

COUNCIL MINUTES
SEPTEMBER 24, 2025

The City Council held a meeting on Wednesday, September 24, 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; Ronald Riddle.

MEMBERS EXCUSED: Councilmembers: R. Scott Phillips; 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; Assistant Police Chief Jimmy Roden; Fire Marshall Mike Shurtz; Leisure Services Director Ken Nielson; Public Works Director Ryan Marshall; Economic Development Director David Johnson; Fleet Manager Corey Childs; Wastewater Plant Superintendent Jeff Lennert; Project Engineer Bill Maxwell; HR Specialist Natasha Hirschi.

OTHERS PRESENT: Tom Jett; Mike Platt; Ann Clark; Kyle Barrett; Slade Blackburn; Dallas Buckner; Frank Nichols; Dan Lamborn; Rick Holman; Bill Payne; Tonya Payne; Jim Rushton; Eric Bergson.

CALL TO ORDER: Darin Adams gave the invocation; the pledge was led by Kent Fugal.

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

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■ **Mayor** There will not be a council meeting next week, October 1st. The city leaders will be in Salt Lake for the League of Cities and Towns. The Wellness Center is having an open house October 4th at 11:00 a.m. I will not be available for that. So, if any of you can go out there for that, I would appreciate it. On October 8th we have the Walk and Roll to School event, if you've had a chance to volunteer for that. Gabbie is coordinating that. Next Monday there is retirement party for Sergeant Nate Williams. The One Utah Summit starts at the university October 6th-8th. **Chief Adams** We're here tonight to do a formal swearing in of two officers. Kyle Barrett was promoted to Corporal. He fills the position that was vacated by Aaron Condie. Slade Blackburn is a new officer. **Kyle Barrett** I'm here with my wife Taja and daughter Amara. She's getting ready to turn a year old. We're happy to be here. We've been in Cedar for a few years now and see us being here quite a bit longer. **Slade Blackburn** I'm here with my grandpa Quinn, my wife Maddie, my grandma Georgia, my brother Ty, my son Heber, and my mom Trista. I started out with the Department of Corrections and I'm happy to start my career with Cedar. I moved here about 3 months ago. I'm new to the place and I'm excited. Mayor Green administered the oath of office. Kyle's wife pinned his badge. Slade's wife pinned his badge.

PUBLIC COMMENTS: ■ **Mike Platt** thank you to our leaders and staff. I appreciate the open dialog and the ability to work things out. ■ **Eric Bergson** My wife and I are here to share what happened to us on July 5th. I was assaulted by way of an improvised explosive device here in town. Right behind my house, across from the skate park. An explosive device was thrown from a truck that I was immediately following. Thrown with the intent to assault

me. The truck consisted of an adult and a minor. I avoided the explosive device and gave chase to the truck. The individuals ran a stop sign and in excess of 60 mph around Coal Creek. I managed to get the license plate and called 911. I later learned from my wife that our fence was on fire, and she was fighting it with a garden hose. Our and our neighbors fence burned down. The people in the truck were apprehended within half an hour. The minor was 14 and took the wrap for throwing out the explosive device. After he took the wrap for it, he ended up going to detention and the other individual was allowed to walk free. No charges were brought against the driver. If you were doing a bank robbery, the driver of the vehicle is just as culpable as the person that's doing the robbing. I couldn't believe that this other individual would be allowed to walk free. These individuals deposited these explosive devices around town. I was the only person that obtained their license plate which resulted in their arrest. There was no follow through on where these explosive devices were procured. As I understood from other individuals in town, explosive devices were being thrown in yards or mailboxes. These were improvised explosive devices. It looked like a burrito that was wrapped up in yellow plastic tape. A serious explosive device. This was fabricated with the intention of doing essentially terrorism. Had I driven over it, had it ruptured my tire, had it blown off a brake line, had I swerved into oncoming traffic. I kept my head about myself, but had it been somebody else, there could have been some serious injuries. I want the driver arrested, and I want to find where the devices were procured. **Jimmy Roden, Assistant Police Chief** we investigated the crime, interviewed multiple witnesses, charged the individual responsible. He was convicted, sentenced, and my understanding is he's serving his sentence. The second party involved, the information was presented to the Iron County Attorney's Office to review for potential charges. Those charges were declined. That is the process that we follow. They have a burden of proof that must be met. This has nothing to do with lack of investigation. The evidence was presented. Charges were declined, and that's where the case stands today. **Cox** I'm sorry you had to deal with that. **Eric** as a concerned citizen, we should take further action beyond what the limitations of the police claim at this point. **Cox** I don't know that the police can do anything more than they did. They take it into the judicial system, and the judicial system determines where it goes from there. And I'm sure they're frustrated at times that it doesn't go farther either. They did their job. **Eric** The investigation was inadequate. They fled, that assumes a level of guilt. Why would you flee, if it wasn't a case of guilt. The driver was equally responsible as the individual that threw the device. **Cox** thinking they're guilty is different than the burden of proof in the judicial system. I'm sure they exhausted their resources. **Eric** The investigation ended once the arresting officer secured an admission. The person that was driving the vehicle has a police record. And the person that deposited the explosive device was a juvenile, a 14-year-old juvenile. I want the driver arrested and interrogated where these explosive devices were procured, and then find out who's making them, who's selling them. **Mayor Green** was the driver also arrested? **Jimmy** the driver was investigated. It was presented to the county attorney's office. They felt the burden of proof was not there. It wasn't sufficient to file charges. So, they declined to file charges on the driver. **Mayor Green** I'm sorry you're disappointed. I'm a little disappointed myself. **Cox** when you reference a bank robbery, that means they both had intent to go there. One was the getaway; they must have proof that the driver knew he was going to throw it out the window at your car. I've had people in my car do something that I didn't know they were going to do. **Eric** who needs to get hurt for this to be taken seriously? **Cox** I don't think we as a city council can really do anything. **Riddle** No, we can't. There's nothing we can do. **Eric** I don't see the job being done properly. I see it being inadequate. **Mayor** We've heard your story and it's a compelling one indeed, and I

