

COUNCIL WORK MINUTES
SEPTEMBER 3, 2025

The City Council held a meeting on Wednesday, September 3, 2025, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

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

MEMBERS EXCUSED: Mayor Garth O. Green.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Randall McUne; Finance Director Terri Marsh; City Recorder Renon Savage; Senior Engineer Jonathan Stathis; Police Chief Darin Adams; Fire Chief Mike Phillips; Leisure Services Director Ken Nielson; Building Facilities Supervisor Bart Bishop; Water Superintendent Matt Baker; Public Works Director Ryan Marshall.

OTHERS PRESENT: John Oglesby, Ann Clark, Tom Jett, Melody Jett, Phil Schmidt, Waldo Galan, Brenton Cheney, Bill Payne, Tonya Payne, Dallas Buckner.

CALL TO ORDER: Pastor Joe Carroll of Calvary Chapel Church gave the invocation; the pledge was led by Terri Marsh.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■**Phillips** – we had a very successful Iron County Fair Parade entry with our Americ250 float, we had 9 banners representing all of the communities in Iron County. You will see it during the SUU Homecoming Parade, the Lion's 4th of July parade, it will have several entries over the next year. Thank you to all who participated in the fair. ■**Cox** – the Livestock Show starts tomorrow, come support the youth and put protein in your freezer. ■**Ryan Marshall**, Public Works Director – we had an issue at the plant come up, a pipe that goes under the dewatering building where the screw press is, that started to decay and collapse, we have been having the problem for 6-7 months. We have looked for solutions. We looked at the cost to dig it up and replace it, and it goes under the new screw press, and it would be quite expensive. We found a company that thinks they can put a slip line in the pipes; the pipes are 8" down to 2". They have given us a quote; it will be about \$50,000 to do the main pipe and go through all the connections. We have a few ways to do this; we have \$150,000 in operation and maintenance and that will take 1/3 of that budget. If we use that and if we have other expenses we can come back to you for budget revision, or we can add it to the capital project and add it as a project that way. The easiest would be to use it out of our existing maintenance budget knowing we may have to come back if we go over budget. **Cox** – do you have money in other funds? **Paul** – the Plant is an enterprise fund; they have money allocated for operation, maintenance and expansion. There would be capital funds that could cover it. The advantage of using the already allocated budget is these people could be here next week. Teri will bring a revision quarterly. We typically spend \$110,000 out of the \$140,000 budgeted for maintenance each year. **Melling** – use that fund, \$50,000 is better than ripping out all the other stuff. **Ryan** – they are pretty sure they can do it, but not certain. **Phillips** – is this an original pipe? **Ryan** – yes. ■**Ken** – update on a RAP Tax funded project,

the Coal Creek Trail is redone from the Canyon Park to the bridge up the canyon. They will start from East Canyon Park to Veterans Park next. We have funding to go to Bicentennial Park but will do it in sections. The striping will come once it is complete. I walked the trail this morning and it looked nice. **Paul** – is it open to the public? **Ken** – yes, it is open. **Phillips** – we will try and fix the part by the skate park where it drops off, so the bikes have a way to get off? **Ken** – yes.

