COUNCIL WORK MINUTES
APRIL 20, 2022

The City Council held a meeting on Wednesday, April 20, 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; Craig Isom; W. Tyler Melling; Ronald Riddle.

EXCUSED: Councilmember Scott Phillips.

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; Fire Chief Mike Phillips; Airport Manager Nick Holt.

OTHERS PRESENT: Ann Clark, Laura Henderson, Michael Radebaugh, Alysha Lundgren, Wendy Green, Tom Jett, Carter Wilkey, Dave Clarke.

CALL TO ORDER: Pastor Michael Radebaugh of Mt. View Baptist Church gave the invocation; the pledge was led by Councilmember Riddle.

AGENDA ORDER APPROVAL: Councilmember Isom moved to approve the agenda order tabling items 9 & 10; second by Councilmember Hartley; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS: STAFF COMMENTS: ■Ken Neilson, Leisure Services Director – I want to make you aware of a program. We have partnered with SUU and the STEM Center to provide an outdoor classroom setting along the Coal Creek Trail to study rocks and geological aspects of our backyard. They were funded money to provide the classrooms, they have done 6 settings from West Canyon to the bridge where they look at formations, they have a sign with a QR code that presents questions and information of what they are looking at. The school provides backpacks, etc. for the students. Those walking the trail can also scan the QR code and read the information, they just don’t get the swag. This will be on the social media sites, we are working with Gabbie to put that information out.

PUBLIC COMMENTS: ■Ann Clark – after last week and the presentation I spent a long time thinking about it. I am a regular citizen that does not know the laws and ordinances but have come to meetings since January. A few months ago, I listened about the master plan, he said people don’t want the city to change, and I thought you would do it anyway. Was there anyone that is just a regular citizen on the committee or were they all power players. Everyone has an agenda including citizens. Mindy Benson said we are going to save a few selected things and change the downtown about getting rid of some roads and parking, and I am thinking where will people park, if you do that it will kill the downtown. It will change the look and character. She showed a picture of a tall building with a little shack between it and said we don’t want that, but we already have that. On 300 West that is a huge wall. I want to rage when I drive by that, people have to look up to see the sky to see the sun, they
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can't look out their front door. Mindy said they will start small, so people don't realize it. I think you have good intentions, but the downtown and city will be destroyed. The zoning favors the businesses and investors and I think it is stinky. Then someone got up and said Cedar City citizens don't want high density housing but they want single family so you cram small homes into the neighborhood. Two to one of the zone changes is going to high density. 50% is owner occupied and that is why the prices go up. I looked to see what the rentals are, there are so many for rent and the rent for studio is $500, everything else is $1,500 to $1,900. The middle income is not helped. My daughter in law, her coworker has to leave because their rent went up $600 a month in one year. The rent goes up, it doesn't help the middle when you let zoning laws help the investor. The Leavitt's on the hill do not have to lower their prices if they don't sell them because they will rent them as nightly rentals. I was so sad last week. I looked at the water. I have heard so many say we need to slow building or we will have to be on water rations, and they will just keep doing it. The jail petition came, people don't want that, they want a Target. Then the schools, we don't consider the impact, busing, overcrowded, the quality of education. I have been really concerned about it. If you want people to feel Cedar City is changing, then you need to look at what you are doing and planning. ■ Tom Jett – the previous vilifies investors and the people involved. It is ok to be investors and be involved. People don't come up with solutions to correct the problem, it isn't to stop creating opportunities or stop building housing, the solution is to be involved and create. That is probably the most important part. I saw the committee meet 8-10 weeks taking time away from work, we need more of it. We can't beat this away; we need a solution to come together. ■ Jackson Johnson, I recently moved to Cedar City, there is an intersection 600 South 100 West a two stop sign intersection, people will go around on the right to get past those turning left. I lived in a town before where they put in roundabouts. Melling – I agree, I think a roundabout is the best option. Jackson - one other thing is the City should look at a dog park, it is a great way to meet people. Hartley – there is one in Enoch. We have talked about it a lot. Jackson – with gas prices that is too far.