don't know that these gentlemen can do anything really for you. And I think you've probably exhausted your avenues with the police and the court system. I think you've accomplished what you came here tonight to do. **Melling** the burden of proof in the civil system is lower, if you want to explore your options that way.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED SEPTEMBER 3 & 10, 2025; (2) RATIFY BILLS DATED SEPTEMBER 12, 2025; (3) APPROVE DECLARING ITEMS AS SURPLUS PROPERTY. COREY CHILDS; (4) APPROVE THE REBUILD OF TWO CLARIFIERS AT THE WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$1,238,687. JEFF LENNERT/BILL MAXWELL; (5) APPROVE THE PROPOSAL FROM KIMLEY-HORN IN THE AMOUNT OF \$48,600 FOR THE DESIGN OF THE KITTY HAWK AND BULLDOG ROAD TRAFFIC SIGNAL. KENT FUGAL; (6) APPROVE A FEDERAL AID AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE 800 WEST PROJECT. KENT FUGAL; Councilmember Melling moved to approve the consent

agenda items 1 through 6 as written above; seconded by Councilmember Riddle; vote unanimous.

CONSIDER ORDINANCES APPROVING A GENERAL PLAN CHANGE FROM LOW DENSITY RESIDENTIAL (LD) TO CENTRAL COMMERCIAL (CC) AND A ZONE CHANGE FROM MASTER PLANNED DEVELOPMENT (MPD) TO CENTRAL COMMERCIAL (CC) FOR A PROPERTY LOCATED IN THE VICINITY OF 3000 N CANYON RANCH DRIVE. GO CIVIL / RANDALL MCUNE;

Dallas Buckner, Go Civil – Dallas Buckner See Exhibit “A” I think the zone change request and general plan general plan requests are straightforward. **Paul** Where does the road go? **Dallas** the road is shown in red. We're proposing a joint road with SITLA and seeing if there's interest in preparing that. We have a U-shaped Road that comes off that joint road and then ties back into Canyon Ranch. We have this shown as a four-way intersection. This is the road that would be internal to our project tying back into Canyon Ranch. Based on the discussions we had last week, we're showing this as more of a T intersection with an extension north. This is the gravel pit that we had discussed. We're setting this back some distance. This is preliminary and may shift east or west depending on slopes. The developers reviewed it and they're on board with it. It's about a 300-foot extension beyond what we were going to propose. It's about 16,000 square feet. We have the roadways shown here as 55 feet wide. You can see the topography has significant contours. I don't know if the north south road at this location will meet the city's needs for the future, but we do intend on coming through with a road dedication plat and road improvement plans soon. We're asking for a zone change, not a development agreement. If the city needs a bigger road, we need something added for reimbursement. **Melling** Can we approve the zone changes contingent upon additional north access, that'll serve through the property, that'll be dealt with at the time of subdivision. **Randall** I think that's kind of what the Planning Commission was pushing for. So, the 55 feet that they're putting on there obviously can move locations. We're not too concerned about that. You can approve it contingent upon the future dedication. We don't want to hold up the general plan and zone changes and make it wait until we get the road dedication. **Rick Holman** on the south part of that four-way intersection, where would the south bound road connect to the developed areas? **Melling** we would ideally like to link to Wedgewood somewhere. **Kent** we know that the study that was done for the Esplain property shows the need for that second road. We know we want it to come down and

