

COUNCIL MINUTES

JUNE 25, 2025

The City Council held a meeting on Wednesday, June 25, 2025, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Garth O. Green; Councilmembers: Robert Cox; W. Tyler Melling; R. Scott Phillips; Ronald Riddle; Carter Wilkey.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Randall McUne; Finance Director Terri Marsh; Executive Assistant Natasha Nava; City Engineer Kent Fugal; Police Chief Darin Adams; Fire Marshall Mike Shurtz; Public Works Director Ryan Marshall; Leisure Services Director Ken Nielson.

OTHERS PRESENT: Steve Nelson; Kathy Long; Tom Jett; Wendy Green; Steve Kamlowksy; Eric Heaton; Tim Watson; Robert Lundskog.

CALL TO ORDER: President Tyler Romeril, The Church of Jesus Christ of Latter-day Saints gave the invocation; the pledge was led by City Attorney Randall McUne. **Mayor Green** I would like to move item 13 up to item 6.

AGENDA ORDER APPROVAL: Councilmember Phillips moved to move item 13 to item 6 on the agenda, and approve the agenda with that change; second by Councilmember Riddle; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■ **Phillips** Prayers and blessing to those in the wake of the devastating Pine Valley Fire. My family has been visiting that area for over 75 years. I want to pray for all those good folks out there and the firefighters doing the work that they do. We're not through with the Industrial Road project yet, but we're drawing near on the federal portion of that first phase. I've had several neighbors reach out to me because we've opened roads and large trucks are going up and down residential neighborhoods. Particularly 600 West, two different firms have been pointed out to me that are going towards the KB Express area to park or refuel. I'm wondering if we can encourage them to use Airport Road or 800. They're concerned especially when school starts, because North Elementary is right there. **Riddle** they've been running on there for almost 4 years. when the cutout was made with the dirt road. **Wilkey** the reason why it feels like there is more traffic now, is because 800 West. That was the last road to reopen, and 600 was the detour. That's where the detour signs told you to go. **Riddle** the convenience of Industrial Road, and the opening of 800 West. I'll bet it cools down quite a bit. **Phillips** let's see what we can do to assist. I want to make sure that we're being sensitive about fireworks with the drought that we are in, and with the fires that are near us. We've had a few citizens reach out to us, and I'd like to hear from the Chief. **Fire Marshall Mike Shurtz** we're amid fire season; smoke is in the air. People tend to be more concerned with fire safety. We follow the ordinance and state law. Randall just revised some of that language, and we appreciate his efforts. We have some recommended discharge locations for the 4th and the 24th celebrations. Those locations are the south parking lot of Cedar High, Bicentennial softball park, Canyon View High, the Aquatic Center, and Iron Springs Elementary. We provide dumpsters at those locations. We ask that you pick up after yourself. **Phillips** the parking around the Airport is parallel parking. Lots of people bring large vehicles, trailers, and overnight campers. I'm just wondering if there was anything we