CONSIDER AN AIRPORT LAND LEASE TO HOFFMAN FAMILY TRUST. NICK HOLT: Nick Holt, Airport Manager – we would like to enter a land lease in the area with 60 x 60 hangars. It will be a standard lease for 20 years at the rate of $0.30 per square foot. At the end of the 20 years, they have five 5-year options to renew at the current rate at that time. Nick – they want to do 70 foot wide and 60 feet deep, there is a little extra real estate on that site. I need to check with the Engineers and Airport Planning Consultants to make sure it doesn’t interfere. If it is allowed this lot will be a little larger than usual. Isom – construction goes through the same process? Jonathan – yes, it will go through Engineering and Building. Paul – it won’t come to the City Council, only through the building permit process.

Riddle – are there any leases out there that have been there more than 30 years? Nick – no. Riddle – do people renew? Nick – there is a reversion clause where it can be reverted back to the City. Paul – not just the land reverts, but also the hangar. Hartley – that is a good question, it is something to be resolved. When people put money into the hangar, and it comes to the end of the 45 years they want to know what they can do. Nick – we find that at the end of 20 years they usually sale and it creates a new lease. Mayor – that seems to be
fairly common. I have a friend in Spanish Fork that wants to build a ten-million-dollar facility but can’t get funding because the value goes down.

CONSIDER A CONTRACT WITH AVIATION ENGINEERS AS THE AIRPORT ENGINEERING CONSULTANTS. NICK HOLT: Nick Holt, Airport Manager – every 5 years we renew the Engineering contract. We sent out a Request for Qualifications (RFQ), we have 4 request a packet and only one submitted. They have been with the City over 10 years and the selection committee gave recommendation to continue. There is not a fee associated with the contract, the fee comes with each project that is proposed to be built. Anything over $100,000 we are required federally to go out. Riddle – what do you have them do? Nick – any federal projects when we go after grants, those are the projects they design and oversee construction management. Riddle – any improvement to do with the Airport. Mayor – if there is a project to be done, they submit a bid. Does that approved or can we go out? Nick – we can go to selection for each project. This speeds things up as long as the fees are equitable. Mayor – we are only approving that they are qualified. Nick – if anyone wants to see the list, I can provide the RFQ that shows projects over the next 5 years. Riddle – you have it, but we have not seen it? Nick – yes, it was only to those that requested it. Riddle – I would like to see that. Nick – I will send that out to you.

CONSIDER CONTRACT AMOUNTS WITH ENGINEERING FIRMS FOR THE DESIGN OF CITY CAPITAL PROJECTS. JONATHAN STATHIS: Jonathan – the council approved an engineering pool in December, we are still working through the backlog of projects. Two are before you tonight.

Cemetery Expansion and Cemetery Irrigation & Roads that is to design the expansion and the irrigation and the renovation of an older area. the areas were in the packet. The west end encompasses the expansion. The area to be renovated is Plat B in the southeast corner. Paul – the map on the blue green shows lines, that is all dirt, no grass or roads. Hartley – will there be roads back there to the parking area? Jonathan – we are showing roads to the existing parking area for Bicentennial fields. There is an irrigation ditch that it will have to be crossed. I need to see if that is included in the scope. It would include the roads in the area to be expanded.

Ken – we looked at this heavily, the sexton said we are under 1,200 plots available. The columbarium has 30 niches available. The expansion includes another section for the columbarium. This is done in phases; we don’t have to close a section down. The master plan is to show it all, the irrigation, roads and then we will go phase by phase with all it entails. We will make some of the narrow streets one way, some roads will be two-way. Riddle – in the southeast corner you are talking about renovating what? Ken – irrigation and maybe some trees. We don’t want to take all the trees out at one time. Hartley – how many plots do we sell a year? Ken – last year it was several hundred. The last two years we have increased the sales. When we got low, the sexton brought it to our attention. Melling – you sent an email and in 4 months you sold 87 plots. Ken – it continues to increase. This is planned expansion, we need availability. The older section has plots sold that have not been used. Carter Wilkey – how many do we gain? Ken – around 1200 and the columbarium gets about 600 niches.
Jonathan - the second one is some settlement in the Cedar Canyon Water Tank, this will be geotechnical work and estimates.

