COUNCIL MINUTES
JULY 20, 2022

The City Council held a meeting on Wednesday, July 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; Scott Phillips; Ronald Riddle.

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; Leisure Services Director Ken Nielson; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall.


CALL TO ORDER: Father Adrian Komar of Christ the King Catholic Church gave the invocation; the pledge was led by Chief Darin Adams.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS: STAFF COMMENTS: ■Mayor – I want to outline how we are going to handle the work and action meetings. On a work meeting we will allow the public to comment for up to 3 minutes, I won’t have a clock to cut them off, however if I feel it is going nowhere or badly, I may stop that from continuing. However, if anyone on the council wants to allow more time, I will allow that. If they are discussing an item on the agenda, I ask that they hold the comment until that item, and we will allow that in work meeting. In the action meeting a week later, I will allow public comment on an agenda item during the public comments and during the item we will just vote. If anyone on the council would like to speak or ask a question to someone in the audience, you can at that time. We don’t need to drag these meetings on. Phillips – I think that is good, sometimes there is information that we need further information that can be discussed at public comment. ■Phillips – a couple of things, I have been rattling Chief Adams’ chain and I appreciate his response. If there is a nuisance action it allows them to know the city is serious. I have one additional to the list, I had a resident contact me, I think it is about 1500 West near the Ramada Inn, that large property Terry Porter owns, they want to know what he is doing about his weeds and there is a collection of stuff. Paul – there is heavy equipment there that is working on our road, it should be gone soon. ■Mayor – they are doing my road today, and what an amazing crew, the work they get done is staggering. I have been amazed and impressed at how efficient and fast they are. ■Hartley – I wanted to thank Leisure Services, I spent some time at the Lake at the Hills, thank you for the work your people has done, the ramp, shade structure and water, they have made it into a nice place. ■Melling – we had a discussion with the Water District today.
Hartley and I and the Mayor attended the monthly Regional Water Committee and Mr. Bittmenn worked with the Water Conservancy District (District) on projects and one item that has come up is access to water in the Beryl/Esclante Basin where the District has rights in that basin for the water to the mine, it has been using some of the rights from this basin, they are getting the rights where they need to be in the area by the landfill. Part of that there should be a flow of water from that basin to here, we floated the idea of letting developers purchase water from that basin, and in exchange looking at further modification to the policy to bring water instead of cash to the table to help the city with its water rights portfolio with the rising cost of rights. At the end of the day if we are able to get more rights instead of cash it would be better. Phillips – it sounds good. Mayor – we need more discussion, but now is a good day to start, Tyler and I have been talking about that. Isom – how would we get the water? Mayor – pipeline. Melling – the District already has a pipe going in. Mayor – we may be able to access that pipeline. The conveyance of water from that basin or Pine Valley, there is a cost, but it is not a horribly long distance. It is a different aquifer and probably different water. Melling – the goal would primarily be that we continually adjust our Water Acquisition Policy, we are one of the only communities that allow cash instead of water and we continue to see cash instead of water. The tradeoff may be if we open the other basin then the surcharge to developers goes up if we allow them to pay cash, that could be the tradeoff. We want to keep the Home Builders in the loop. I think it would be a win for both parties. Phillips – the administration fee would help offset the cost? Melling – no, the surcharge can only be for the cost of the city acquiring the water. Tyler – it is to make up purchasing the water at an additional price. Melling – as part of the changes in February, we talked about a higher surcharge, but it was not the right time to do it, but if we are opening the other basin, it is the right time. It would put us in line with every other community in the State. Phillips – anything we can do to encourage water instead of cash. Melling – the further we are from purchasing water the better it is. Phillips – what is the next step? Mayor – I have asked for proposals on the WWTP, it may be an opportunity to use that in the west valley. There is the pipeline of the District, they may rent it. It is a changing world, and we are all looking for new sources. We have had the study and we are moving actively on the right to drill and allocate water. We are trying to do all things wise, but not focus on one idea, but many ideas. The first of September is when they are to have the proposals in on the WWTP, the District is pushing us to use their pipeline, we are getting a new proposal on water rights, it is a good time to make adjustments and move forward in the fall and winter and have good discussions and public meetings and make sure everyone is on board. I am planning to put a committee together for the WWTP. Hartley – one thing that can happen right away is working with the Home Builders, I think the earlier we do that the better. Do you want to assign someone to do that while you are gone? Mayor – we may want to know more. I am gone for 16 days, and then it would be a good time to convene a committee. Melling – we just wanted it publically discussed. It brings us in line what we wanted to do a year and a half ago. Phillips – what is the time frame for the District? Melling – a year. It is a 30-year thing for us. We are looking at several thousand-acre feet of water over the years if this passes, it would be more sustainable policy than we have now. This is more gradually and sustainable, politically, cash wise, etc. if we don’t use the District’s waterline, it is enough to justify drilling a new well and running a pipeline, it would be similar to a line from the WWTP. We are about policy wise. Phillips – since it is a regional committee, it would be wise to have someone from the District and the City to do that. Mayor – the Homebuilders, Ag users and community will all be involved. I have been thinking about who
I want on the committee but am not ready to name names yet. When I bring the committee names to the council it will be broad based. ■ Discussion on Eagle Ridge drainage channel – Jonathan – a few months ago there was discussion about the drainage behind Eagle Ridge. The homeowners had Platt & Platt do a study, we reviewed the study, it recommends a 12” pipe to be able to carry the drainage through the development. As you look at the drainage area, the upper area has been developed as part of Iron Horse RDO (Saddleback) so some of the drainage has been cut off. On the east side there is undeveloped land and Iron Horse does not plan to develop so it would be uncontrolled. The east end has an open channel, and they don’t have plans to fill in that channel. There are a few other lots with significant drainage, in the study they recommend any drainage crossing the property line would be directed into the pipe or the channel. The Engineering Standards requires 18” pipe, to meet the standards that is staff recommendation. Some owners have already put in 12” pipe that doesn’t meet standard. Melling – the Platt and Platt study with the 12” plan is it the 100-year 3 hour instead of the 100 year 24-hour? Jonathan – it is the 100 year 24-hour storm. Melling – we want the shorter time period especially when we are conveying water and moving it off site rather than the slow 24-hour storm. We will need to look at that closer. Jonathan – it is the 100-year 1 hour storm. Melling – I would not be comfortable with the 24-hour storm. Most of our systems was the 100-year 3-hour storm. If it shows 12” with the 100-year 1 hour storm I would feel comfortable along with other mitigation stuff. It needs to make sure water crossing the property line get into the pipe. Phillips – 12 or 18 inches, have we talked about how we maintain that, how do we get access? Jonathan – City Standard requires a manhole every 500 feet with access to clean it out. Now it is not a continuous pipe, so there is access, but if it continues, we will need access. Melling – for a 12” pipe is it an opening to get equipment in? Jonathan – it would be a full concrete manhole. Hartley – is it in an easement or back yard? Tyler – an easement. Do we need the easement if it is what the subdivision wants? If they want to fill it in, why don’t we vacate it to the easement to the subdivision or the HOA and they can take care of it on their own. We know we can keep a ditch clean, a lot easier than a 12-inch pipe and if it causes flooding it creates liability. Melling – if that is sufficient, I am ok if we get all property owners on the north edge to release that easement. If someone doesn’t want it, then it is trickier in my book. If this is what the property owners agree, and data says it is sufficient space to convey the water I don’t want to hold them back. Phillips – it may be beneficial, we haven’t seen the report, I would love to hear from the property owners.

