does not require City Council approval, if you elect to keep it on the agenda you can, if you don’t want the city can move forward. Action.

REVIEW PRELIMINARY FINDINGS OF THE STORM DRAIN MASTER PLAN STUDY. SUNRISE ENGINEERING/JONATHAN STATHIS: Christian Bennett and Nate Valentine for Sunrise Engineering – the goal is to review preliminary findings. A quick background, Cedar City has experienced storm events and based on recent events sparked need for storm water master plan update. We reviewed the existing ordinance and standards and provide recommendations. We provided a presentation to Planning Commission. We have worked with Go Civil Engineering and found areas that are deficient to create a storm water model. We created 3 different models, those are I-15 and SUU area, Fiddlers Canyon area and Cody Drive. From research, I-15 SUU area, water flows from SE area to the NW and collects at Center Street overpass at I-15, the goal is to make it is adequately conveyed and adequate capacity to take the water under I-15. Our recommendation is to increase capacity and ensure capacity to pass under I-15. We provided improvement for the water to flow. Currently along the apartments there is a box culvert and punches under the overpass. We recommend running a parallel line on the same side of I-15 and allow adequate drainage for the parking lot and make it a concrete channel, so it does not bottleneck. Nate Valentine – the size is a 48-inch culvert and the 50-inch, one thing is the design is different than the City standards, we went with a conservative approach. City standards are 24 hours, and we see more intense storms in this are so this is a 3 hour and adds additional capacity. Nakken – is it in addition to what is already there. Rich Wilson – do you have size you are contemplating going under the underpass? The property on the north side, a little concrete is not sufficient, if it is not a pipe removal and stays in the ditch it is unacceptable to those of us that have property. Nate – it is a high level; we have not gotten into the specifics, but we know the flows as well as what will be seen in the ditch. Recommendations are based on the numbers we saw. A 100-year storm event is what we like to design for. Each will work with a 3-hour storm.

Christian – Cody Drive, two main roads, Cody Drive and Cross Hollow Road. Historically we have seen high volume on Cody Drive on both sides. Provide curb, gutter and sidewalk and put the water into a channel through pipe and go to the detention basin and trickle flow out to go north. It will capture water and put it in the detention and put a drain across Cody Drive also. This is a good size hill on the east side. Put a ditch along the east side to catch water and run it to the north. Recommend increase capacity on Cross Hollow Road to meet the needs of a 100-year storm and a 3-hour storm.

Fiddlers Canyon – there is development occurring in the area that provides a unique challenge. The water not in the wash runs down Fiddlers Canyon Road and can flood the Sunbow area. We want to take advantage of the slopes and route them into the Nichols Canyon wash. Capture the water that runs west and route it north. Also help with peak flows
on Fiddlers Canyon and debris flow put in a detention basin and increase the capacity at the outfall. Overall, the goal is to route the water north to the Nichols Canyon wash.

Rich Wilson – I have property on the west side of I-15 and have been flooded. I am not hearing all the new properties coming online that have been approved by Planning Commission and City Council all the way up on the southeast side of Cedar City are filling up the drainage to the east and it is combine with the water coming off Leigh Hill that the flooding channels in place are significantly inadequate to carry the water. It was correct, the bottle neck on the west side of the freeway is the overpass and the issue is larger than saying we have to put in a larger pipe to compliment the pipe in place. We need to address the water coming under the overpass to the existing properties to the north. The channel cannot hold the water now defined; the property north of the overpass was flooded. The channel is not designed to have a concrete channel there, we need a large pipe to move the water down to Highway 56. To allow any modification or repairs of the existing conduit without addressing the water on the other side of the overpass is a serious neglect and slightly irresponsible on behalf of the community. We are talking about bringing water under the freeway to the west side. There is drainage coming on the east side of the freeway and combining with the west side and causing significant pond, 6-8 feet of water at the overpass and property owners on the west side are filled with water. I would hope the City Council and representatives discussing the drainage issues would come before us with specific amounts of water take off, the size of piping to get it off and what we will do with it as it pushes to the north.