**CONSIDER THE INSTALLATION OF A 4-WAY STOP AT THE INTERSECTION OF 1100 WEST/600 SOUTH. JONATHAN STATHIS/DARIN ADAMS:** Jonathan – we have been concerned about this area for quite some time. Engineering Department did a 4-way stop warrant; it does warrant. It only stops north and south. There have also been complaints in the Cedar High area. There have been several accidents over the past years. we have had discussions with the Police Chief also.

Chief Adams – we have been working with Jonathan and his staff. We did a study at 800 South as well and the study did not warrant that. We are happy to see this did warrant a 4-way. It was mentioned a roundabout, we are not opposed to that either. The majority of accidents are people going north to south. We also see people coming west to east and people go around those turning and that is not allowed, it is a 2 lane road.

Melling – a few concerns, people run stop signs. I understand that it is warranted, but I think it will need to be watched closely. With the bridge and traffic patterns and the width of 600 south, if we don’t see the results then we need to do a roundabout to calm that. I think that would be the safest option. I don’t know what traffic will look like with a 4-way stop. Adams – most back up is going west to east, it is different than a stop light. It could back to the bridge, but I don’t think it will go to Sage. Melling – it is a good fix for now and we will keep watching. Darin – we will do as we have in the past, spend extra time to educate.

Hartley – I worry about the high school students with a roundabout. Adams – we have a lot of Canyon View kids that live in Enoch and navigate the roundabout.

Carter Wilkey – I use this multiple times a day, my only concern has been addressed. The traffic backing up on the bridge and people coming down the road and hit stopped cars. The buses come down Royal Hunte and take Sage and turn right to Cedar High. The buses will be backed up as well. That could be interesting. Melling – do we have any data on 600 South 300 West, it would be similar. Carter – the volume turns left on 1100 West. Jonathan – I will check to see if we have recent data. Melling – we don’t need to do a new study, but if it is comparable it helps.

Wendy Green – I was thinking where the traffic goes left, maybe you need a turning lane. Mayor – that works with a light, but not a stop sign. Melling – maybe it is used more because there is not a stop sign.

**CONSIDER BIDS FOR THE EMERGENCY STORM DRAIN PROJECTS – CENTER STREET CONCRETE INLET AND OUTLET STRUCTURES. JONATHAN STATHIS:** Jonathan – we have talked about these quite a bit. We brought bids to you a few weeks ago to bore under the Center Street overpass. We received the pipes on Monday. We are working with Precision to get an exact date to start work.
This involves the construction of concrete inlet and outlet structures, large boxes to accept the pipe that ties in. We don’t have the bids yet but will present those to you at the action meeting. Mayor – will it include the piping to the boxes. Jonathan – not pipe in or out of the boxes, it will include the current pipe. Mayor – you will have to tear some out. This builds the collection boxes on both sides, then we need to engineer how the water gets to the box. Jonathan – there is an existing box culvert, it will be pulled away from the overpass. That box will be removed and moved back to make room for the structure to be constructed. On the north side there is an existing 48” storm drain pipe along the east side of the parking lot and it will be tied into the box. The long-term plan is to run another 60” pipe parallel to that pipe. Until that is done UDOT will allow us to run drainage to the north in their right-of-way. That is the plan for the summer. We are also working to get the exact size tied down and then we can order it. It will probably be round ADS pipe. Mayor – two pipes and an existing box through a 48” culvert, we have more supply than ways to exit it. Melling – can we excavate it first? Jonathan – no, there will be k-rails along that parking lot. Jonathan – the 48” pipe is not adequate, that is why we plan to do the second pipe. Mayor – I don’t know how you build a basin without knowing what is going in. Jonathan – the outlets will be in. Mayor – the engineering is done on the basins. Jonathan – the engineering is not done to run the pipe north and south. Mayor- if the engineering is done the pipe could be done and installed also. Jonathan – we are pushing hard to get that done.