could do to assist more vehicle parking. Road closures may be necessary; I'm just exploring this idea. **Cox** they've filled in that borrow ditch. It'll be more conducive to straight parking along Lund Highway. I think they can park nose in, and fit more vehicles. **Phillips** that's great. **Mike** we encourage people watching the professional show. Perhaps instead of their own celebrations. Instead of doing stuff in the neighborhood. That's where we typically have problems. If we could get some more people parked out there, that would be good. It's a bit of a challenge to get parked and get out if we need to respond to a call. We can discuss different options. We could close the road but getting them parked might be challenging. **Phillips** maybe closing 1600 at Lund and 2300, and park people straight on. They're concerned about the logistics of getting personnel there to guide. **Wilkey** you could close it at 1600 and send everybody up to 2400 and have them do the loop. There's not enough room on the sides of that road. **Mike** we pre-position our trucks and resources out from the west station, before the fireworks start. We need to be able to respond to calls. **Chief Darin Adams** I talked to Councilman Phillips briefly about this, I took Lieutenant Pollock out there today, and there are some inherent challenges. Specifically 1600 North, the shoulder in either direction is limited. Most people self-govern. We have never tracked how many vehicles attend the event, so it's hard to know if we could get more vehicles in there. How do we close the roads, and get enough personnel to park people. At Diamond Z they have 10 or 12 VIPS that park vehicles. **Cox** did you look at Lund to see if it was possible? **Darin** I didn't look at Lund. **Cox** how are your socials? **Darin** we have about 14,000 followers on our social media page; we can suggest parking in a way to allow for more vehicles. **Wilkey** what does the ordinance say regarding fireworks? **Mike** all classifications of fireworks that are permitted by state law may be used at times prescribed by state law. There are strict rules that we will have to follow if we want to do more than discourage the discharge of fireworks. If we wanted to ban fireworks, it must be done by the 1st of May. In compliance with state law, we must define an area, it must be a historical hazard. We must map it and provide language to the county. They must post that to the state Fire Marshall's Office. We have not done that in the past. If that's something that the council would like us to pursue, we'd need to probably start working on it after the 4th. We strongly encourage that fireworks be discharged at the locations we have provided. Then we can concentrate on the fires that we have in seven or eight locations rather than everywhere. **Wilkey** would it be that same process to ban them; other than the locations we have specified? Is it the same process? **Mike** yes, we would have to go through the same process in state law. It would have to be based on some historical hazard that has existed in two of the last five years. **Melling** keep in mind, if we're telling people no fireworks within, and near the city. People will go farther out into the middle of nowhere, where it's harder to get fire apparatus. **Wilkey** the county has different laws. **Mike** it's more difficult within a municipality than in unincorporated areas. The unincorporated areas of the county already banned fireworks. It's banned in the county as well as federal lands. They've made it more difficult legislatively for us to do that as a municipality. **Wilkey** the last few years, we've been okay. **Mike** It's busy, but things get handled. We encourage people to use the dumpsters, and make sure the fireworks are out before putting them in. Please take care of your own mess. ■ **Wilkey** where are we at with the impact study? **Paul** they have the information from us, they need to put it in their models. He wants to have a rough draft to us the first week of July. Staff can go over the rough draft. ■ **Leisure Services Director Ken Nielson** as we discussed, tee times are ready to go July 1st. Jared has put the information on all our social media. We've even put it on the golf carts. Paul and I have reviewed the site, and its user friendly. All the surrounding golf courses use tee times. **Cox** is there an update about the root in the drain at Cove Heights Drive. **Paul** Eric said he was

going to take care of it. **Cox** perfect. ■**Mike** we deployed some firefighters back in January to the Palisades fire in LA County, and Disneyland Resort reached out and wanted to show appreciation to the fire fighters. Disneyland has offered a free ticket to them and their guest. **Paul** I wanted to make the council and the public aware. We are all subject to the state's ethics rules. Disneyland tickets far exceed \$50 in value. Especially if you get two of them. The exception to the ethics rules requires public recognition of public service. We're just trying to be above board with full disclosure. ■**Paul** last week you guys brought up some issues behind Bradshaw Chevrolet, the police department has been in contact with them. They've promised to have it cleaned up in two weeks. The Cove Heights issue, and the 300 West College Ave storm drain issues have been referred to public works. I talked to the school district about cleaning up the backside of East Elementary. **Riddle** thank you. **Phillips** question regarding the bills, I see a large expenditure to Larsson Construction. Is that for the public works building? **Public Works Director Ryan Marshall** they've ordered the material, they are starting the inside walls, so that they can break open the siding next week. Then the glass and stucco will start in about two weeks.

PUBLIC COMMENTS: None.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JUNE 4 & 11, 2025; (2) APPROVAL BILLS DATED JUNE 20, 2025; (3) APPROVE A VESTING EXTENSION AGREEMENT FOR IRON CREST PHASE 3. TRACY DELNEGRO/RANDALL MCUNE; (4) APPROVE BID FROM MIKE'S DRILLING, LLC IN THE AMOUNT OF \$604,0080.00 FOR THE MARTINS FLAT TEST WELL DRILLING PROJECT. SHANE JOHNSON/ JONATHAN STATHIS; (5) APPROVE GRANTING A POWER EASEMENT FOR ROCKY MOUNTAIN POWER ON CITY PROPERTY AT 7218 N 2300 W. RANDALL MCUNE: Councilmember Phillips moved to approve the consent agenda items 1 through 5 as written above; second by Councilmember Cox; vote unanimous.

CONSIDER APPOINTMENTS TO THE RAP TAX PARKS & RECREATION BOARD. MAYOR GREEN: I was informed that we had a bit of a dilemma trying to establish a quorum for our RAP tax Parks and Recreation board. I'd like to release Len Badertscher and Larry Reese from the RAP tax Parks and Recreation board, and I'm proposing that we appoint Frank Davis and Robert Lundskog. Robert is here to introduce himself to the Council. **Robert Lundskog** I met you when you were a judge for Cedar's Got Talent. I'm a recent resident of Cedar City. I moved up from Hurricane when I retired. I moved to Cedar so I can golf year-round. I reside over on Cove Drive; Ron Riddle is my neighbor. I'm happy to serve the community. **Mayor Green** Thank you very much for your willingness to serve.