Rich Buelte, 2866 Eagle Ridge Loop – I talked to the previous City Engineer and put the 12” smooth pipe to reduce clogging. If we got the study that supported it, we could maintain our 12” culvert. I called yesterday and everyone is willing to work with the city. With the new development behind us we are more comfortable with the water that comes through. Where I live it was a larger drainage. There are 3 of us that filled in the ditch. We are more than willing to put a drain on the south end of each lot to give the city access. The metal inlet and outlet we are willing to comply. Depending on other discussion, we are open. Our Board we will work with it. We have the biggest risk from flooding, and we are open to be compliant. Whatever size access, keeping access to the drain, whatever is needed I am willing to do. Mayor – would you like us to vacate the easement? Rich – I would be happy with that. Phillips – how many property owners are here? Rich – 4, but we can get signatures from every lot. For my risk I am going to keep an eye on it, I am not at the bottom, but I am down the hill. Tyler – if they are open and the City Council is open, and they get the signatures I
will work on getting that done. Eric Natwick 2766 W. Eagle Ridge Loop – the drainage east into my property, I did put the 12” pipe in. my wife Lisa got an email, it stated because of where our property is located, we need to berm so the property would be diverted into the ditch, I have also made a channel to put the water into the ditch. I don’t want to have to take my 12” pipe out and put 18” pipe in and the information said I could get a variance. Since the new standard has been in place less than one year, have you replaced your 12” pipes? Melling – the standard that changed was not the 18” pipe. Jonathan – it was changed. Paul – if we vacate the easement, we have no interest in the pipe size, berm, flood control. Eric – I appreciate that and giving us more time. We are talking about getting 9 neighbors to agree to this, I don’t know if they will all or not, I think there is 5 here tonight. If we have to have all agree to it then one person can hold the entire thing up? What do I do to get a variance, does that cost more money? Melling – the variance is more difficult; it is simpler if everyone signs off. See if you can get everyone to sign off. Eric – I agree that is the easiest, but I don’t know if it will happen, I don’t want to tear out my 12” pipe. We put it in to take advantage of 20x175 foot property to maintain and keep clean of all the tumbleweeds, it was unsightly, I don’t know if the city has ever been through there, I have owned the property since 2014. I didn’t ask the city engineer but did put the pipe in and I put a lot of landscaping in that I don’t want to take out, I already took some out. I thank you for looking into it. We will look into getting the easement situation taken care of, but I don’t know if it will happen, and I don’t like uncertainty. Phillips – we can’t have some pipe and some open ditch and some unattended. Wyett Ihler, 2812 W. Eagle Ridge Loop – thank you Jonathan for putting this together. One recommendation is at the end of every property an open clean out. I am supportive of vacating the easement and we will do our best.