Ben Lamoreaux, LM Civil and Lamoreaux Associates – I have been involved with the flooding from this summer, I have done site inspections, calculations and analysis as well. In terms of the crossing, I think it is improper to use a broad brush and say 100-year storm is adequate in all areas. It should be evaluated on the size of the drainage, the speediness and the risk of catastrophic damage if it is not designed appropriately. All the studies, I have done dozens, and blockage is not considered. We pulled the manhole and the box culvert in transition was plugged with rock, not completely. The one by Cody Drive, the flows the grate plugged with debris and sent the water north. I would recommend that Sunrise and Go Civil and the City and myself look at site inspections together so I can show what may sway their design criteria. I don’t think we should size large drainages to a 100-year storm. The duration and rain fall 3-4 inches fell in 1.5 hours in that neighborhood. That is confirmed by the analysis, depths, and photographs of the flows. The flow that happened this past summer ran between a 500- and 1,000-year storm. The flows below the “C that goes to Cody Drive was sized for 500-year storms, the detention ponds slow it down and the large structures are intended to not plug when we have a lot of debris. Those flows have been channelized to Cody Drive. We had large flows down I-15, I shoveled behind homes, and they had water coming through back yards, it was conveyed down UDOT right of way. Some water came across and then it flooded all the apartments in the area, most flows came from UDOT right of way through the fences and into the apartments. It is important to understand what is happening. There is a drainage that comes across the drainage was blowing manholes off the 4x6 box culverts. I don’t think 100-year storm is adequate, it will create a pond. I would like the team to look at photos and see the cars flowing and there was 4-5 feet of water, those need to be addressed. The other problem, the parking lots for the apartments drain through a unique system that I would recommend against, into the 4x6 culvert with a pinch valve, it is a
bladder so water cannot flow back into the parking lots. When the box culvert is full it pinches shut and does not allow flow. I recommend not put the drainage from the apartment parking lots and one from the south. The flow line is the same, anything you put in, whatever is in the box culvert can go back. The flow could be deepened to carry the flows, but you are introducing, you break it to allow it back into the parking lots. At the location, rocks, wood, debris that plugs the area need to be evaluated to see if a common occurrence takes place. When there is a flash flood debris comes ahead of it. I have looked at the catastrophic flood and the plugs. The developer put a block wall that forced the water into the UDOT right of way.

Cody Drive there are a number of things to consider, I completed a flood study of my own and analysis for the stake center. I am a consulting engineer, I hauled sandbags and provided manpower, and this is my church building, I live in this neighborhood. I applaud this detention basis, that is what is needed. I believe the 48” is undersized, it is sized for a 100-year storm and failure of the drainage system could cause damage to businesses and homes. I recommend another channel to carry flood flows to intersect with the channel to Quichapa. I looked at the top of the hill to Cody Drive. There is a basin to the south and goes toward the water tank the sheet flows feed the main channel from the top of the C through the drainages to where the new Maverik and goes to Wal-Mart and daylights in the channel. There is an 8x10 rep culvert, it goes into a 48” culvert and then to to 54” culvert, I would recommend upsizing that. The 2x10 needs to go the drainage pit. There was a grate put across this, if you look at a UDOT crossing, I have never seen a grate on them because they plug, that is what happened, the debris plugged this one. 50-60% of the flow went in front of the stake center. That with the flow from the canyon aimed to the stake center and the flow coming down Cody Drive did the same. There are 4 flows arriving at the stake center. We modeled that and came at 1.7 foot over the back of the sidewalk and filling the back parking lot and filling homes. I applaud the City for improvements along Cody Drive so far. We have talked about his, there needs to be work with private property owners. I think putting a drainage facility underground, it is always better, but the inlets plug, open channels don’t plug. My recommendation that a channel, concrete better than try and pipe it all, you have so many changes in direction that will plug. The channel will have more rock than a culvert. The detention basin can be a debris basin that can be cleaned. The canyon to the south is not piped, it picks up debris. I recommend a channel through the debris basin put in. There is more I can cover with the firms working on it and I would recommend they contact me. There needs to be more site inspection in the field. The design criteria through Cedar City and Iron County not just for a 100-year storm, a large area into a large drain look at potential to upsize to 500- or 1000-year storm. I would also recommend, Chris Carter from my office is here, look at a potential debris basin from the mining area above Rusty’s and stop some of the flows in Coal Creek. Whoever is hired I suggest contact us. Phillips – one question, the I-15 corridor, what is your recommendation north of the crossing that is currently the open ditch, concrete ditch versus piping. Ben – when we have a flood and high flood rates people can get swept away in those. The culvert, box culvert or underground would not have that risk. My recommendation in this area a concrete channel with oversized capability. We can only afford a certain size drainage, what can be done, if a flow occurs all the time you put in an open box culvert and riprap up the slopes, so it is not catastrophic event. We will have the same problem, the culvert is rip rapped, that is good, we could potentially flood across the
intersection and back into the same channel to the north. Concrete box culvert and maybe not underground. There are also economics, we can only afford what we can. I recommend the same in other areas. I did a basin study about 25 years ago and gave that recommendation. Instead of having the water spread north of 56 by the wells, the new channel cut by the county removed all of that. I drove most of the channel, we were within inches of catastrophic damage to a lot of homes, it flooded large areas west of us.