Releasing

Len Badertscher – RAP tax Parks & Recreation
Larry Reese – RAP tax parks & Recreation

Appointing

Frank Davis – RAP tax Parks & Recreation
Robert Lundskog – RAP tax Parks & Recreation

Councilmember Phillips moves to approve the board appointments; Councilmember Melling seconds; vote unanimous.

CONSIDER A COOPERATIVE ACCESS MANAGEMENT AGREEMENT WITH UDOT. CHRIS HALL/KENT FUGAL: **Kent** – nothing has changed on this since our discussion last week. **Phillips** this is a blueprint, correct? Things could adjust and change, and we may not have an intersection on there even listed now, but in five years we could. This is sort of a master plan to go by. **Kent** that's right. This is for signalized intersections at a location that's not on the list. That would be a modification to this agreement. That could be proposed for UDOT to evaluate later.

Councilmember Cox moved to approve the Cooperative Access Management Agreement with UDOT; second by Councilmember Wilkey; vote unanimous.

CONSIDER AN ORDINANCE VACATING EASEMENTS FOR DRAINAGE, CONSTRUCTION, AND A PUBLIC TRAIL LOCATED AT APPROXIMATELY 789 CROSS HOLLOW ROAD. WATSON ENGINEERING/RANDALL MCUNE: **Tim Watson**, Watson Engineering – we're vacating a couple of easements and putting in place some new easements, for pedestrian and drainage in the Cross Hollow Road, and Cross Hollow Pond area. **Phillips** I think in the long run this might be a better thing for us. **Kent** we're good with what is proposed here.

Councilmember Phillips moved to approve vacating the easements for drainage, construction and a public trail located at approximately 789 Cross Hollow Road with the stipulations as outlined and presented; second by Councilmember Wilkey; vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Scott Phillips	-	AYE
Ronald Riddle	-	AYE
Carter Wilkey	-	AYE

CONSIDER AN ORDINANCE AMENDING SECTIONS 26-I-4 AND 32-8 AND ENGINEERING STANDARDS DETAIL 4.6.1 PERTAINING TO THE DEFINITION OF "SITE OBSCURING FENCE" AND OTHER FENCING REQUIREMENTS. DON BOUDREAU/RANDALL MCUNE: **Don** – nothing's really changed. I do have one suggestion for the City Council to consider when you look at the definition. It's wide open, it talks about composite, chain link, vinyl, etc. In my opinion the "etc" leaves it open for any kind of fencing. It could be old pallets, it could be shag carpet. I have two thoughts for your consideration, I would suggest language in lieu of etc, "other materials designed and manufactured for fencing purposes". Something that is like fencing. **Riddle** exactly. **Don** there is some subjectivity. If we got rid of the etc. We could make it subject to approval by City Council. **Phillips** I'm not sure that should come to us. **Don** staff decision can be appealed through the Board of Adjustments. **Cox** let's make some that works, not something we have to make an exception to. **Cox** that language would captures it. **Don** this would open it up for chain link with slats. In section 32, double fronted lots in a subdivision, along a long stretch of roadway. We require a sight obscuring fence. This would allow chain link fence along master plan roads. **Phillips** I would have to agree with you on that, from a purely

aesthetic standpoint. I'm not sure how we would word that. In smaller instances it would be fine. On a double fronted lot, that could be a real issue. **Don** I'd ask you to think about the PUD off Cross Hollow, which looks very nice. You have the block wall along Black Sage at the south end of town. You could certainly see some other materials that may not look nearly as nice. **Cox** the block wall is significantly more expensive. I don't want to restrict an option that makes housing more affordable. **Phillips** I'm not a fan of chain link; I understand the economics of it. **Wilkey** what's the cost difference of chain link with inserted slats, compared to just doing vinyl. **Cottonwood Hollow LLC, Tyler Meling** factory inserted slat chain link is within about 5% of masonry. It's about twice the price of vinyl. You never know what'll happen in the market. Three Fountains is a great place to live, and it's surrounded by chain link with slats. It's been that way for 40 years. **Cox** what's cute now is not cute 10 years from now, we just need to make something functional. **Tyler** as the proponent, Don ran that language by us. Regarding the qualifier, it would be materials made for fencing. We have no objection to that. **Randall** can I request that you add one more thing that we discussed last week. In the engineering standards, remove the other details, and just refer back to the ordinance. Can that be included in your motion, that in 4-6.1 that it refers back to this fencing allowed by ordinance. In the engineering standards detail 4.6.1, change the verbiage to refer back to this section.