PUBLIC COMMENTS: ■ Ann Clark – thank you for the city cleaning up, the ball field is looking great. Over the last few weeks, I have been concerned leaving council meeting because of the zoning. We have a zoning problem; we enforce for the little people. When Spencer Jones came, he moved to the top of the line and got a zoning change. We are bending our knee, I went and talked with Spencer, and he told me his history and told me he and the Leavitt’s have the money. I told him the new people to Cedar City wanted to save the city. I think it is unfair that we hit the hard line on some zoning and destroy the community. I went to BYU, I lived off campus and I walked to school. We don’t need to tear up the neighborhood, Councilman Phillips is the only one that cared. No one considers the people that are there. If Spencer Jones or Leavitt’s come, they get what they want, why not have it all be changed to residential. Leave the ones that are there, turn the rest residential. They say we need student housing; they can go outward. Take the parking lot by the PE building and put a parking structure so the others can drive into school. You will say we had meetings and people gave their opinion. You let people speak, but it is already decided. How many signatures do I need to get to make a difference, I talk to people and they are unhappy. I think the problem can be solved, leave what is there and put in a parking structure. Hartley – are you suggesting we take away the property rights of those that own the homes? Ann – people that drive in and see it is residential. Hartley – people that own the homes are selling them or changing the zone. Ann – the problem is the zoning at city council. Hartley – it its zoned residential, the property owners want it changed to student housing. Ann – we change the zoning for the developers, but not the people that live there. If you honored the zone and have 35’ height instead of 50’. Hartley – we did look at the adjacent home, it is a student rental. Phillips – the parking structure you speak to is University property, we would love for
them to build a parking garage, but it won’t happen. Ann – as long as the city is willing to go along and fix it for the University, they won’t fix it for themselves. The people are getting squeezed out because of all the apartments, the developers we bend the knee every time and Spencer Jones said that. Melling – next year everyone has a chance to vote for council members and that is better than a position. Ann – I don’t think it matters what comes to the city council. Hartley – maybe you should run for office. Shayla Tait – I am a parent of a student that goes to an elementary school, and I don’t think we have enough school resource officers, the tragic things that happen are happening at the elementary schools. The students are hearing these things, are they seeing enough officers to feel safe. I think we need to increase presence. We are also planning to go to the District, it is both a City and District issue. We need more officers in the school, what does it take to get another one. Mayor – there was a new officer hired assigned to Canyon View High School (CVHS). Chief Adams – we have a 4th School Resource Officer starting a week before school, we will have Officer Patrick McCoy at CMS, Officer Stenson Bergstrom at CVMS, Officer Heather Daynes at CHS and Officer Matt Carpenter at CVHS. We have met with the District, I met with Dave Staheli about a month ago to address some of the concerns we have as an LEA group, Law Enforcement Administrators, then Sheriff Carpenter and I met with two School Board Members, Dave Staheli and Jeff Corry as well as Dr. Hatch to address some of our concerns and one other meeting besides that and then we had a closed meeting with the School Board two weeks ago and we have a laundry list of things that we will be implementing, both short and long term things, some will not cost any money and other things that will cost a little more and will include more of a presence, and will look at volunteers to be present as well as parents. Over the next six months there will be more training and active shooter drills. It is a robust plan and has been supported by the District. Wyatt Ihler – I want to express gratitude that the proceedings are broadcast, both live and for review, I am often not able to attend, it is a resource that I appreciate. I know there are discussion about another camera, I would like to see the screen.