connect in with Wedgewood at some point, and it needs to be at a point that is south of the Second East restaurant. To avoid taking all traffic through that intersection. We want it to come down and intersect with this other Master Planned Road. I would like our modeling consultant to decide on the appropriate size of the road. If it were larger than 55 feet, there would be city participation in it. **Melling** we would do a reimbursement for this property owner. Adding it to the General Plan would be wise because of SITLA. If they ever dispose of that property that'll be critical to have that on there. **Kent** we'll try to get answers as soon as we can so that you have that direction.

Councilmember Melling moved to approve an ordinance amending the General Plan from Low density residential to Central Commercial and a zone change from Master Planned Development to Central Commercial for property with the stipulation that a road dedication would be provided to allow north south access other than Canyon Ranch Drive through the property located in the vicinity of 3000 N. Canyon Ranch Drive; second by Councilmember Cox ; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

CONSIDER ORDINANCES APPROVING A GENERAL PLAN CHANGE FROM HIGHWAY REGIONAL COMMERCIAL TO CENTRAL COMMERCIAL (CC) AND A ZONE CHANGE FROM HIGHWAY SERVICES (HS) TO CENTRAL COMMERCIAL (CC) FOR A PROPERTY LOCATED IN THE VICINITY OF 1110 S MAIN STREET. PLATT & PLATT / RANDALL MCUNE: Mike Platt, Platt & Platt – Randall no changes.

Councilmember Melling moved to approve an ordinance amending the General Plan from Highway Regional Commercial to Central Commercial and a zone change from Highway Services to Central Commercial for property located in the vicinity of 1110 S. Main Street; second by Councilmember Cox ; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

CONSIDER AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY AT APPROXIMATELY 900 N 3700 W. PLATT & PLATT / RANDALL MCUNE: Mike Platt, Platt & Platt – Mike Platt there's more coming.

Councilmember Melling moved to approve an ordinance vacating a public right-of-way at approximately 900 North 3700 West; second by Councilmember Riddle; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

CONSIDER AN ORDINANCE ANNEXING 80.92 ACRES OF LAND LOCATED AT APPROXIMATELY 800 N 4500 W. PLATT & PLATT / RANDALL MCUNE: Mike

Platt, Platt & Platt – **Randall** no changes. **Melling** This is just the annexation, not any zoning. **Randall** They specifically did not want or ask for that to be included at this stage. It'll come in as annex transition. They can't pull any permits in that zone beyond a farmhouse.

Councilmember Melling moved to approve an ordinance annexing 80.92 acres of land located at approximately 800 North 4500 West; second by Councilmember Riddle; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

CONSIDER AN ORDINANCE AMENDING THE CITY'S PERSONNEL POLICY.

NATASHA HIRSCHI: Natasha Hirschi – the only change is to the ordinance. We added the timekeeping information that was left out. Everything else remains the same. See Exhibit "B" **Randall** number seven is added in partway through it, three lines down near the end, modifying timekeeping requirements. Those three words are added and then I did add one whereas that says the city council desires to allow greater flexibility in tracking employee hours due to the myriad ways city employees' work schedules especially on call schedules.

Councilmember Melling moved to approve an ordinance amending the City's Personnel Policy; second by Councilmember Riddle; roll call vote as follows:

Robert Cox	-	AYE
Tyler Melling	-	AYE
Ronald Riddle	-	AYE

CONSIDER A RESOLUTION REVISING FY 2025-2026 BUDGET. TERRI MARSH:

Terri – no changes since last week. **Cox** Can we talk about the \$2 million that's going from the general fund to the water project on the north? Based on some of work this past week with the Water Conservancy District, the people who are involved in the water deal. I think we've come up with some good options, and I think we should pull that off the table for now. There's been some more information on the north side that would probably be in the city's best interest to wait a little bit to do more development. **Paul** you have it earmarked for water. It's not budgeted so we can't spend it. **Cox** that allows us to earmark it down the road for something different, if something different comes up. **Paul** yes. **Cox** we have some exciting things coming online and hopefully we'll get water in a pipeline sooner rather than later.