PUBLIC COMMENTS: ■ **Utah Summer Games Presentation.** **Jon Oglesby** – I am here to give a recap on 2025 games and say thank you to the city staff and for continued support from the city and let you know what we are working on for 2026. We had 10,470 total participants this year, 80% came from outside Iron County, over 5,000 came from outside the Five County area so it shows the reach of what we are doing from an economic development perspective. We had 17 different states represented with over 500 competitors from Nevada, including one international participant from the US Virgin Islands that participated in the track & fields events. The Economic Development impact, Maria Twitchell at Visit Cedar City, Brian Head roughly estimates that with the current numbers we're at currently, it's over \$17 million economic impact to cedar City, Iron County and Southern Utah. We are proud of the continued efforts we are making to try and work with the municipality and local businesses to try and be a tool that can be leveraged to be able to bring positive outcome to businesses and municipalities that are looking for support in various initiatives. I want to give a huge thank you to Leisure Services, Ken, Anthony, Scott, the entire team is such a backbone for our operations from facility standpoint. They are tremendous support and partners, and we are thankful for their support, we want people that come to have the best experience they can have. We want to see a continued investment in facilities. I am excited about future facilities. The partnerships with Special Olympics Utah that brought in 500 athletes, they requested 600 beds for next year, not counting additional hotels. Also, the partners with Las Vegas Raiders, the people we are interacting with and the people that have been part of our programming for a long time, are a good feeling and the impact we are having. In the interim we are focusing on next year's Summer Games. We had a meeting about cornhole yesterday. We are hosting several Utah High School Activities Association events. We have UHSA State football semifinals in the first week in November. We have 30 team high school drill invitational in December. The UHSAA granted us additional teams this year to our drill invite that we own and operate, because of the quality of the competition last year. We are grateful for partners like Café Sabor and others who support that. Then we are hosting the 3A State Basketball in February, and then Summer Games competition will open up in March with wrestling. We will be adding a cheer and dance clinic next year which will be part of the required initiative the UHSAA is mandating next summer, and then also adding Rugby 7 next year, and looking at a few other additions. Overall, the games are healthy, we celebrate 40 years next year. Girl's wrestling is the fastest growing sport right now. **Phillips** – we are in need of gymnasiums in the area. **Jon** – Gyms and fields. **Wilkey** – what sports have reached critical space? **Jon** – fast pitch softball, high school basketball, if we add teams we may have to go outside the county. Lacrosse is another market that is popular, but we have field space issue. When the park opens out west that will help, and it will be a profitable venture. **Phillips** – I want to thank you for your leadership, staff has mentioned to me more than once that you are so amenable and great to work with and you are communicative, we appreciate that. **Jon** – the support we get is wonderful. ■ **Ann Clark** – a couple weeks I stood and thanked the city for the wonderful 4th of July, the City puts on so many wonderful events and it takes a lot of people. Nothing happens without the approval

and support of the city. Right now, we aren't having meetings about tearing down older neighborhoods but remember to protect our city and our historic downtown and do something about the SHD zone.

ACCEPT THE PETITION TO ANNEX 19.18 ACRES OF LAND IN THE VICINITY OF 3000 NORTH 400 WEST. GO CIVIL/RANDALL MCUNE:

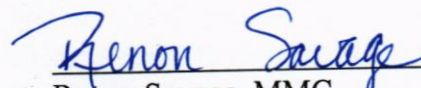
Dallas Buckner, Go Civil – this annexation is on 3000 N 400 West and is for Ryan Brindley. We are taking it through the process. We plan to come through with a zone change to I & M-I after it is annexed. It is in two parcels; this restricts residential to one unit for 5 acres. **Wilkey** – is there a parcel on either side of it in the city? **Dallas** – it is in the declaration boundary and across the street is in the city. **Phillips** – where are we on infrastructure? **Dallas** – there is water and sewer in 3000 North. **Jonathan** – on the north side of 3000 North, it slopes to the north so there may have to be a lift station. There is a 12-inch water line and a 12-inch sewer line in 3000 North. Consent.

DISCUSSION FOR RECONSIDERATION OF BRAFFITS WELL DRILLING SITE.