CONSIDER A RESOLUTION APPROVING THE ALLOTMENT OF RAP TAX FUNDS AS RECOMMENDED BY THE ARTS ADVISORY BOARD. JOANNE BRATTAIN/TYLER ROMERIL: Joanne Brattain, Chair of the committee – a summary, our budget $362,333, 100K more than last year. We had requests from 18 groups for $401,825, although there was a gap, it is much smaller than prior years. Of the 18 groups, two were new, Cedar Community Band and the Johnson Center. Hartley – tell us a little about the two new groups. Joanne – the Cedar Community Band, they originated at SUU. Steve Shirts, conductor and interim President of the Community Band. Cedar has had a community off and on for many years, Adam Lambert started this incarnation four years ago and twisted my arm two years ago to take it over and we have applied for our 501c3 and in the last two years we have increased from about 25 members to almost 60 members. Our goal is to let play for free and play free concerts and take baby steps and try to build it. Joanne – the Johnson Center is on 100 West, small facility that rents space to artists and small performances, it fills a small niche, Carrie Trenholm got a grant for glass and Senior Citizens, it is a low cost. We have a large arts community. We cautioned Tyler when he presents this to let people know this year may be an anomaly. Phillips – you did a great job, you run the committee well and represent the arts well. I would caution, we have 2 new organizations, representing 18 organizations that receive 1/3 of the funding. Parks and Recreation has three organizations presented for 2/3rds of the money. It is an imbalance, it is
hard, it would have an effect on recreation, but there are so many fewer organizations. Melling – I echo the sentiments, if we don’t see more diversity for the P&R component, it is great for the City, maybe we need to revision. Tyler – you are not going to see more groups, to qualify for Parks & Rec money is a different formula, REC has to be publically owned. The definitions come from State law. Melling – this is the 3rd year I have been involved. This is the first year we almost made everyone’s request. Phillips – in the arts, 2/3rds comes back to the City for rental of the Heritage, so it is I am giving it to you and I am taking it back. Joanne – the groups would love more allocation. The groups have made an effort to not be dependent on the RAP tax. The Jazz group already arranged for matching funds for what granted. Grants with free admissions ask for donations and almost all groups have gone after other grants. They like the money but are not totally dependent on them. We have seen the groups grow; Children’s Musical Theatre is a great example. Some groups are using the ballet center for rehearsals. Phillips – two organizations are receiving more than requested, can you speak to that. Joanne – what happens, we go through and discuss where the disparity is and then we do an average, that is how it ended. Some members feel groups deserve more than average. Donna Law, a member of the committee – Councilman Phillips, I appreciate your question, how do we move forward before coming a year from now. Phillips – you will have to set down with staff and then come back to council, anything we consider needs to be in the legal parameters. Donna – statute doesn’t say 1/3, 1/3, 1/3. Phillips – no, but City Ordinance does.

