

COUNCIL MINUTES
FEBRUARY 20, 2019

The City Council held a meeting on Wednesday, February 20, 2019, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson-Edwards; Councilmembers: Ron Adams; Paul Cozzens; Terri Hartley; Craig Isom; Scott Phillips.

STAFF PRESENT: City Manager Paul Bittmenn; City Engineer Kit Wareham; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Darin Adams; Fire Marshal Mike Shurtz.

OTHERS PRESENT: Alexis Palmer, Mark Yahnw, Dave Thomas, Paul Ashdown, Marian Ashdown, Kennan Imlay, Derek Morton, Evan Miller, Tom Jett, Randy Cosby, Daniel Cosby, Tyler Barber, Terri Kenney

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

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Phillips – with the pending storm that I think is coming, thanks to our Street Department and all that keep the roads clear. Also ask that people will keep the thoroughfare open for pedestrians. Also, I know we have a beautiful new billboard in town, I really hope we can look at the city so we don't have a lot of billboards on Main Street and 200 North. I urge us to go with caution on billboards in the inner city. ■Isom – the Mayor gave the State of the City Address at the Chamber and did a marvelous job. Mayor – the Chamber recorded it. Thank you. ■Paul – last week when we talked about Aime Avenue, there was discussion on the dirt road. I talked with Larry Olds and he uses both streets. I don't know if we want to close them. Phillips – if they are both used, we shouldn't close them, but maybe look at road improvements. Paul – it would be improved with development. Phillips – then we should keep an eye on it, it is a muddy mess.

PUBLIC COMMENTS: ■Dave Thomas of the Boulevard – I want to echo what Scott Phillips said about the billboard, it does block our sign, that sign is almost on the street and we were told we had to be off the street. Second, thank you, we have been here almost 4 years. We have done very well the past 4 years; this community and surrounding communities have supported our store. Our goals we set have been exceeded by leaps and bounds and we appreciate your support in our store and all you do in the community. Coming up next month on March 20th at 2:00 p.m. we will have a big event, a rebranding event. We have been with the same logo and they believe we need to make a change with a fresher look. We will invite the community to come and be part of this as a re-grand opening of our store. We will be using social media and newspaper for

advertising. We want to invite you to come and thank you from our store. I had a heart attack shortly after opening the store, but my health is good, and we are doing well. Phillips – the sign and marquees will change? Dave - Yes. We look a lot like the Airport. The look will be very different. ■ Tom Jett – Aimee Avenue, there are a few bluffs, we can put signs up in the middle of Aimee Avenue where it hits the dirt and the Olds family can still navigate to their home. This can also be done on College Way to minimize the drive. Also, we need to remind contractors and individuals don't block the streets with your snow, and also, they are putting the snow in front of the fire hydrant, remind people not to do that.

CONSIDER A SINGLE EVENT ALCOHOL PERMIT FOR SUU/SUMA.

JESSICA FARLING/CHIEF ADAMS: Jessica Farling – the 25th annual Art Auction will be moving from Rusty's Ranch House to be at the Art Museum on Friday March 22nd, so we have to rework the aspects of the event. We have gone through the approval process for SUU and working on the application for DABC. Chief Adams – we have gone through Jessica's background and can give a positive recommendation. Mayor – one different thing is we have been able to do before, they must have this into the DABC by Friday, do you have a problem to retroactively approve next week. The Council was ok with that. Consent.

CONSIDER A CORRECTION TO THE AMENDED LEASE AGREEMENT WITH PHIL SCHMIDT. PHIL SCHMIDT/PAUL BITTMENN:

Paul – Cedar City leased Mr. Schmidt's company the right to mine out of a pit we own by Airport Road. We did an amendment to use a pit Phil uses and we put tons vs cubic yards and we want to correct so they are all the same as cubic yards. Cozzens – he has repaired the bank that sluffed off and we are putting water in it now. Consent.

PUBLIC HEARING TO CONSIDER ENTERING A LAND LEASE WITH INSITE TOWERS DEVELOPMENT FOR A COMMUNICATION TOWER NEAR THE VETERANS BASEBALL PARK. TYLER ROMERIL/MARK YAHNE:

Tyler – about 3 or 4 months we entered into other agreements by the Water Tank south of Town and the Fiddlers Canyon Water Tank. They have wanted to put a tower in the downtown area, this meets our ordinance and the terms are the same.

Mark Yahne, Insight Tower – we have looked at several locations, Kit helped us with this location, it is between the trail and the river, not in the grass or parking areas. We meet the requirements of 100 feet from residential property. It is a good location to us, we have a power pole close and we have talked with TDS about getting fiber to us and it will serve the downtown area well. It has been difficult to find property in Cedar City downtown. It will be a good location.