**CONSIDER BIDS FOR THE EMERGENCY STORM DRAIN PROJECTS – CODY DRIVE DRAINAGE IMPROVEMENTS. JONATHAN STATHIS:** Jonathan – we know the issues we had. Trench drain at the mouth of the canyon to collect the water. There is a 15” pipe on the north side and it is not adequate. We were looking to remove and replace. It has changed, running a second pipe down the south side to get to the trench drain before the church parking lot and daylight at the south side of Cody and go to Cross Hollow Road. The berm on the south side was removed, they said they will put that back in when they are done with their trenching. We will likely need to do some temporary reinforcement with sandbags or k-rails on the north side of Cody. The long term is to build a detention basin to the south or take it to the large detention on Cross Hollow. Until that is done, we need some temporary reinforcement. There is more engineering that needs to be done on the detention basin. The property owner to the south has not been willing to work with us yet. Mayor – we have the ability to put utilities along the hill if needed? Jonathan – we own the property for a green belt, but we would have to cross the property to get to the basin. Mayor – it would help to have a culvert. Jonathan – the trench drains will move the water to the south side which will help a lot. The other thing is getting permission to an open channel to the detention basin to be able to remove the grate. That will take a lot of pressure off Cody Drive.

This involves the construction of drainage improvements on Cody Drive. We don’t have the bids yet but will present those to you at the action meeting.

**CONSIDER A SINGLE EVENT ALCOHOL PERMIT FOR A BEER GARDEN ON MAY 6, 2022. WAREHOUSE BAR & KITCHEN:** Payten Crawford – it is beer garden season. Chief Adams – we give a positive recommendation. Hartley – this will be at a city event? yes.
CONSIDER A SINGLE EVENT ALCOHOL PERMIT FOR THE 10-YEAR ANNIVERSARY ON JUNE 4, 2022. IG WINERY: Jaden Reardon – this is for the IG Winery. We are not going to need the permit for this date. We are still celebrating in the winery.

We are asking for the Wine Festival, grand dinner on Center Street on Sunday evening. In addition, we will do a few events in the Farmers market area. We are adding another cigar and spirits under the stars. This will be over the Labor Day weekend.

Chief Adams – we have conducted the background and would recommend approval.

Paul – they came with the 10-year anniversary, they pulled it but wanted to continue with the Wine Festival. We will correct the wording on the agenda next week.

Hartley – is it required to be fenced? Jaden – yes it will still need a fence.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CITY’S WATER MASTER PLAN. GO CIVIL/JONATHAN STATHIS: this item has been tabled.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CITY’S STORM DRAIN MASTER PLAN. GO CIVIL/JONATHAN STATHIS: this item has been tabled.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING LOTS 9 AND 10 IN THE COVE CANYON SUBDIVISION LOCATED IN THE VICINITY OF 2222 WEST AND 2228 WEST COVE CANYON CIRCLE. PLATT & PLATT/TYLER ROMERIL: Tyler – they are redrawing a line, one lot gets more frontage, the other lot gets more in the rear. The property owners are both ok with this.

Mayor Green opened the public hearing. There were no comments. The hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE VACATING LOT 2 FROM THE NORTH FIELD APARTMENT SUBDIVISION LOCATED IN THE VICINITY OF 340 WEST 2100 NORTH PLATT & PLATT/TYLER ROMERIL: Tyler – we did something similar in the past for this subdivision. There are empty lots, we are vacating, and they are bringing them back as a separate PUD. Melling – I am curious, it was a top recommendation from Utah Housing Study, looking at a PUD process. I will see if there are any proposals.

Mayor Green opened the public hearing. There were no comments. The hearing closed.

Hartley – you may want to go and look at the other one, I was disappointed with how they did the other one. You may want to go look before the action meeting.
CONSIDER VICINITY PLAN FOR THE TRAILS AT SHURTZ CANYON
LOCATED IN THE VICINITY OF 2901 S. TIPPLE ROAD. PLATT & PLATT/DON BOUDREAU: Jonathan – this has been through Planning Commission, there are 4 phases. City Engineering has reviewed, it meets ordinance. We have talked about master plan roads in the area, Tipple Road and one to the south is master planned. It is also part of a development agreement. The total number of lots allowed are 269, they are showing 246 so they are in the bounds of the agreement.