**CONSIDER A RESOLUTION APPROVING THE ALLOTMENT OF RAP TAX FUNDS AS RECOMMENDED BY THE PARKS AND RECREATION ADVISORY BOARD. CHAD WESTWOOD/TYLER ROMERIL:** Chad Westwood – can I digress and say thank you for helping with our subdivision the work that has been done to help prevent flooding, from council and staff, I am very grateful to give us security back in our home. Phillips – we will do more. Chad – I know, but what you have done is great.

Chad – Three groups presented, as we made recommendations, Ron wanted to say something. Riddle – I want to change one recommendation, as I have learned and researched the process, the Trap Club asked for money to fix a structure and to purchase or add to equipment they have that can be moved offsite. The structure was $1,800, the other money is to buy a new machine to throw the pigeons. I would suggest we only give them the $1,800, it is a publicly owned facility, and the other money $2,200 go to the Parks and Leisure Services portion. Tyler – I do my best to get as many organizations as possible to qualify, especially on the rec side. This year I had two groups eliminated that didn’t qualify. I let the Trap Club come because the trailer is city property. My recommendation is under the current ordinance, only the $1,800 qualifies. Phillips – did we not approve money for soccer equipment for an outside group? Tyler – yes, some outside groups come in, a Scout Troop came in and requested cans for city property. Rotary does the same. Paul – we have made contracts, one with AYSO and the other Soccer Club, we buy the nets, and they are also for public use. We also had a contract with the Southern Utah Wildlife Association to put in restrooms and helped with the bridge over the Coal Creek Channel and they are open to the public. It is hard to make a Trap Club open to the public. Riddle – it is open the public at times. When we talk about a park, they are always open. Phillips – does the committee agree? Chad – it was a split 2 for and 2 against so if he changes his vote, it is the majority. Tyler – the Board recommendation stands; you can change how you feel about it as a councilmember. Phillips
– they are a recommending body. Melling – we had the same discussion with The Johnson Center, that is why so little was granted. The people voted for the tax to be used in a certain way and we have to follow that. I would be inclined to only do the $1,800 for the city owned trailer. Chad – Rotary money is for them to do the City Park, they will turn it back to the City. Phillips – the $190,000 is to complete phase 1. Riddle – I suggested money in savings, but they wouldn’t do that.

Mayor – Scott, the swamp coolers you planned for the arena are indoor rather than outdoor ones, I have no confidence that they will do what you want them to do. I recommend they be hung on the outside of the building, not the inside.

Scott Christensen – I had these same coolers in Black Hawk in Salina, and they work well because I can move them to where we need them. If we put them on the west side, it would keep people cool, but not livestock and participants. This way I can put one in every corner, we had the barn burner last week, and it was a barn burner. I can operate and move them where I need them. I can roll on the cement or use a bobcat to move them. I am worried about the swamp coolers on the outside, I think it would be a maintenance nightmare. I had those at Blackhawk also and we had a plumber there all the time. I think this is good for what I need them for. Mayor – my recommendation was both sides, the vents on each side, they are evaporative, the idea being they flow air. They have nice big pads, and they have a lot of cfm, the others do not, and you get the same amount. I have sold thousands of swamp coolers and 4 were portable and people were not happy, the more they evaporate the cooler they are. Phillips – are the prices similar? Mayor - $18,000 for 4 and you could be 10 at about $1,000 each. If the cooler is outside and the air blows inside, they are cool. You run water in the summer and drain in the fall, you have to feed the portable with a hose. I would hope you will talk with at HVAC person. I think it would be a better cooling system, 5 or 6 on each side. Scott - we don't have enough power there now, the Livestock Show blows breakers all the time. Mayor – you would have to install them. Phillips – the bigger issue may be to get more power to the building. Mayor – if you hang them from the side, you run a new line to run 10 ⅞ hp motors, a 3hp motor into any outlet will blow the breakers every time.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM GENERAL COMMERCIAL (GC) TO DWELLING MULTIPLE UNIT (R-3-M) FOR PROPERTY LOCATED AT 483 N. 300 W. PLATT & PLATT/TYLER ROMERIL:** Bob Platt, Platt & Platt – this is owned by Elk Meadows Dev. LLC, the zone is GC, proposed is R-3-M in conformance with the General Plan. There have been several projects in this area. They have enhanced the neighborhood. Phillips – how large is the parcel. Bob – a little over a half acre. Melling – you can’t do anything with it as currently zoned. Bob – there is a nice PUD south of here. Phillips – those are apartments next to it.