Councilmember Cox moved to approve a resolution revising the FY 2025-2026 budget with the exception of the line item discussed; second by Councilmember Riddle; vote as follows:

AYE:	<u>3</u>
NAY:	<u>0</u>
ABSTAINED:	<u>0</u>

CONSIDER A RESOLUTION REVISING THE CITY'S INVESTMENT POLICY.

TERRI MARSH: Terri – the policy has been altered in accordance with the Utah Money Management Act.

Councilmember Cox moved to approve a resolution revising the City's Investment Policy; second by Councilmember Melling; vote as follows:

AYE: 3

NAY: 0

ABSTAINED: 0

CLOSED SESSION – REASONABLY IMMINENT LITIGATION: Councilmember Melling moved to go into closed session at 6:18 p.m.; second by Councilmember Riddle; roll call vote as follows:

Robert Cox - AYE

Tyler Melling - AYE

Ronald Riddle - AYE

ADJOURN: Councilmember Melling moved to adjourn at 6:42 p.m.; second by Councilmember Riddle; vote unanimous.



Natasha Nava
Executive Assistant

CANYON RANCH DR., CEDAR CITY

SCALE IN FEET

[illegible]

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FOR

REVIEW ONLY

CHECKED:	
SCALE: 1" = 100'	DRAWN: RWR
DATE: RWR	SHEET: RWR OF RWR

EXHIBIT "B"
CITY COUNCIL – SEPTEMBER 24, 2025

CEDAR CITY ORDINANCE NO. 0924-25

AN ORDINANCE OF THE CEDAR CITY COUNCIL AMENDING CHAPTERS 4, 7, 8, 9, 10, AND 16 OF THE CITY'S PERSONNEL POLICY ADDING THE COLLECTIONS SUPERINTENDENT AND ACCOUNTANT TO THE LIST OF EXEMPT EMPLOYEES, MODIFYING TIMEKEEPING REQUIREMENTS, CLARIFYING QUALIFICATIONS FOR THE RECREATION PASS BENEFIT FOR RETIREES, UPDATING FINANCIAL LIMITATIONS FOR EMPLOYEE APPRECIATION, ADDING ADDITIONAL LANGUAGE REGARDING CORRECTIVE COUNSELING, MODIFYING PROCEDURES FOR EMPLOYEE DISCIPLINE, AND MODIFYING RESTRICTIONS ON TAKE-HOME VEHICLES

WHEREAS, the Cedar City Council is the duly elected governing body of Cedar City and has adopted the City's personnel policy; and

WHEREAS, from time to time it is necessary and appropriate to consider new alternatives related to personnel management and City-wide personnel policy; and

WHEREAS, currently, the Public Works Department recently separated Collections from Wastewater, creating an additional exempt-appropriate position for a Collections Superintendent; and

WHEREAS, the City Council seeks to clarify which retired employees are eligible for recreation passes; and

WHEREAS, the City Council desires to allow greater flexibility in tracking employee hours due to the myriad ways City employees' works schedules, especially on-call schedules;

WHEREAS, the City Council further seeks to update the financial limitations on employee appreciation for holidays, birthdays, special occasions, and retirement; and

WHEREAS, State statute allows for a more simplified disciplinary process for suspensions of two or less days, and the City Council desires to include this simplified process in City policy; and

WHEREAS, the City Council further desires to encourage record keeping of supervisors' directions to reach best practices rather than just meeting the minimum standard set by law or policy; and

WHEREAS, as the City does not currently have an officially established Appeals Board and rather than creating a separate body or board, the City Council intends hereby to have the Council and Mayor sit as the final administrative appeal authority for employee demotions, suspensions, discharges, or transfers; and

WHEREAS, the City seeks to avoid wasted resources and employee time by allowing employees, with approval of their Department Head, to take home, prior to the trip, a vehicle intended for out-of-town travel for City purposes, including allowing it to be taken home the night before the travel if all other policies are followed.

NOW THEREFORE BE IT ORDAINED, by the City Council of Cedar City, Utah, that the City's personnel policy is hereby amended to remove the language that has been struck through and include the language that is underlined in the attached Exhibit A.

This ordinance shall become effective immediately upon passage by the City Council and published in accordance with State Law.

Council Vote:

Phillips -
Melling -
Riddle -
Cox -
Wilkey -

Dated this ____ day of September 2025.

GARTH O. GREEN
MAYOR

[SEAL]

ATTEST:

RENON SAVAGE
CITY RECORDER