Hartley – have the other towers been built? Mark – no, they are in marketing. This one already has a tenant in place and would construct in the summer. Hartley – does the agreement, it can go 4 years without extensions, can we ex it if they don't use it? Tyler – they give the City \$10,000 for two years and after the second extension if the tower is not put in it ends. Mark – if someone else wants a tower it would be a cell phone company,

we use with all 4, AT&T, Verizon, Sprint, and T-Mobile. Phillips – have the esthetics of the pine trees got better? Mark – yes, much better. Cozzens – how tall? Mark - I think 96 feet for FAA. Phillips – any problem with the trail during construction? Mark – no, but we will replace part of the trail and make it thicker and wider so trucks can go over that.

Mayor Wilson-Edwards opened the public hearing. There were no comments. The hearing closed.

PUBLIC HEARING TO CONSIDER ABANDONING A WATERLINE EASEMENT AT 1600 SOUTH NEAR THE VA CEMETERY. TYLER ROMERIL:

Tyler – this corresponds with the next item also. When we are swapping property with Quantum on putting in a road. The property the City owns that Quantum would be taking has an easement that has never been used. It was for a waterline to a tank, and that is no longer needed. Paul – the easement goes through the triangle property and we don't use it.

Mayor Wilson-Edwards opened the public hearing. There were no comments. The hearing closed.

CONSIDER A PROPERTY TRADE AND AGREEMENT WITH QUANTUM PARTNERS, LLC. QUANTUM PARTNERS/PAUL BITTMENN:

Paul – the VA parcel, the road to construction will go through Quantum's property and then we have a right of way further up. To get Quantum to participate they want to swap property. They own some and we own some, they want to develop the vacant parcel between the DI and Home Depot. The Quantum property appraised less than the City property. The agreement says the impact reimbursements would be waived up to the difference and we get the road where we want it. Hartley – when you say impact fee reimbursement? Paul – a portion of the road width is available for reimbursement through impact fees. Phillips – they are amenable with the contract? Paul – we have gone back and forth and they are amenable with what we have now.

As far as development of the road and utilities we will have to come back for a budget adjustment next month. There is a water line going up the road that will come from a high-pressure water line and it will serve our property and the VA property. There are also a few storm drain and inlet boxes that will be put in to an underground storm drain. Kit – the high-pressure water line is on Home Depot property in an easement. Home Depot will allow us into the easement to tap into the water line to get pressure for the VA Cemetery. Paul – we will still be positive in the budget. Phillips – we will be doing the road in the spring? Yes.

PUBLIC HEARING TO CONSIDER ADDING A MASTER PLANNED SEWER LINE ON 200 SOUTH FROM 4200 WEST TO 5300 WEST. KIT WAREHAM:

Kit – We have a lift station at Cedar Meadows that someday we will abandon. We want a master planned sewer line from that station to the west and tie into a master planned sewer line. Joe Burgess owns that, and he will include that in his property. So, we are

adding that to our master planned sewer line. Phillips – what is the length? Kit – a little over a mile.

Mayor Wilson-Edwards opened the public hearing. There were no comments. The hearing closed.

PUBLIC HEARING TO CONSIDER USING EMINENT DOMAIN TO OBTAIN AN EASEMENT ON PROPERTY LOCATED AT 4500 W. 1225 N. AND 4500 W. 1300 N. FOR THE INSTALLING AND MAINTAINING OF A SEWER LINE.

TYLER ROMERIL/TREVOR MCDONALD: Tyler – in May of 2017 Trevor started the process of trying to get property owners to agree to allow us to run a sewer line. Slowly over time Trevor made process with some of the property owners. In 2018 we held public hearings for the Slack property for eminent domain. The Ashdown did not understand, or they wanted to back out so we had 2 property owners not on board. We are under contract with 6 of the 8 property owners. We have not reached an agreement with Slacks or Ashdowns. We got appraisals, 6 of the 8 agreed to the appraisal, they were all very similar depending on the easement. It is a subsurface easement which is the most un-intrusive easement that exists. If the sewer line went across Slack and Ashdown property it would be 8-10 feet deep, they can plant crops, drive, etc., they can do anything but build a house. We reached out to Slacks and we had no contact with them. We reached out to Ashdowns and they came with a counter offer and the council rejected it in closed session. We hope to still reach an agreement, but in order to get it moving we decided to do eminent domain to get just compensation for the easement. It would be about 1/16 of an acre, the appraisal was about \$500 for each property. Procedurally that is where we are.