Mayor Green opened the public hearing. Ann Clark – is this one of those with narrow roads and tall buildings? When will they propose a complex, you should go to the one behind the Holiday Inn. Phillips – oh we have been there; the ordinance was changed because of that. Ann – also the one by the Bowling Alley. Hartley – the other reason the ordinance was changed. Phillips – is it a PUD? Bob – I don’t know, but that’s about all you can do. The hearing closed.
CONSIDER A VARIANCE TO CITY ENGINEERING STANDARDS FOR FRONTAGE IMPROVEMENTS ON 45 NORTH STREET. PLATT & PLATT/JONATHAN STATHIS: Bob Platt, Platt & Platt – this has been talked about for a few years. Jonathan recommended that we come to council and ask for the variance. Larry Olds house is there. The property goes to a point, there is no way the road will go over the hill and meet city standards. The variance is to not require improvements. Melling – will this go through? Jonathan – there has been talk about connecting 30 North. It is not on the master plan. Melling – there were preliminary attempted changes and now there is a sign don’t go here. Jonathan – there was a road cut on top to connect Columbia Way with 30 North, but it was never improved. It is also on private property. Phillips – the upper half of the road is not a problem, but the lower half, if we develop this, people will take the path of least resistant. Melling – for this project there it not much we can do about that. We could do a right turn only coming out. I am not a fan of the slopes. What is the development potential between this and the other road? Phillips – there is a canyon there. Jonathan – there is the ability to develop the property at the bottom by Larry Olds property, it would have to be a cul-de-sac. Bob – in the detention basin? Jonathan – it is just a thought. Melling – but other than that there is not developable property. Jonathan – probably not, could be a little at the top. Phillips – we have been through so many developers on this property, it has been bought and sold. Bob – this is back to the plan that has been approved. Phillips – it doesn’t make much sense to have them develop the road back there. Bob – it would be a great speed run. Phillips – but we need to do the other improvements for those on Aime Avenue.

CONSIDER ACCEPTING THE PETITION TO ANNEX 24.37 ACRES OF PROPERTY LOCATED AT 1860 N. 3100 W. GO CIVIL ENG./TYLER ROMERIL: Arlo Fawson, Go Civil – this adjacent to Sycamore Trails and the city boundary. We went through County Planning Commission, and they had a favorable recommendation to annex to the City. Phillips – where is the peninsula? Arlo – there is county property around it, this does not exasperate the problem. Melling – State law defines a peninsula as an area where the perimeter is greater than four times greater the narrowest point. This is one of our biggest peninsulas. The one the County is sticky on is the property by the Coronado annexation. Because so much is undeveloped, they are not sticky on this, but we need to get their permission. Jonathan – the County voted to move ahead with this.

CONSIDER APPROVING THE FINAL PLAT FOR THE POINTE WEST SUBDIVISION PHASE 1 LOCATED AT 1175 N. LUND HIGHWAY. GO CIVIL ENG./TYLER ROMERIL: Arlo Fawson, Go Civil – the hold up on this was the irrigation channel and the storm drainpipe that was to be in and a master planned trail over that with access out of the subdivision. It is designed to city standards and has a lot of twin home lots and single family lots with a large open area. Melling – this is about ½ mile south of Equestrian. Mayor – you show an entry road, what is next to it, is it commercial? Arlo – I think it is zoned commercial off Lund. Jonathan – it is zoned I&M-1. Tyler – the fees have been paid, we are waiting on the bond, but the developer understands it won’t be recorded until that is in place. Phillips – how many lots, is it 80? Arlo – 49. Melling – some are twin lots and some single family. They have two other outlets that will eventually be completed.
Phillips – is it in the area we are widening Lund? Paul – the other side. Jonathan – they will widen their portion.