Hartley – the cleared land, is it just phase 1? Jonathan – no, it is phases 1 & 2. Mayor – are they buying or bringing water? Jonathan – I don’t know for sure. Tyler – I think they are buying.

Dave Clarke – I apologize for being late. Do you have any questions? We are less lots than approved for in the Development agreement. We are doing storm retention and a drainage channel on the east side, it will help the developer to put water and it will help Roger across the street so the water doesn’t cross him. Melling – with amendments to storm drain specs, are they going to be private or public? Dave – it is private, it isn’t 160 acres. Hartley – do you have the right-of-way access to Highway 91? Dave – Tipple Road is a 66’ row, they will give 9 feet to make it 75’ and their frontage is about 100 feet on Old 91, buy putting the road in it helps us and Roger on the double access.

CONSIDER VICINITY PLAN FOR THUNDERBIRD GARDENS PLANNED UNIT DEVELOPMENT LOCATED IN THE VICINITY OF 900 NORTH HOVI HILLS DRIVE. PLATT & PLATT/DON BOUDREAU: Dave Clarke, Platt & Platt – this is a 3-acre parcel, there is a par 3 on #11 on the north side is an existing parcel to the south. These are going to be nice townhomes. I think it is what Jones’ envisioned when they zoned the property R-3. It is the best place on the Golf Course for a development with a par 3. They will still get hit, but they are in an ideal place to minimize that.

Hartley – is there an exception on the turnaround? Dave – for a city cul-de-sac or dead-end road is 500 feet. The frontage is about 600 feet. There is a flat spot at the top of city owned property with an ideal place for a turn around. It goes up to Thunderbird Garden and to the Stephens Canyon Detention Basin. The only connection out is Hovi Hills, there is not a place to tie back into another road. The Fire Department is ok, there is another development coming in the next parcel and they will be in the same boat. We are asking that the Council grant a variance to exceed the length of the road without an outlet. Staff felt we needed to ask. There will be a turn around on the City property.

Tyler – we can’t vote on something not on the agenda, this will come with final plat. Dave – for this to be approved the Council needs to grant that approval. It is hard packed gravel, and they will put more gravel on if needed. Melling – if the goal is to have vehicles turn around, I would think 600 feet and a larger turnaround is better than a hammer head. Jonathan – it is a variance to the engineering standards at final plat. I have talked with Mike Shurtz of the Fire Department, and he is ok. They can also meet the requirements in the development. We feel it meets the requirements.
Tom Jett – are we neutralizing the value of the city property by putting the turnaround there. Will there be a value to sale or utilize? Paul – a turnaround is not intended to be permanent. Dave – yes it would because the Fire Department doesn’t want to go 3 miles to turn around, nor does the snowplow. It is a flat piece of property, and it is on top of a landfill. Paul – the landfill goes into the other property, and they plan to develop that. Dave – we want to be able to put another gravel turnaround until we do the next parcel. This is what the Fire Department wants. It is beyond our control because the road goes to Thunderbird Garden. Jonathan – you are only talking a 50-foot radius, not all the property. Dave – correct, the city can develop it if they want. Mayor – they can also go through the development. Paul – if you don’t want to waive anything, you say incorporate the turnaround in the PUD, 100’ is not a big deal. Melling – I am not sure the elevation, but the map it looks like the flattest part. Paul – it is always good to put the turnaround on someone else’s property.

Dave – Hovi Hillis is a 45’ road and it goes to a 50’ public right of way and utility easement, the next parcel goes to 60’ with the same issues. We will propose an alignment change so we don’t have to scar the mountain so much.

Tom Jett – keep in mind on these projects, I have no objection, but our forefathers as recent as Jerry Sherratt had a lot of thoughts and dreams for Thunderbird Gardens for more than it is today. Keep in mind as we develop the roads that we may lead the charge of developing that opportunity for an amphitheater or something like it.

**ADJOURN:** Councilmember Isom moved to adjourn at 6:50 p.m.; second by Councilmember Hartley; vote unanimous.