Isom – this is a preliminary study.

Phil Schmidt, Schmidt Construction – I agree with Ben, there is a definite block under the overpass, whatever you do, he is right about the parking lots. The parking lots won’t drain when full. I like the open ditch. Right now, there is already a 4-foot culvert under the parking lot and 4’ under the freeway. There is no inlet on that pipe, it used to be an open ditch and would drain across. They put the pipe in, there is no way the water can go anywhere, there is not an inlet. There used to be an open box, it comes off Leigh Hill and runs along the freeway. The line goes all the way down 600 and 800 south, you can have a 100- year, 500-year storm is different places in the same day. You don’t have the capacity to take it, it was blowing the manhole lids off. I am hoping you come up with something else to relive the pressure and run it somewhere else. You are running from 800 South and Main Street all the way over, it is too much. Look at something to alleviate the pressure on this line. There is a squash pipe by the trailer park that goes over and multiplies the water damage. I am hoping you come up with a solution to handle this situation at Center and release pressure all the way up to 800.

Cody Drive – you need to get the grate off and make the box culvert all the way through. Recently the pipes have been put in and it is a large amount of money and 3 times to fix it. What is going to be the city’s position to fix it, it is a lot of money, $10 to $20 million.

Fiddlers – they got flooded, nobody does anything about Frank, he did not do anything to prevent the flood. It is not fixed. We can’t change the roads, the water will go down Fiddlers Canyon Road, it needs to be finished curb and gutter. It is a problem and abuse on Frank Nichols part. There is nothing to stop this, it sheet flowed perfectly down both roads. If the City is going to have ditches you have to keep them cleaned out. The top of the storm drainpipe was 3 inches under the bottom of ditch, 3-feet filled in, nowhere for the water to go. The water would bubble up and drain off, that is what flooded. The water went in the catch basin but there was nowhere for it to go. I hope you fix the Fiddlers area; it needs to be addressed and I would hope the City does something to fix that. I don’t know why Frank was allowed to do that and a 40” pipe all jacked up that will not take water. Someone needs to fix this; it is a problem, and it is the only reason Fiddlers got flooded. That water should go into the basin in the 40” pipe. Fix that and the curb and gutter and it will help it. Part of my beef with the city, finish the road and lien the property, it has been a mess for years. How to drain the basin has not been addressed. I haven’t seen anything underground anywhere to drain the basin accept a surface ditch. I hope the city does not take responsibility for that until it is fixed. We hear about it, when are we going to do it. I hope we don’t say we have the study and don’t do anything. It is the same with the Providence Intersection.
Isom – this is a work in progress, it is preliminary. We have had very good comments.

Nate – I appreciate the comments. We do have people that live here in Cedar, we were digging out basements, we are aware. As far as the improvements, in large parts we agree with almost everything. We have two culverts, and a concrete ditch.

Dave Nakken – I am an apartment owner. If you put something on the other side, the culvert has to be fixed, the pinched valves don’t work and further down they are open. That culvert has to have significant repairs in addition to what you are proposing.

Nate – we have gone around the horn on this a lot. I would like to go in depth with each of you and we have addressed them. We can go to a 500-year storm, I love 500-year storm, but it will cost twice as much.

Phillips – I have seen 3 floods on I-15 it is about every 15 years. Nate – I think the proposal will triple the flows. The current will handle 190 cfs and it will go bigger. We have looked into a lot of those issues, and we are willing to walk it and we have looked at pictures.

Melling – in the future, if we have to increase the fees the residents pay people need to be in support.

Isom – we understand and feel what you went through.

Dave Westwood – I want to say thank you. A lot of people don’t feel safe in their homes. By the grace of God nobody died in that storm. We are grateful we have people like Ben helping prevent other flooding. Anything you can do to help us feel safe, we appreciate it.

Isom – we will not rest until we have it figured out, there is much to be done.

Rich Wilson – on thing not addressed is the amount of erosion of my property behind my units. If we don’t address, time is of the essence, I will lose buildings because the City has not addressed the maintenance or upgrades of the channel on the other side of the overpass.