CONSIDER A SINGLE EVENT ALCOHOL PERMIT FOR THE CANYON CREEK SERVICES FUNDRAISER ON OCTOBER 4, 2022, 105 N. 100 E. I/G WINERY/CHIEF ADAMS: ReAnne Reimschussel, Canyon Creek Services – this is our largest fundraiser and it is for survivors of sexual assault, the wine will be from the IG Winery. We are asking permission to serve wine at the Heritage Center for this event. Chief Adams – Jaden with IG Winery background is good.

CONSIDER THE REAPPOINTMENT OF JOHN APPEL TO THE AIRPORT BOARD. MAYOR GREEN: Mayor Green – this is for a reappointment.

John Appel – I just completed a term, I have had COVID, last fall, end of October I tested positive, I thought it would be the flu for a week, but 4 months and 4 hospital stays, a tracheotomy, respirator, and incubated, this is what I have. Two doctors brought the family and said put him on comfort care and let him go. A good partner changed doctors and I am still here.

Hartley – he has done a great job.

CONSIDER BIDS FOR THE LUND HIGHWAY WIDENING PROJECT (SMEAD BLVD. TO 1600 NORTH). SHANE JOHNSON: Jonathan Stathis – the next two items go together. We received two bids for the project, Sunroc and Mel Clark, Sunroc is the low bidder for the Lund Highway widening, this is the east side of Lund, this is where the City owns property, the widening is approximately 10-11 feet adding a lane and add a center turn. The bid was $422,982.50.

1600 N. Lund Highway intersection, the city owns the property on the SE corner where it would be improved and curb, gutter and sidewalk will also run down to tie into the fire station. Sunroc was the low bidder at $398,359.

A few issues came up, both projects together it was over budget by $121,000, we proposed transportation impact fees to cover that cost. Phillips – how much over on the intersection? Jonathan – we were under budget on the widening, about $200,000 over on the corner. There is a large irrigation diversion structure and that has to be redone, it is where the roadway is, so it needs to be moved south and east. We were hoping the development going on the other side, but that project has stalled out and is not moving anywhere. Phillips – does the PUE have to be moved. Jonathan – Rocky Mountain Power is moving lines, they are going underground on the west side.

One other issue I found out today, the Airport filed with the FAA for this project, there have been delays, and I don’t know how long, I will get back with the contractor to see if they are ok to hold off until we get the FAA clearance. It is on the proximity of the Airport that we have to file with the FAA. I would like to bring it back next week on action and give an update. I have been working with Nick on this.
CONSIDER BIDS FOR THE 1600 NORTH/LUND HIGHWAY INTERSECTION PROJECT. SHANE JOHNSON: this was discussed with the above item.

CONSIDER BIDS FOR THE KITTY HAWK IMPROVEMENTS PROJECT (LOCATED AT ANIMAL SHELTER). SHANE JOHNSON: Jonathan Stathis – we got bids yesterday and we came in under budget. When the Animal Shelter was built and in conjunction with the UDOT project the curb, gutter and sidewalk did not get finished to the west, that will complete that and give an approach on the west end. We are finishing our project. Perco Rock was low at $29,827, budget was $63,000. They are a local company.

CONSIDER BIDS FOR THE CROSS HOLLOW/OLD SORREL TRAIL PROJECT. CHRISTIAN BENNETT: Jonathan Stathis – this is close to budget; this is the trail from the Arena south to the detention pond. We had alternate bid items, ballads, benches, and trash cans. In talking with Ken, Parks Department can provide these items at a lower cost. The concrete pads would be difficult, and we are proposing to include that. The low bidder is Perco Rock $461,510.10

Ken – we have 3 groups that want to donate benches, Cindy Davidson, Ben was an advocate of the trails. We want the one with the rods that go into the ground. We can handle that through the parks budget.

Consent with the concrete pads. Jonathan – we will do the concrete pads during construction, so we don’t tear the trail up.