ROBERT COX: Cox – I learned there is more information we should discuss before we make a decision. NRCS was concerned, people have rights on Braffits Creek that are concerned about the water, and we need to discuss it. **Phillips** – is this specifically on 2.1 site? **Cox** – yes, and I hear there is information that could have been shared last week that wasn't. **Randall** – Jonathan, the mayor and I were involved. Tyler Melling would need to conflict out of this conversation because the discussion was involving him in relation to his employer who feels we may interfere with their water usage if we drain excessively subsurface that it may interfere with their surface rights. **Cox** – Braffits is a so-called running creek so there are surface rights. The other wells don't have that surface water that runs, so it all underground and it's two different animals. Do we have the right without running into problems if we proceed at 2.1? **Riddle** – there are surface rights and a diversion where it goes to two owners with surface rights and the concern is if we drill right there it could affect their surface rights and affect the well water. We don't want any legal issues with the surface rights. **Paul** – all water in the State of Utah belongs to the State of Utah, they have rights to use it either surface or underground. **Cox** – attached to those rights are senior and non-senior rights which get preference on the type and age of the water. **Paul** – but the surface and underground rights don't interact with each other. There are priority dates for underground water and priority dates for surface water. They don't bar one another from existing. It sounds like a quantity impairment type of claim they want to make. If Cedar City did not drill for water every time somebody was going to claim a quantity impairment, we would not drill for water. We had people in the canyon concerned and filed protests. We had issues in Quichapa and said it would impair their ability to use their rights, and these claims are filed with the State Engineer. If we didn't drill when people said they would be impaired, we would never drill. **Cox** – do we fight that or does the State determine what that right is? **Paul** – the State Engineer is the third party, and they are going to determine whether it is impairment or not. Whoever is on the losing end doesn't like it, they can always sue the State and the City. The State Engineer has a lot of deference with the court when they make a determination on their area of expertise. The State Engineer does water rights and hydrology; the District Courts does not. **Cox** – the claims would be settled at State Water Engineer unless they pursue it further and then they would file a lawsuit. There are always two sides. **Paul** – when Washington County Water Conservancy District said they were going to drill 1,000-foot wells south of New Harmony, there was a bunch of us that all claimed quantity

impairment, the Water Conservancy District and a bunch of municipalities, and we didn't win. **Cox** – if the State said there is potential impairment, at that point what would we have to do? **Paul** – I can't say, I have never seen the State find quantity impairment. **Wilkey** – would they do that before we drill? **Paul** – they don't know, we don't know if we would hit water or how deep. **Wilkey** – do they file before or after we drill? **Paul** – either or, but the State doesn't know if we will find water either. **Wilkey** – can this go into closed session? **Paul** – there has to be reasonably imminent litigation. **Phillips** – is it proven anywhere in the state with surface water rights? **Jonathan** – I have not researched this. I talked with Bowen Collins, they don't feel we will hit water 100 feet before and don't feel the surface rights would be affected. When we file for a test well the State does not open it for a protest well at that time, it would come later when we want to move our water rights to that location. **Paul** – we know the BLM south well we hit water around 90 feet, Enoch well #3 south east of this it is at 190 feet. **Phillips** – this is predicated that this is on private property, and we need to get permission to drill there. We need to get bids. **Cox** – correct, but I want to make sure what the risks are. **Paul** – we might hit dirt. **Phillips** – we talked about the timing of this; we may go 100 yards another direction and we are on BLM property. **Wilkey** – if it comes down to, have people in the past protested our wells? **Jonathan** – yes. **Paul** – people can file with the State Engineer and that happened at Martins Flat that did that before we filed, they felt it would impair the surface and spring flows. **Jonathan** – the protest period is 30 days. We also had protests when we drilled Enoch Well #3. If they have multiple protests, they hold a public hearing, and the State Engineer weighs all the information. **Wilkey** – is this something we need to officially say yes, we need to move forward? **Paul** – you will have to vote sooner or later. If you want us to continue to work with the landowners, we will continue to publish the bids. If the council changes its mind before we get bids you can change your mind. **Phillips** – if we moved, which direction would you go? **Jonathan** – we would go out with the water douser and get more information. **Cox** – if this is challenged, at what point is it determined whether or not there is a standing? **Paul** – you will spend a lot of money before you know. \$400,000 is the cost of the BLM test well, that is all behind you before the protest period begins. We could drill a test well, test the water and it doesn't meet State standards. **Wilkey** – we can't do the protest period until you move the rights? **Jonathan** – we can file a change application at any time. **Wilkey** – we normally wait until after? **Paul** – we want to know we have water before we move our rights. **Randall** – we can move forward as said last week, when we bring the contracts back, you will need to vote.

ADJOURN: Councilmember Cox moved to adjourn at 6:10 p.m.; second by Councilmember Melling; vote unanimous.


Renon Savage, MMC
City Recorder