Councilmember Wilkey moved to approve an ordinance amending Sections 26-I-4 and 32-8 and Engineering Standards Detail 4.6.1 pertaining to the definition of "**Site Obscuring Fence**" and other fencing requirements to include removing the etc. and add other materials designed and manufactured for fencing purposes, and change the engineering standards detail 4.6.1 verbiage to refer back to this section; second by Councilmember Riddle; vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	ABSTAINED
Scott Phillips	-	AYE
Ronald Riddle	-	AYE
Carter Wilkey	-	AYE

CONSIDER A VESTING EXTENSION AGREEMENT FOR FORT CEDAR PHASE

4. TOM JETT/RANDALL MCUNE: **Eric Heaton** requesting a vesting extension for the Fort Cedar phase 4 development. That was approved in January of 2023, it was finished in November of 2024. We didn't get it platted in time to meet the requirements. Had we known, we would have done that. We're requesting that extension. Improvements have been completed as we discussed, and it's ready to go. We should have platted it in November, we had the sewer, the water, the road, the curb, and gutter completed. That's what the city was interested in. Had we platted it then, we could have posted our warranty and went on our way. By the time we went to plat it, our extension expired. We're aware of that and we will try to avoid that in the future. **Phillips** how much time do you need? **Eric** about a year. **Wilkey** I'm a supporter of the ordinance change that we did, essentially to not allow these types of situations where the road improvements don't get finished. It would make sense that I would not vote in favor of this extension, what makes this one different, I would like to change that from being a master planned road. Look at different things like an access road, and those are different discussions, for a different day. I feel okay granting this vesting extension. If it was a different road, and it was a road that I think we did need the master

planned road, I would feel different. **Eric** I agree. **Phillips** do you think this could be done by December 31, 2025? **Eric** yes. **Melling** I think we need to look at alternative access policies that reduce the burden on our master plan roads and not rely solely on them.

Councilmember Phillips moved to approve the vesting extension agreement for Fort Cedar Phase 4 through December 31, 2025; second by Councilmember Melling; vote unanimous.

CONSIDER A VESTING EXTENSION AGREEMENT FOR FIDDLERS CANYON HILLS PHASES 4-10. FIDDLERS CANYON HILLS, LLC/RANDALL MCUNE; Steve

Kamlowsky we want to propose an extension to our vesting agreement for the Fiddlers Canyon Hill subdivision to get through all the phases we have planned. We don't want the agreement to expire in between subdivision phases. **Randall** the applications for phase four and phase five are in. If they continue forward with the normal process, and they don't get completely rejected, they will comply. If four and five don't make it through and they get rejected, then they would have to do modeling again. We expect them to make it through, they usually do. The total timeframe will be no longer than 10 years.

Councilmember Cox moved to approve the vesting extension agreement for Fiddlers Canyon Hills Phases 4-10; second by Councilmember Melling; vote unanimous.

CONSIDER A RESOLUTION FOR THE REVISION OF THE 2024-2025 FISCAL YEAR BUDGET. TERRI MARSH; Terri – no changes from last week.

Councilmember Phillips moved to approve the resolution revising the 2024-2025 fiscal year budget; second by Councilmember Wilkey; vote as follows:

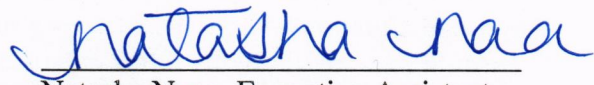
AYE: 5
NAY: 0
ABSTAINED: 0

CONSIDER A RESOLUTION APPROVING THE CERTIFIED TAX RATE. TERRI MARSH; Terri – the proposed certified tax rate is .001583, it's not new or an increased rate. It's our standard property tax assessment.

Councilmember Wilkey moved to approve the resolution revising the 2024-2025 fiscal year budget; second by Councilmember Cox ; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

ADJOURN: Councilmember Phillips moved to adjourn at 6:21p.m.; second by Councilmember Melling; vote unanimous.


Natasha Nava, Executive Assistant