CONSIDER QUOTES FOR THE CODY DRIVE STORM DRAIN IMPROVEMENTS PROJECT. JONATHAN STATHIS: Jonathan Stathis – we have done some temporary work, brought culverts across from north to south, built the berm on the south side back up and improvements at the Cross Hollow box culvert so it doesn’t get plugged. We have done work to mitigate flooding. We brought this a few months ago but we didn’t get any bids. We got quotes to get the project moving, we got one from Munford and Southern Utah Paving, Bryce Davis, and he has the blanket contract. The total is $660,000, it is to install the trench drains across Cody Drive similar to Cove Drive, and a pipe taking the drainage to the west. The overall budget, we have quite a few projects going on, with this it leaves us at $2.8 million spent and $1.3 million remaining.

Paul – it includes storm drainpipe? Yes. Paul – how many feet? Jonathan – a little over 500 feet. Paul – 500 feet of pipe and two cross gutters? Jonathan – trench drains. We have one at the top. The road flattens out by the church property, that is where we would put another one in. We will then cut a channel out to Cross Hollow Road. Mayor – why are we not going to the road? Jonathan – it turns the corner into the church parking lot. Melling – is there a way to get it under the street? Jonathan – another option we are looking at is a detention basin, the property owner is in the process of selling the property. The other option is taking the drainage to the Cross Hollow Pond. Mayor – if we are turning to get into the drain, does it not run a risk flooding the church and the homes. Paul – this replaces the undersized storm drainpipe that is already there. It is more on the south side in the road. Jonathan – the portion is undersized on the north side, when we get to the church there is a 30-inch pipe that runs to Cross Hollow Road. Paul – what is the cost? Jonathan - $664,000.
Melling – on the bids they were not bids on this, but estimates on the blanket contract? Jonathan – yes and the quote from Munford. Phillips – the $664,000 does that seem appropriate? Jonathan estimate of projected cost from Sunrise was $644,000, so we are close to the engineer’s estimate. Mayor – that is $1,000 a foot. Paul – $600,000 for 500 feet of pipe is $1,200 a foot. Phillips – the first time we didn’t get any bids. Jonathan – it is expensive, we are going through asphalt and a lot of utilities. Melling – how long are the bids good for? Jonathan – about 2 weeks. Melling – could we reopen this and see if we get anything less, if not go with this. Mayor – are we shopping this? Jonathan – yes. Paul – this is not a bid process, it was making phone calls and asking for an estimate. Jonathan – the blanket contract was a public bid, but the other items were quotes. If we go back out to bid, we probably won’t make this construction season. Melling – if we were to approve this, could we have these folks do it in this construction period? Jonathan – yes, but not the monsoon season. Mayor – either way we will protect next summer. Jonathan – we can put it on the shelf and do it in the spring. Melling – what other mitigation measures have we taken? Jonathan – the berm on the south, culverts across Cody Drive out of the detention basin and k-rails to keep the water behind the berm. Melling – do we have estimates on how much water came from the south? Paul – no. The intake by Silver Silo got plugged and then it was a sheet across the land. Melling – the market was why we didn’t get bids, with the other measures maybe wait till spring. Paul – we put sheer bolts so if it is hit it will open. Mayor – we may need a sign, keep out. Paul – if we see the monsoon come, we will stage a mini ex there. Phillips – if we had to get k-rails it would be cheaper than the $660,000. Melling – what are the feelings about waiting on this? Paul – we may have k-rails available, with the drillers here, when that structure is done, we can use the k-rails. Isom – is there a time frame on the funds? Paul – 2024 or 2026. Jonathan – the church is also doing mitigation with a landscape wall and have sandbags ready if they need to sandbag the entrances. Melling – if the water isn’t coming from the South it will help.

Phillips – I want to know what the recommendation is from Public Works? Ryan – with the work we have done we can handle the flow. I would say wait, and maybe the bid environment will be better. Phillips – like the Mayor said, fall or early spring to bid this. We have so many projects with limited funds, if we can save $50,000, we can do more. Mayor – I would think this could be done in the winter, other than asphalt. Melling – it would be great if we had enough moisture not to do it this winter. Ryan – the pipe being plugged was the issue. Melling – keep working for a basin on the south side.

**ADJOURN:** Councilmember Isom moved to adjourn at 7:40 p.m.; second by Councilmember Melling; vote unanimous.

[Signature]

Renon Savage, MMC
City Recorder