Phillips – what are the next steps? Jonathan – Sunrise provided cost estimates on the projects, the total came in at $15 million. Melling – do we have a ballpark, we will have to increase storm drain fees, do we know what they are? Paul – no, we don’t have a storm drain fee for you tonight. We have $4 million in COVID money to go toward storm drain, we will start with I-15 and Cody Drive. We will be back in the next 30-60 days to increase storm drain fees. Phillips – can we help with the impact on Cross Hollow Road to put in appropriate piping. Paul – part of the study is an overall storm drain master plan, and it is related to storm drain infrastructure and what we require in future developments to increase the capacity of storm drain systems. We cannot pass on costs of the existing system. Melling – can we look at policies to retain more of that onsite? Jonathan – yes, they have requested changes to City ordinance and engineering standards. Phillips – all of us know the American Rescue Plan money can be used for this, we will leave the priority up to the experts. Melling
-- I echo that, even if it is digging a ditch and a hole in the ground before the next storm season. I would like to see us look at what we can do.

Isom – I want to tell the Westwood’s we are glad the two girls are ok. We know people are attached to all of this.

**CONSIDER AN ORDINANCE AMENDING CHAPTER 32 SECTION 6 OF THE CITY’S ORDINANCES REGARDING THE MINOR LOT SUBDIVISION APPROVAL PROCESS. DON BOUDREAU:** Jonathan – this is a change in the subdivisions regarding minor lot subdivisions, 10 lots or less. The current ordinance requires minor lots in residential zone to have improvements completed. Larger parcels broken out does not make sense to have street frontage improved, they are being broken out to be sold or developed. This change is to allow minor lot subdivisions under certain conditions and not require frontage improvements as part of that process. The situations are if the lots more than 200 feet in width or the size of the parcel is more than 1 acre. We are seeing a lot of those, and we feel it is a cleanup for this ordinance.

Melling – I agree, for the city to maintain for those frontages is much. Jonathan – if they pull a building permit, they will have to improve the frontage, when the subdivide or pull a building permit they would need to put in the improvements. Phillips – they should put them in if they are pulling in a building permit. Jonathan – these are being done without pulling a building permit.

**CONSIDER A FUNDING AGREEMENT WITH THE NRCS FOR THE COAL CREEK STREAMBANK AND SHORELINE PROTECTION PROJECT AS PART OF THE EMERGENCY WATERSHED PROTECTION (EWP) PROGRAM. JONATHAN STATHIS:** Jonathan Stathis – during monsoons we saw quite a bit of erosion along Coal Creek and moved the rip rap and storm protection and those areas need to be reconstructed. We talked to NRCS and they are willing to provide funding to put that back. There are areas along Highway 14 and the City trails and we could lose infrastructure. Paul – we are talking going east up the canyon where the rock ended up at the Woodbury split.

Melling – a lot is in kind. Jonathan – I got costs and we will be able to cover the $140,000 with in-kind, I called a local material supplier and got a cost on rip rap. Isom – because it moved, is there a way to cement it in place? Jonathan – we talked about grouting it, it gets more expensive. I talked with Phil Schmidt, if we don’t do fabric, we can key the rock in the bank tighter. We will look at options with the costs. Consent.

**CONSIDER CONTRACT AMOUNTS WITH ENGINEERING FIRMS FOR THE DESIGN OF CITY CAPITAL PROJECTS. JONATHAN STATHIS:** Jonathan Stathis – back in December I brought a proposal for engineering pool. We have a backlog of projects and with staffing and all the projects we have not got these done. The firms were selected, and we are assigning projects. This is just a portion of the projects. I hope to have the rest of the projects at the next work meeting. I will work with the City attorney to make sure we have contracts in place. Phillips – we have the money? Jonathan – yes, they are all in budget. They all seem like reasonable fees. They are usually 5-10% of the project, they seem reasonable. The one with the surge project more has to go through the division of Drinking
Water, we will probably be over budget on that one. Phillips – the intersection, what are we doing? Jonathan – part of that is gravel. Phillips – the widening project on Lund Highway and intersection on Lund Highway, why are they separate? Jonathan – we will probably put those in the same bid package.

**COMMITTEE APPOINTMENTS. MAYOR GREEN:** The appointments are for Councilman Riddle to be placed on the Trails Commission, Cross Hollow Event Center, RAP Tax Parks & Recreation, Cedar Disability Awareness Team and the Parks & Recreation Advisory Boards. Consent.

**CLOSED SESSION – PROPERTY NEGOTIATIONS:** Councilmember Phillips moved to go into closed session at 7:43 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 7:57 p.m.; second by Councilmember Hartley; vote unanimous.

[Signature]
Renon Savage, MMC
Cedar City Recorder