Phillips – where would the sewer line go through? It was shown on the map. Isom – is everyone aware of the costs, is that public record? Tyler – the option Trevor put forth is what we are trying to do which is \$3.6 million and would save the City \$81,000 a year because of eliminating pump stations. Slacks and Ashdowns would like us to go around their property, it would cost \$4.5 million and increase of \$900,000 to add that section and we would have to add a pump station and the savings would drop in half to \$42,000 a year. Third is starting lower and going straight up, Trevor looked at and it would cost \$4.9 million, plus an increase of \$1.2 to \$1.3 million and annual savings with that would be \$62,000 a year. Trevor worked out other options, but it ran to a pump station on Airport road and that is to capacity and those costs were \$900,000 plus and it doesn't solve the problem of growth. Phillips – the increase is because the additional geographic layout? Kit – yes and an additional pumphouse. Tyler – when pump houses go down with power or other reasons there is more risk for sewer backups. Kit – it is equivalent to 2.5 pump house reductions; the Cedar Meadows would be half the capacity it is pumping now. Tyler – what is the grade? Kit – about 2.5% which is very minimal. Tyler – that is another design issue going a different route. Phillips – when the lines are installed what is the chance of having to dig down and repair? Kit – it is minimal. Our sewer department has a comprehensive maintenance plan to not get plugged and they continue to flow. There are manholes every 500 feet to have access to inspect and clean.

Hartley – have they expressed reasons why they don't want it there? Tyler – they don't want it through their property.

Mayor Wilson-Edwards opened the public hearing.

Paul Ashdown – when will the sewer for Joe Burgess come into effect? Kit – a long way down the road? Paul - how many years? Kit – probably 15 years. Paul – the pump station, when will you abandon? Kit – not until the master planned sewer line that goes across Burgess property. Paul – so that is another 15 years? Kit – at least. Burgesses will also have to put another pump station in for their property. Paul – we know Joe wants to put a subdivision in, you will abandon one and he will put one in. so come down and go all the way, and his pump station will take care of the one abandoning. The pump station Joe is putting in will take care of the problem. If Joe does this next year versus 15 years. Our problem is good faith negotiations, you said \$500 which was ridiculous, and we came back with a ridiculous one as well. We understand you will go across our property no matter what. We feel you would not give us another offer. Phillips – with this being down 8 feet how does it negatively impact your property? Paul – I don't know that it will, but if Joe Burgess must put one in it will take care of the problem. It won't impact our property at all. You come with a \$500 offer and we came with another offer and you rejected without coming back with another offer that we might agree with. Hartley – in our discussion the other property owners agreed to the appraised values and we have to be consistent and fair across the board.

Kennan Imlay – who is going to be responsible when a trench settles? Paul – the City. Kennan – where they tear up the ground and we can't get anything to grow will the City be liable? Tyler – we have agreed with other property owners we will cover that cost. Kennan – what if it never comes back? We have never had that problem. Isom – we find it unlikely. Kennan – can you guarantee it? Tyler – I lived 18 years growing up on a farm and never had something that wouldn't grow.

Karen Marchant – the pipe under the ground is not a problem, but the manhole and access to that is what we don't want on our property. Karen – that is not my understanding. The pipe underneath, but a manhole every 500 feet is a problem. Tyler – the plan is to put it as close to the property line as possible. Hartley – can't we have notice provisions. Paul – yes, but if there is an emergency, we will go in. if there is an emergency it is raw sewage and land owns want it fixed. Adams – we would have a contract for replacement if we do go in for emergency we would reimburse. Tyler – some are having us put specific dates to be on their property and we are trying to make it as easy as possible.

Tom Jett – I'm not sure that this has ever happened that I can recall in Cedar City and I never thought I would see the day it would happen, but it is the cost of growth for our community and we are all beneficiaries having children and grandchildren. I won't get into monetary, but if we are offering the same for the other 6 that is a reasonable offer. I have seen a lot of sewer lines in the community and it enhances the value of the property. Water lines, sewer lines increase value of property. It probably won't always be a farm

down the road. I don't know the families well, but I know the names and they have made positive things in the community.

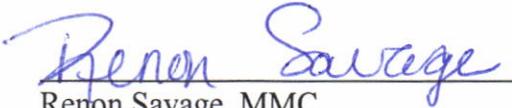
Phillips – I think it is the intent to continue dialog, but we need to be fair to all property owners. I encourage to have an open dialog and find a way to reach an agreement.

There were no other comments. The hearing closed.

REVIEW COOPERATIVE AGREEMENT WITH UDOT FOR THE RECONSTRUCTION OF THE UDOT PAINT SHOP BRIDGE. KIT WAREHAM:

Kit – UDOT and the City, there is a bridge accessing their property, it has some major deterioration of the slab on the bridge and it is highly used by UDOT and the City. We have a continuous gravel pit in the channel, and we save a lot of money accessing that gravel, we obtain it with no cost. This also accesses UDOT paint shop, the bridge has been closed a few years. We worked out an agreement with UDOT to replace the deck. Each part is around \$20,000. The bridge is in good condition, it is Steele beams and the foundation is in good shape.

ADJOURN: Councilmember Isom moved to adjourn at 6:30 p.m.; second by Councilmember Hartley; vote unanimous.


Renon Savage, MMC
City Recorder